United States
of America

Congressional Record

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

Vol. 141 WASHINGTON, THURSDAY, JULY 13, 1995 *No. 113*

House of Representatives

The House met at 10 a.m.

PRAYER

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

O gracious God, whose love is all about and whose mercy is without end, we pray that Your Spirit will lead us in a better way, Your Word will guide without fail and that by Your grace we will know lives of joy and serenity and peace. Cleanse our thoughts from those feelings that tear us down—from envy or resentment or rancor—and instead fill our hearts and souls with the light of Your Spirit, the beauty of Your company, and the steadfast hope that is Your gift to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. 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. The gentleman from New York [Mr. FRISA] will lead the House in the Pledge of Allegiance.

Mr. FRISA 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

The SPEAKER. The Chair will recognize 10 1-minute speeches on each side.

BIRTHDAY CARDS FOR MR. MEDICARE

(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, on July 30, 1995, our friend, Mr. Medicare, will turn 30 years old. His trustees recently told him that he is very sick, but he knows that if he just changes some of his habits, he might be able to survive. Let us take a look at some of his birthday cards.

Here is one: ''Dear Mr. Medicare: We're very sorry to hear you will be dead in 7 years. We can't help find a cure because we're focusing all of our efforts on misleading the public about your illness. Sincerely, the Democrat caucus.''

Here is another: ''Dear Mr. Medicare: We hope you're feeling better and are assured that we are doing everything we can to help find a cure for your sickness. Especially considering all the people that you help, we believe it is vitally important that you are around for years to come. Working hard for your future, the Republican conference.''

Mr. Speaker, it is obvious which card gives comfort to Mr. Medicare and all the people he helps.

SPEAKER'S PASSION FOR CAMPAIGN REFORM COOLING DOWN

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

Mrs. MALONEY. Mr. Speaker, exactly 1 month ago today, I publicly congratulated Speaker GINGRICH for his historic New Hampshire handshake with President Clinton.

The Speaker agreed to establish a nonpartisan commission that would write campaign and political reform legislation.

I urged the Speaker to use the independent commission bill I introduced in March with MARTY MEEHAN, TIM JOHNSON, and others as a starting point.

I sincerely hope that as Washington's summer weather has heated up, the Speaker's passion for reform has not cooled down.

Because, while the Speaker extended his hand to the President, the Republican National Committee is using both hands to grab huge chunks of special interest campaign cash.

It is incredible that the Republican majority deleted new meat inspection rules at the behest of large companies.

Republicans are catering to special interests at the expense of the public interest.

SIMPLIFY

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

Mr. JONES. Mr. Speaker, I have one simple proposal to strengthen Medicare—and that is to simplify Medicare. Nearly all seniors have two parts to their Medicare coverage—Medicare part A and Medicare part B—in addition to a MediGap policy. This system is too complicated.

There is too much paperwork. There are too many confusing forms. There are too many documents written by lawyers rather than real people. There are too many difficult rules and restrictions. There are too many examples of fraud and abuse by doctors and hospitals. Medicare must be simplified so that all of us, not just lawyers, can understand the Medicare system.

By simplifying Medicare, we can preserve and strengthen Medicare for those who are currently on it, and for those who are counting on it. Simplifying Medicare is a change seniors deserve and want.

WAIT TILL YOU SEE WHAT THEY ARE GOING TO DO TO MEDICARE

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

Mr. ENGEL. Mr. Speaker, what have our Republican friends done since they have taken over Congress? They said they would give tax breaks to the rich. They kept their promise. They said they would increase defense spending boondoggles. They kept their promise. They said they would help the rich and powerful and told them that they would continue corporate welfare. They kept their promise.

But what have they done to the rest of us? They told senior citizens they would not touch Social Security or Medicare. They broke their promise. They told the students that they would not touch student loans or aid to education. They broke their promise. They told our veterans they would not harm their COLA's and their veterans' health care benefits. They broke their promise. They told the middle class they would not hurt the middle class. They broke their promise. They told the Nation's schoolchildren they would not rob school lunches, take them out of their mouth. They broke their promise.

In short the Republicans kept their promises to the rich and powerful. They just broke their promise to everyone else.

I say to my colleagues, ''Wait until you see what they're going to do to Medicare.''

PRESIDENTIAL FLIP-FLOP

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

Mr. HEFLEY. Mr. Speaker, in March 1992, then Gov. Bill Clinton was quoted regarding the issue of normalizing relations with Vietnam as saying:

> The president should not just state that the resolution of the issue is a ''national priority,'' he should make it the national priority, and direct that all agencies cooperate and resolve it. . . . Before I would normalize relations or provide assistance to any of the countries involved, they would be required to open their files and actively assist in solving this issue.

And then in October of that same year he said:

> It would be ''putting the cart before the horse'' to normalize relations before receiving a full accounting of the prisoner situation. . . .

I ask where is that full accounting President Clinton promised before normalizing of relations would occur? Where is it?

President Clinton has indeed put the cart before the horse. He has normalized relations with Vietnam in return he got nothing.

REPUBLICANS ARE CUTTING MEDICARE TO PAY FOR TAX BREAKS FOR THE WEALTHY

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

Mr. OLVER. Mr. Speaker, every senior citizen in this country needs to understand what is going on here. The Republicans are going to cut $270 billion out of Medicare. To make these huge cuts the Republicans will demand more copayments, raise deductibles, and hike premiums. I say to my colleagues, ''You will wake up in the year 2000 and your $46-a-month premium will be at least doubled. Your $100 deductible will be more than double. You will have to pay 20 percent of any home care or rehabilitation care that you need out of your own pocket even if your only income is Social Security.''

Why are the Republicans making these huge cuts? To give $245 billion in tax cuts, yet more than half of these cuts will go to people earning more than $100,000 a year. I say to my colleagues, ''That's easily 10 times your income on Social Security.''

Mr. Speaker, I say to my colleagues, ''The Republicans think Medicare is the bank of the budget. They'll pull up to the bank window, withdraw your money, and put it right into the pockets of the richest Americans who simply don't care whether you get needed health care or not.''

THE DISTINCTION BETWEEN LEGAL AND ILLEGAL IMMIGRATION

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

Mr. BILBRAY. Mr. Speaker, America is a nation of immigrants; America is also a nation of laws. As the House begins consideration this week on a comprehensive immigration reform, we should be mindful of the distinction between legal and illegal immigration. With this in mind, our laws should reflect our desire to reward legal immigration and discourage illegal immigration.

Current law, Mr. Speaker, sends conflicting signals. Immigrants who play by the rules, observe our laws, and go through the proper legal channels wait for years to be U.S. citizens. Conversely, if an undocumented woman crosses the border illegally, gives birth to a child on U.S. soil, that child automatically becomes a citizen. The child, and by extension its parents who are here illegally, are eligible for a menu of State and Federal benefits.

When our laws punish legal behavior, but reward illegal behavior, Mr. Speaker, it is no wonder the American taxpayers demand that we redress this situation.

SENIORS HAVE REASON TO BE AFRAID OF WHAT THE REPUBLICANS ARE DOING

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

Mr. LEVIN. Mr. Speaker, what is behind the Republicans' wild swings at Medicare? In part it is to finance a tax cut for the privileged few, but it is also a reflection of a basic Republican dislike of Medicare. Words can be very meaningful, and look at what the majority leader said yesterday about Medicare: I would like to be free to choose not to become in any extent a ward of the State.

Americans are not wards of the State when they receive Medicare. Indeed, Medicare helps make seniors independent, not dependent. Medicare helps seniors avoid becoming wards of the State and wards of their children.

Mr. Speaker, Republicans are scaring the seniors of this country, and seniors have reason to be afraid of what the Republicans are doing.

WE NEED TO GET TO WORK ON SAVING MEDICARE

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

Mrs. SEASTRAND. Mr. Speaker, a few weeks ago Members on the other side of the aisle demonstrated their unhappiness with this House ending business early in the day. Yet on Monday of this week the very first thing the Democrats wanted to do after a 9-day break for the Independence Day recess was to adjourn the House.

We did not need a recess after 9 days off. We did not need to adjourn the day after a vacation. What we need to do is roll up our sleeves and work on preserving, protecting, and strengthening Medicare.

And now that very famous Democrat liquor store memo that said participants should encourage individuals to, quote, think that the GOP wants to cut Medicare, not to make it more efficient, but to hurt the elderly, end quote. The memo then states that, quote, we need to exploit this, end quote. Mr. Speaker, we do not need to exploit Medicare. We need to save it.

At the end of this month Medicare will celebrate its 30th anniversary, and the new majority of this House wants Medicare to be around for the next 30 years. While we are trying to strengthen, protect, and preserve Medicare, some just want to go home.

SMOKING GUN ON RUBY RIDGE

(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, let us look at the facts:

The FBI shot and killed Randy Weaver's unarmed son. The FBI then shot and wounded Randy Weaver. The FBI then shot and killed Randy Weaver's unarmed wife while holding her infant son, shot her right between the eyes. Now reports say that the FBI destroyed documents to conceal the incident of Ruby Ridge.

Did anyone really believe the FBI would leave a smoking gun on Ruby Ridge? It is unbelievable, my colleagues.

The bottom line here is the FBI says they made a mistake. I say the FBI committed felonies and committed a crime on Ruby Ridge. Since when did the Congress of the United States empower the FBI to first entrap and then shoot down and kill unarmed American families?

The remains of the Weaver family are screaming out from graves for justice, and Congress is turning its back. Let us investigate Ruby Ridge, and let us let the FBI answer to the people, the Constitution, and the Congress of the United States of America.

WE ARE GOING TO PROTECT, PRESERVE, AND IMPROVE MEDICARE

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

Mr. HOKE. Mr. Speaker, Republicans have a simple three-step plan to give Medicare recipients the right to the same quality and choice that their own children and grandchildren have.

First, all senior citizens currently on Medicare must be allowed to remain on Medicare just exactly the way it is for as long as they want, if that is what they choose.

Second, all seniors who want to join a health plan that covers more than today's Medicare, including routine physicals, prescription drugs, and eyeglasses, should have that right.

Third, all seniors who want to set up a Medicare savings account that will pay for their health care needs and reward them for making healthy choices should be given that right as well.

Mr. Speaker, today's seniors deserve the right to the best medical care system possible, and tomorrow's seniors deserve to know that the money that they have paid in Medicare taxes will also have been a sound investment, and, Mr. Speaker, according to the budget resolution all of this would be done with an increase in spending per beneficiary from $4,816 in 1995 to $6,734 in 2002.

We are going to protect, preserve, and improve Medicare.

SAVE MEDICARE

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

Ms. JACKSON-LEE. Mr. Speaker, the real question is, How many years have your loved ones, parents, aunts and uncles, relatives, been in the work force? 30 years? 40 years? 50 years?

The legacy of our seniors who have given to this country is one of hard work.

But do my colleagues know what the call of the Republican Party is today?

Let's ration them. Let's voucher the Medicare system. Let's make sure that seniors and the disabled just get a minimal amount of medical care and make sure that, if they need more, the heck with them. It doesn't matter whether you've been in the work force and given to this Nation 30, 40, 50 years of commitment, and now you come to a time when you are retired and you need the Medicare system, developed by this Nation in order to relieve the health care burden on seniors and the disabled. What the Republicans want to do is voucher you out of the system. They want to cut $270 billion out of Medicare with the false premise that we're slowing growth.

What does slowing growth mean? It means that those who are diabetic who have been able to be under maintenance, and survive, and be healthy will no longer have any care. It means people with high blood pressure will wind up in hospitals with strokes, without adequate health maintenance to keep their blood pressure down.

Save the Medicare program. What we need is to fix the fraud, but we do not need to voucher those who contributed to this Nation out of the system. Medicare is for those who have worked and the disabled. Both groups now need our help to save Medicare.

ROLE MODEL ECONOMY

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

Mr. DICKEY. Mr. Speaker, $245 million; that is what the tax cut is proposed right now. People are saying, ''What about spending cuts first? Part of this is being overlooked.'' One way that we can have spending cuts in our Government is to starve the agencies that are overspending at this time. So, we are looking at shrinking the Government by reducing the taxes. That is No. 1.

No. 2 is that we are going to give back to the taxpayers the money that they have earned. We have too long gone with the idea that this money that comes up here is the Government's. It is ours. It is the bureaucrats'. It is the politicians'.

It is not. It is the people who earn it, and those people who earn it are entitled to spend it, and, if we give it back to them, they will spend it the way they want to, or they can save it. We, as a government, are not saving anything. We have a chance to give it back to the people. We have a chance to say, ''You've earned it, and you could do what you want to with it. It will help the economy.''

One other thing:

When we sit here and say we are going to discriminate against the rich and we do not want to have a tax cut because it will help the rich, it is avoiding an opportunity to have a role model for those people who want to acquire more.

CAMPAIGN AND LOBBY REFORM

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

Mr. MEEHAN. Mr. Speaker, last Sunday on ''Face the Nation,'' Speaker GINGRICH backed down on his promise to pass campaign finance and lobby reform. His excuse—Congress is moving too quickly on the issue.

Too quickly? Is he serious? Mr. Speaker, we have yet to have a hearing this Congress on campaign finance reform. And there has been no floor action on lobby reform since the Republican leadership stopped us on the first day of the session. Even the loyal class of freshman Republicans is starting to get fed up with Speaker GINGRICH's string of broken promises on these reform issues.

Mr. GINGRICH, I know you are enjoying the dramatic increase in PAC contributions to the Republican Party and it's clear you don't mind if industry lobbyists co-write legislation. But if you're really serious about curbing the power of special interest in Washington and making Congress more accountable to the voters, it's time to move on campaign finance reform.

You're not fooling anyone with your call for exploratory committees, Mr. Speaker. It's just another transparent delay tactic coming from a party leader benefiting from the status-quo.

□ 1020

SAVE MEDICARE

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

Mr. BALLENGER. Mr. Speaker, what do Robert Reich, Donna Shalala, and Robert Rubin have in common?

(a) They are all Democrats

(b) They are all members of President Clinton's cabinet

(c) They all predict that the Medicare Trust Fund will go bankrupt by the year 2002

(d) All of the above

If you picked (d), you're right. Republicans aren't making the Medicare crisis up. The Medicare Trustees, which are members of the President's own Cabinet, have said that the Medicare Trust Fund is going broke. So while the Democrats in the House chose to ignore the Administration, the Republicans have listened. We understand the importance of the situation, and we know what will happen if we do nothing but maintain the status quo—Medicare will go bankrupt.

Republicans will work hard to preserve, protect and improve Medicare not only for this generation, but also

for future generations. I urge my Democrat colleagues to listen to their own colleagues and join us in saving Medicare, not the status quo.

MEDICARE PROGRAM IN DISTRESS

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

Mr. FARR. Mr. Speaker, help.

I've fallen and can't get up!

This is the cry of a program—the Medicare program—in deep distress.

This is the cry of America's elderly as they tremble at the prospect of losing access to doctors, hospitals and medicines as the Medicare program is held hostage to the Republican steamroller of deficit reduction. By the year 2002, the average senior citizen will pay $1,200 a year more in Medicare premiums.

This is the cry of health care providers across the country as they struggle to meet the needs of their patients in the face of ever-restrictive government reimbursement policies. Under the proposed $270 billion cut to Medicare, hospitals will crumple—one hospital in my district will have to reduce its health care services by $5.6 million. That's just one hospital. Multiply that by the number of hospitals in your district.

And what for? So rich people can wallow poolside in their second and third homes.

What do we get?

Tax breaks for the rich.

Tough breaks for the little guy.

MEDICARE

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

Mr. FRISA. Mr. Speaker, Medicare is a trust fund. People pay their money in and trust that it will be there for them when they need it. But the Democrats broke that trust and squandered our Medicare away. And not only have Democrats left their footprints on our seniors' backs, their fingerprints are all over our seniors' wallets.

But, Mr. Speaker, seniors can finally rest assured, because responsible Republicans have the courage and common sense to protect and preserve the Medicare system for our seniors in the future, while providing affordable increases so that they receive the care they deserve.

It is a good thing the Republicans are in control to get our fiscal house back in order.

MOVE FORWARD ON CAMPAIGN FINANCE AND LOBBY REFORM

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

Mr. BENTSEN. Mr. Speaker, as a new Member, I came to this House committed to enacting reform and restoring the trust of the American people in Congress.

I am proud that on my first day in the House, we voted to make the Congress abide by the same laws other Americans do. We cut committee staff by one-third. We opened committee meetings to the public.

But the job is incomplete, and we risk undermining all that we have already done if we don't move forward with campaign finance reform and lobby reform. You cannot have one without the other. It is time to stop the money chase which perverts the electoral process.

It's been a month since the President and the Speaker shook hands over a commission to move these issues forward. The President is ready to act. Why isn't the Speaker? Let's vote on H.R. 1100, which I and others introduced before that meeting in New Hampshire, to form such a commission. The American people want an end to the talk of reform. They want action.

The American people are concerned as we act on legislation to cut Medicare, roll back environmental protection, and cut taxes. For the wealthiest they deserve to know we are doing their work and not that of special interests. Let's end the talk and bring campaign and lobby reform to the floor.

HARRY WU

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

Mr. SALMON. Mr. Speaker, Harry Wu, an American citizen, a tireless crusader for human rights, and my friend, is being unjustly detained in the People's Republic of China.

Harry Wu survived nineteen years of torture, starvation, and solitary confinement after he was imprisoned for merely criticizing the government. Since then has devoted himself to exposing the horrors of the Chinese gulag.

China, immediately release American citizen Harry Wu and allow his return to the United States. He has committed no crimes and is being detained illegally. This is a gross abuse of his rights and seriously damages U.S.-China relations. Free this innocent man.

To Chinese officials I say this in Chinese:

''Mr. Wu is an American. Mr. Wu is my friend. If you hurt him we will not forget. If you do not free him we will not forget. Be careful.''

TIME TO SEND A MESSAGE TO SERBIAN AGGRESSORS

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

Mr. HOYER. Mr. Speaker, we shoot at one another across this aisle. We do it verbally. There is a holocaust abroad in the world, and it is on the front page of the Washington Post, the Washington Times, the New York Times, and on every major network: Thirty thousand new refugees yesterday.

And what do we see on the front page of the Washington Post? a Dutch general, our general, the United Nations' general, having a drink with Ratko Mladic, an international terrorist, an international war criminal, an international thug.

Shame on the United Nations. Shame on the international Western community. Shame on America. We have imposed an arms embargo on the Bosnian people so they cannot defend themselves adequately. Shame on us.

Mr. Speaker, a holocaust goes on. Let us stand up, speak up, and vote to let the Serbian aggressors know that the West will not stand for international thuggery.

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 187 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 187

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 amendments 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 amendments considered as adopted in the House and in the Committee of the Whole are as follows:

Page 57, line 21, strike ": *Provided further*" and all that follows through "Act" on page 58, line 2.

Page 72, line 19, insert ", subject to passage by the House of Representatives of a bill authorizing such appropriation," after the dollar figure.

Page 73, line 4, insert ", subject to passage by the House of Representatives of a bill authorizing such appropriation," after the dollar figure.

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 9, strike "and" 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 purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California, my friend, 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, in the immortal words of baseball great Yogi Berra, "It's deja vu all over again."

Less than 12 hours ago, the Rules Committee met to craft this second fair and responsible rule providing for the consideration of H.R. 1977, the Interior appropriations bill for fiscal year 1996.

Having been a part of the discussions which led to this new and improved rule, I can say quite honestly that House Resolution 187 more than adequately addresses concerns which have been raised about certain unauthorized provisions which have been included in the bill, namely those sections dealing with funding for the National Endowment for the Arts.

In response to these concerns, the rule provides for the automatic adoption of an amendment which makes the availability of NEA appropriations subject to passage of an authorization bill in the House.

By including this language, we can ensure that these funds will not be appropriated unless properly authorized, while also giving the full House an opportunity to debate this important and controversial issue.

Otherwise, Mr. Speaker, this rule contains essentially the same provisions as House Resolution 185, which we discussed on the floor of the House late last night.

Specifically, this is another open rule. It provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations, after which time the bill will be open to amendment under the 5-minute rule.

The bill shall be considered by title, rather than by paragraph, and each title shall be considered as read.

As in the previous resolution, this rule waives clause 2, related to unauthorized appropriations and legislative provisions, and clause 6 of rule XXI (21), related to reappropriation in an appropriations bill, against provisions of this bill.

Again, this is done as a precaution since the House, due to time constraints, has not yet approved authorizing legislation for all of the programs and activities contained in the bill.

The rule also waives provisions of the Budget Act against consideration of the bill relating to new entitlement authority and to matters within the jurisdiction of the Budget Committee. Language to correct these Budget Act violations is also included in the self-executing set of amendments.

In addition, 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.

Under the rule, the Chairman of the Committee of the Whole may give priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments shall be considered as read.

As before, the rule waives clause 2(e) of rule XXI(21), relating to non-emergency amendments offered to a bill which contains an emergency designation. Finally, the rule provides for one motion to recommit, with or without instructions.

As I mentioned last evening, H.R. 1977 is a fiscally responsible bill which responds to the American people's clear mandate to reduce the size, scope, and cost of the Federal Government.

The bill is more than $1.5 billion below last year's level—a full 11 percent cut from the 1995 spending level—and is consistent with the balanced budget resolution already adopted by the House.

My good friend from Ohio, the distinguished chairman of the Interior Appropriations Subcommittee, has done yeoman work on this legislation, and I congratulate him on working to reach a compromise which will enable the House to debate, and then pass, this essential funding bill in a timely manner.

Those on both sides of the NEA funding issue owe Chairman REGULA a great debt of gratitude for his strong leadership.

Mr. Speaker, I encourage my colleagues, especially those who voted against the rule yesterday, to realize that this is a wide open, responsible, and reasonable rule. It will create the kind of healthy deliberation which should be the hallmark of this legislative body, and I urge its adoption without any further delay.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Ms. PRYCE. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to commend the gentlewoman. I know that she stayed up until the wee hours this morning trying to work out this compromise on the rule. I just want to reemphasize what she said. This is still a totally open rule. Yes, we are self-executing into the base text of the legislation simply the words that say "subject to passage by the House of Representatives of a bill authorizing such appropriation."

But, having done that, and having done it right up front in the beginning of the bill, the bill is still open to amendment at any point so that every single Member, 435 Members of this House, will have the opportunity to come to this floor and work their will in any way that they see fit. We have stuck to our guns in keeping these rules open so that Members on both sides of the aisle, regardless of political or philosophical persuasion, will have their opportunity to legislate on this floor.

I commend the gentlewoman for a great job on this rule. I urge every Member, on both sides of the aisle, to unanimously pass this rule, and let's get on with the people's business.

Ms. PRYCE. Mr. Speaker, in closing, let me say the House needs to move ahead with the appropriations process. We are fast approaching the August district work period, and less than half of our 13 regular appropriations bills have cleared the Committee on Rules. This resolution will get us back on track. I believe it is an immensely fair deal for both sides of the aisle. I urge its adoption without further delay.

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

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 12, 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	34	72
Modified Closed[3]	49	47	12	26

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of July 12, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Closed[4]	9	9	1	2
Totals:	104	100	47	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 July 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 (2/13/95).
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. 1817	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	A: voice vote (7/12/95)
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	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. BEILENSON. Mr. Speaker, I thank the distinguished gentlewoman from Ohio [Ms. PRYCE] for yielding me the customary 30 minutes of debate, and 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 and ''no'' on the rule.

As the gentlewoman from Ohio has explained, House Resolution 187 is identical to the rule for consideration of the Interior appropriations bill for fiscal year 1996 that the House defeated last night, except for one change related to the NEA, the National Endowment for the Arts.

This new rule provides that the appropriation of $99 million contained in the bill for the NEA would be contingent upon House passage of an authorization bill for the NEA.

Although those of us who strongly support the NEA believe that the organization should be given the same treatment that the bill gives other agencies whose authorizations have expired—that is, we believe that its funding should be fully protected by waiving the prohibition against unauthorized appropriations, without being contingent upon passage of another piece of legislation—we appreciate the fact that the NEA funding will not be able to be struck on a point of order when the House considers H.R. 1977.

Because we discussed the other provisions of the rule in detail last night, I shall only briefly summarize them at this time:

House Resolution 187 is an open rule, as rules for Interior appropriations bills have always been, to the best of our knowledge. Members may offer any amendment that is otherwise eligible to be offered under the standing rules of the House. The rule permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule 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 waivers of clause 2 and clause 6 of rule XXI, prohibiting unauthorized appropriations and legislation in an appropriations bill are necessary because the bill contains funding for numerous programs whose authorizations have

expired, and because of legislative language contained in the bill. Despite their past criticism of waiving rule XXI, it is clear that our colleagues on the other side of the aisle have found that it is necessary to provide such waivers in order to move appropriations bills through the House in a timely manner.

However, I want to point out 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.

□ 1040

He noted in a letter to the Committee on Rules that the Committee on Resources has not considered the impact of changes that H.R. 1977 would make on a number of major environmental laws. We hope that these changes in laws will be fully explained and debated as the House considers H.R. 1977 so that Members will be fully aware of the consequences to our environmental laws that would result from approving this bill.

The rule also waives three sections of the Budget Act against consideration of the bill. Two of the waivers are needed to cover the minor amount of spending required for salaries and expenses of the National Capital Planning Commission. The third wavier covers the change in budget scorekeeping related to the sale of oil from the Strategic Petroleum Reserve.

As a matter of principle, we are normally reluctant, all of us, to waive the Budget Act. However, because none of the provisions which require these waivers would have any real or serious or substantial impact on our efforts to control spending, we do not consider the waivers here to be significant violations of the Budget Act, and we support them.

Beyond our concerns about the rule itself, many of us do have strong objections to the bill that this rule makes in order, primarily because of its deep cuts in funding for many important and useful programs, programs that cost very little compared to the immense amount of value that they add to the quality of the lives of tens of millions of Americans.

We realize that the Subcommittee on Interior had an extremely difficult task determining how to cut 12 percent of the funding for programs under its jurisdiction, especially since many of these programs have already been squeezed for funding in recent years. But the subcommittee was in that position only because the Republican majority has imposed budget priorities that in our opinion 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 by $1½ billion, $1½ billion so that hundreds of billions of dollars can be spent over the next several years on unnecessary additional increases in military spending and on tax cuts that will mainly benefit the wealthiest Americans among us.

These program cuts will cost our Nation dearly in countless ways, Mr. Speaker. The bill is a 27-percent cut in energy conservation programs and 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 elimination of all but a nominal amount of funding for land acquisition for national parks and for other public lands will mean that there will be far fewer opportunities in the future for Americans to enjoy the experiences our national parks and other public lands have to offer.

The 40-percent cut in funding for the National Endowments for the Arts and Humanities, the first step of the elimination of both organizations, will mean that fewer Americans will be able to enjoy the very many cultural benefits that these organizations have made possible across this wide and great country of ours. 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 level. The result is likely to be the decline and the possible extinction of many additional species.

In this and many other ways, the natural and cultural resources of our national resources that help make the United States the greatest nation on Earth will be severely harmed by this bill. This misguided attempt to save a very modest amount of taxpayers' dollars will be robbing our Nation of some of its greatest strengths and assets.

Mr. Speaker, we urge Members to vote ''no'' on the previous question and ''no'' on the rule.

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

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I want to congratulate the members of the Committee on Rules and all those who worked so late into the night last night to reach agreement on this rule. The amount of money that is going to go to the NEA, should this rule pass and the bill pass, will be the same as was originally planned and probably a little bit more.

The only difference is, instead of having it in 3-year tranches, it is going to be in 2 years. That will definitely let the people who support the NEA know that after the 2-year period, the money is going to be there, but after the 2-year period they go to private sources to get funding for NEA projects.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, as I understand it, the gentleman's position is based on what he conceives to be the position of the authorizing committee. That is what we use as the basis for our appropriation. The Senate bill is entirely different. They may come up with another form of the bill and, as a result, the result of what the gentleman predicts may not come to pass.

Mr. BURTON of Indiana. Mr. Speaker, I understand what the gentleman is saying. I thank him for his contribution. But I have great confidence in our conferees that they are going to hold firm. When you have confidence in Members like the gentleman from Ohio, your confidence is well founded.

I think we will have an agreement that was reached last night, one that was acceptable to all factions of our party. I hope to the Democratic Party as well as those of all political persuasions.

I would just like to say to my colleagues who are members of various organizations in the Republican Conference that we worked long and hard last night to hammer out our differences. I cannot think of anybody, liberal, moderate, or conservative, that cannot support this rule. I would like to urge all of my colleagues, when they come to the floor, if they have any doubts about the rule, to look up their friends of the various philosophical persuasions and ask them what happened last night so that they will be fully informed and will vote correctly on the rule.

We should have unanimous consent on the rule, unanimous passage. I doubt if my Democrat colleagues agree with that. But at least on the Republican side, we should have 232 hard votes.

Mr. BEILENSON. Mr. Speaker, I yield 11 minutes to the distinguished gentleman from California [Mr. MILLER], the ranking minority member of the Committee on Resources.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I would hope that the House would again reject this rule since this rule is contrary to the rules of the House in that it provides for substantial legislation on an appropriation and protects those items of legislation on an appropriation against a point of order that would ordinarily lie against those provisions under the rules of the House. So we are not quite complying with the rules of the House as the majority has suggested that we are.

But it is also because the changes that they seek to make are devastating to the programs. This legislation that historically has been about the stewardship of this Government of the public's lands, the lands that are owned by the taxpayers and the citizens of the United States of America, public lands that are used by some 300 million visitors this year, public lands that have attracted millions of tourists from other countries to the United States to visit our parks, to visit our wilderness

areas, to visit our historical sites, it has been the charge of this committee to provide the resources to take care of those lands. What we see now is for the first time in 40 years, this committee has failed to discharge its duty to the public in the kind of funding that it provides.

This committee has gone far beyond just the issue of the budgetary issues. This committee has gone off in a fit against activities that they do not like. They do not like the Endangered Species Act. So they decided what they would do is they would not let any moneys be used for prelisting activities. That is an interesting notion because that also means that you cannot use money for prelisting activities that might prevent a species from being endangered.

They also tell you that they are not going to let you use volunteers to go around and collect the data that might help us map out how we avoid the endangered species crisis that we have experienced in the past. They also tell you that they will not let you use the National Biological Survey on private lands, even if requested by private landowners.

And the fact of the matter is, we have forest products companies in this country that have requested this help so they can map out how to harvest their timber in an environmentally safe manner, how they can harvest their timber so they do not run into an endangered species problem, how they can harvest it on a sustainable basis so they can go to their shareholders and they can say: This is on your plan to operate this company in the future. We would not allow them to have the benefit of the knowledge and the scientific expertise of the biological survey even if requested by them.

These Republicans are sticking their head in the sand, and what do they hope happens? They hope that we get into an endangered species crises, one after another, one after another so there will be a growing groundswell to repeal the act. If it is in fact repealed, it will be repealed because they have denied the ability of the agencies to work to protect the endangered species.

Last night we were treated on ABC News to the success of the Endangered Species Act, to the bald eagle being returned from the endangered list to now 4,000 pairs, bald eagles also that are viewed now in many States where they were basically extinct because of DDT and because of other activities, and the delisting of the gray whale and others. So where are we on this?

They have decided they want to fight over the past, and they want to destroy the ability of this agency to do its work. Not only have they weighed in on behalf of the special interests that want to see the repeal of the Endangered Species Act, but they have also weighed in on behalf of the special interests that simply want to continue to use the public's lands without paying for them. In my town hall meetings very often people say to me when they are talking about the deficit, they say, why do not you run the Government like a business?

One of the reasons we do not run the Government like a business is because of the Republicans. No business would give away billions of dollars of gold and platinum and silver and trona and coal and gas and oil and not make those individuals pay a fair royalty. But that is what the Federal Government does.

Last year we witnessed the Federal Government giving away land for a few thousand dollars, of which it was expected to be mined a billion dollars or $10 billion in gold. And the American taxpayer got zip.

You want to know why there is a deficit? You keep pandering to the big energy companies, to the big mining companies, and you will end up with a deficit. The public is entitled to a fair return.

But what does this bill do? This bill says, we will remove the moratorium. It got so outrageous that the Congress decided last year to put a moratorium on this activity until we get a mining reform bill. They have lifted the moratorium, so once again we are back into the business of giving long-term leases, ownership in fact, of Federal lands to the mining companies without their paying their fair share for that effort.

I think that you have got to understand that this legislation is among the worst pieces of environmental legislation to come through the House so far. It falls on the heels of the lobbyists and special interests writing the clean water bill that we witnessed. It falls on the legislation to devastate the environment in terms of regulatory reform that is now being held up in the Senate.

We ought to disavow this legislation. We ought to disavow this rule because of its allowing for legislation on the appropriation. And we also ought to understand that this is a systematic effort to undermine the Endangered Species Act so that Members will hear from their districts that they have to repeal the act because the act does not work.

The reason the act does not work is because the Republicans in the House are falling into the same method that George Bush and Ronald Reagan used, and that was, they would not let the act work because they were hoping that they could build up such anger over the act that it would, in fact, be repealed. It is not going to be repealed because the overwhelming majority of American people do not want it repealed. They want it to work. They want the species saved. They want us to make smart decisions.

Finally, let me just say this, they banned the use of volunteers. They banned the use of volunteers. Four thousand Americans go out and help this Government by surveying the number of birds, breeding birds, and others in this country, and help State agencies to collect that data.

In Yosemite National Park and in Sequoia National Park, they collect biological data. We are trying to restore the Grand Sequoias of the Sierra Mountains. And yet what we find out is, if you want to do that on private land with volunteers, you are not allowed to do that.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I just want to advise the gentleman that I will be offering an amendment, in conformance with the suggestion of the gentleman from Wisconsin [Mr. OBEY], to allow the volunteers to do the migratory bird counts.

Mr. MILLER of California. Are we going to allow the National Biological Survey on private property?

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, I am just talking about the bird count.

Mr. MILLER of California. Mr. Speaker, I thought the gentleman from Ohio [Mr. REGULA] was coming my way. Here I have been speaking for 7 minutes.

Let me tell you about the National Biological Survey on private lands. This is an outrage.

The issue about the National Biological Survey on private land is this, a lot of local communities and a lot of companies, private enterprise, want to avoid the problems of the Endangered Species Act and getting into where you have a threatened endangered species.

In southern California, in northern California that I am familiar with, they are trying to go out and determine the areas that are inhabited by the kit fox, by the salamanders, so that the developers, the home builders, industry and others will know what they can do or not do with their land and how they can develop it. They want the help of the government. They want the help. Forest products companies in the Southeast have asked for help from the National Biological Survey.

What this Congress would say or what this House would say in this bill is, even if requested, they cannot help you, if it is about private land. What you have done is you have diminished the rights of those landowners to get the help of the Government that they pay taxes for that have the expertise to help them get out of a problem that can cost them millions of dollars, if not their companies.

They are asking for help and you are telling them no, we will not allow you to be of help on private land.

Last year we had a problem because people were concerned about the National Biological Survey coming onto their land without permission. And we required that they obey the laws of the State and gain permission. No problem with that. But now you are saying to people who are involved, have hundreds of millions of dollars at risk, have loans at the banks, that they cannot get the help from their Federal Government or Orange County cannot get the

help or the Irvine Co. cannot get the help, they cannot get the help to solve this problem because somebody has decided they want a train wreck. They want a national crisis around the Endangered Species Act. It is absolutely mindless.

Let us hear for an amendment on that one. Come on. Do we have one?

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, I think it should be pointed out that what you have been addressing is the science, and if you could guarantee to me that every volunteer will be a Ph.D. scientist that is fine. Keep in mind that this does not restrict volunteers in the Fish and Wildlife Service or the Park Service, the BLM or any of the other agencies of Interior, only the natural resource science of the USGS. So I think we have to be very careful in the definition of our terms here.

Mr. MILLER of California. Why would we not allow this Government to engage volunteers to collect samples of habitat or to map out areas and give that to the scientists and let the scientists make their determination? It is mindless, again, when private companies are asking for the help. You do not say only scientists. You say no volunteers. You say nobody from NBS on private land.

Mr. REGULA. Because the ones you are talking about were used by the NBS, which is no longer funded in the bill. That is gone. And we have a natural resource science function in USGS. And if somebody is taking a blood sample of any of us, we want somebody that knows what they are doing to do it, not somebody that is just a volunteer and may lack appropriate training.

Mr. MILLER of California. You will not even let the science people. No amendment, RALPH?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Members are reminded they should refer to each other by State.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Speaker, I come to the floor today as one of those Republicans who has consistently supported the arts and the National Endowment for the Arts. I happen to believe that in an increasingly intolerant and polarized society, the arts are playing an increasingly important role, not a diminished role. And what this Congress is doing has some long-term risks for American society.

Interestingly enough, when I opened my mail this morning, I had a letter from a constituent where she said, ''In spite of the openly expressed hostilities to the arts by this Congress, I still urge you to consider reauthorizing the NEA, at least to give it and the arts world a chance to reorganize their means of funding and setting of artistic priorities.''

We are here this morning for a couple of reasons. We are here because some of my friends on the Democratic side last night decided it was more important to kill the rule than to preserve a point of order against the NEA. That is your choice, and I understand that.

We are also here, unfortunately, because I think the arts community still does not get it. They are convinced that business as usual will survive. So if we get anything out of this today, I hope we get a clarion call to the arts community that business as usual will no longer survive and that we have got a few precious months in order to get an authorization bill that will allow this funding to go forward for fiscal year 1996, but, more importantly, to include a provision that would begin to create the kind of private endowment that would allow the privatization of the National Endowment for the Arts and the continued Federal commitment to the arts, albeit one without regular annual appropriations of the American taxpayer dollars.

□ 1100

Mr. Speaker, this is not going to be easy. If we want to come even close to the $167 million we presently appropriation, we would need well over a $1 billion endowment. We cannot get there from here in 2 years. I want everyone to understand that. That is why I am not all that excited by the discussions and the tentative understanding of the agreement in the House among many of our parties, including myself, last night. However, I would suggest to my colleagues that this is a start, and we ought to use the weeks and months ahead to make sure we save the mission so many of us believe in.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, before I comment on the pending rule, I do want to make a few comments that are, I think, required by conscience. I hope the House will indulge me. The gentleman from Maryland [Mr. HOYER] earlier indicated that yesterday we saw Bosnian Serb military forces in essence commit war crimes in places like Potocari and Srebrenica.

Mr. Speaker, I have one simple message for Gen. Ratko Mladic and his associates among the Bosnian Serbian leadership. It is a four-part message. You are sick pigs. You are sick pigs. You are an embarrassment to the human race. If the world has any conscience, you will one day be where you belong, in prison, rather than disgracing the military uniform that you wear.

Having said that, Mr. Speaker, I would now like to move on to the matter before us. This rule is really, in many ways, worse than the rule before us last night. It still violates normal House rules in order to allow a continued onslaught on environmental protection and reversal of environmental progress made by previous Congresses.

The bill, as has been mentioned by the gentleman from California [Mr. MILLER] permits giving away Bureau of Mine facilities. The bill repeals the Outer Banks Protection Act of 1990. The bill includes Columbia River basin ecoregion assessment restrictions and directions which should not be in this bill. The bill reverses the progress that this Congress made last year in establishing the California Desert Act. In general, it contains many legislative provisions that should not be in a spending bill.

It also establishes a distinction between the arts and other unauthorized legislation which I think is both primitive and unfair. What is going on is simply this: The extreme conservatives on the Republican side of the aisle last night used their leverage which they had on the rule to try to further disadvantage the possibility for future funding for the arts.

I would say to our Republican moderate friends who claim to be supporters of the arts that they can stop this onslaught on the arts by voting against this rule, and insisting that the arts be treated precisely the same as other unauthorized programs in this bill. That is all they have to do. That is all they have to do.

They can then bring a bill to the floor which will allow us to have the normal debates on all of these programs without creating a special disadvantage for a tiny little program which has fallen victim both to the extremists of the right and to some of the extreme artists, that very tiny, uncivilized minority, who have, because of their thoughtlessness and their stupidity, allowed the enemies of arts funding to attack the entire program the Maplethorpes of this world, if you want, being joined in their extremism by the extremists on the other side, who together want to savage a program which is meant to increase the civility of this society by just a little bit.

Therefore, Mr. Speaker, I would urge Members to vote against this rule one more time, send it back to the Committee on Rules. The Committee on Rules can do it right. It does not have to continue the onslaught on environmental legislation. It does not have to play this double standard game. We can pass a bill which is far more balanced and a product that is better than the one before us.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the rule that we have before us could very well begin the process of ending the funding for the National Endowment for the Arts. I

stand in complete opposition to the rule and to the bill.

Mr. Speaker, let us get our priorities straight and let us try to understand what this country is supposed to stand for. Art and culture are a vital part of human existence. The opportunity to enjoy the arts, to enjoy culture, must be open to all of our people, and not just those who can afford $100 for a concert ticket.

Mr. Speaker, the United States spends only 64 cents per person to support the arts endowment, 64 cents, 50 times less than our major allies. In contrast, we spend over $1,000 per person on the military, far more than our allies. Why is it that this Congress can lower taxes on the wealthiest people in America, do away with taxes for the largest corporations in America, but eliminate programs which bring art and culture into classrooms in the State of Vermont and all over this country? Why is it that this Congress can pour billions of dollars more into B–2 bombers that the Pentagon tells us that do not need, but we cut back on funding for symphony orchestras and threater groups all over America?

Mr. Speaker, I would remind our colleagues that one B–2 bomber costs $1.5 billion, 10 times the entire allocation for the National Endowment for the Arts. The entire endowment is 10 percent of one B–2 bomber, a B–2 bomber that the Pentagon tells us they do not need.

Mr. Speaker, where are our priorities? Let us speak up for the kids in this country. Let us speak up for all of the people who appreciate the arts, who appreciate culture. Let us defeat this rule.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Ohio [Mr. REGULA], my great friend, and distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. I thank the gentlewoman from the great State of Ohio. I want to commend the Committee on Rules for trying to bring out a balanced rule, recognizing there are a great number of differences of opinion as to how we should address this.

Mr. Speaker, I would urge all the Members to support this rule. I recognize that because we had to take over a 10 percent cut, we cannot do everything that people would like to do. Nevertheless, we have done the best we could. We have been fair. I think it is a balanced bill, and I would certainly urge Members to support the rule so we can get on with the business.

Mr. Speaker, we have to keep in mind that the budget resolution has been adopted by both houses. This bill is responsive to that. I think it represents a commonsense addressing of that.

Mr. Speaker, we mentioned volunteers earlier. We will get into this more in general debate, but I would point out that there are a couple hundred thousand volunteers, and they will continue to be there in all the agencies of Interior. We can talk about that more later.

Let me say to the Members, my colleagues, that I know all of them are anxious to get out today. If we work at this with goodwill on both sides, I think there will be plenty of opportunity to debate the fundamental policy questions.

Under the Constitution we are charged with the responsibility to make policy for the people of the United States. It is the responsibility of the President and his team to execute that policy. There will be a number of amendments here that represent policy issues. Some I may agree with, some I may not. That is why we have votes.

As I said earlier, Mr. Speaker, if we all work at it and take a goodwill approach, we can get out of here at a decent time and finish this bill. I am not going to take more time. I will not take a lot of time in general debate. I know we are all anxious to get ahead.

One last comment. That is that this is an appropriations bill. We do not do the authorizing. We communicated with the authorities as much as possible, and anything that is in here represents a consensus with authorizing committees in the House. However, basically, it is a bill to determine how much we are going to spend on the programs that have been established by the authorizing committees.

There will be an opportunity to vote on every dollar that is in the bill. People can offer amendments to cut or add to, and these will be subject to a vote. So as the chairman of the Committee on Rules said earlier, it is really an open rule. All the Members will have an opportunity through their votes to establish what they think are responsible policies for the administration of the public lands of this Nation: about one-third of the United States; it is owned by the people of this country, along with energy policies; along with policies affecting the Bureau of Indian Affairs, our responsibility to the native Americans; and a number of others. I think it is a perfect example of how our democracy should work.

We are representatives of the people. That is our title. We will have an opportunity to take care of that role today on the amendments and on the bill itself. I urge the Members to support the rule so we can get on with this and finish it in a timely hour today.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the rule itself executes a provision relating to the NEA appropriations level, I wonder if at this point I might ask the gentlewoman from Ohio, or perhaps through her, either the gentleman from Ohio or the distinguished chairman of the Committee on Rules, if it is her understanding that the self-executing provision in the rule will permit the appropriation of some amount of funding for the NEA, regardless of the level of funding provided in the authorization bill.

In other words, if the authorization bill provides less than the $99 million contained in this appropriations bill, will that lower authorized amount be appropriated, or will the funding for NEA be appropriated only if the authorization bill also provides for an appropriation of $99 million, the exact amount provided in this bill?

Ms. PRYCE. Mr. Chairman, will the gentleman yield?

Mr. BEILENSON. I yield to the gentlewoman from Ohio.

Ms. PRYCE. Mr. Speaker, I believe we have had a ruling from the Parliamentarian.

Mr. BEILENSON. I yield to my colleague, the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding from the Parliamentarian that the authorizing bill would have to conform to the appropriation bill in the exact amount, and otherwise, it would eliminate the appropriation totally, so I think it is important that in coming with an authorizing bill, that it be consistent with what we are appropriating in this bill.

Mr. BEILENSON. I thank the gentleman for his response. I think it is different from the understanding we had last night and the arrangement you folks on that side of the aisle worked out. In other words, if the authorizing bill provides for any amount less than the $99 million, even if it is $97 million, that amount would not be appropriated under this bill.

Mr. REGULA. That is my understanding from the Parliamentarian, if the gentleman will continue to yield, that is correct.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from Illinois.

☐ 1115

Mr. YATES. Does the arrangement respecting the appropriation to which you addressed yourself have the approval of the chairman of the authorizing committee of the House?

Mr. REGULA. If the gentleman from California who has the time will yield, members of the authorizing committee were a party to working out the rule, so I think the answer would be yes.

Mr. BEILENSON. If I may further pursue this, why are we treating this in a different manner than we usually treat appropriations? Ordinarily at least, a lower authorization would appropriate a certain amount of money if the Committee on Appropriations, as in this case, provided a higher amount.

Is there some particular reason for this that anybody can tell us about?

Ms. PRYCE. Mr. Speaker, if the gentleman will yield, I differ with the Parliamentarian's interpretation of this and I think it is just a matter of how it comes down to interpretation in the long run. I am not sure the intention

was there at the beginning. But the intention is to authorize in the amount that was provided for here.

Mr. BEILENSON. I appreciate the gentlewoman's response and also the gentleman's response. I simply want to point out to our colleagues and to the friends of the NEA, this is a little bit more complex and perhaps dicey situation, the one perhaps we are in, because it is dependent upon an authorization being exactly the same as the appropriation in this bill and any lower amount would result in no appropriation whatsoever for the NEA in the coming year; is that correct?

Mr. REGULA. If the gentleman will yield further, I want to say, the leadership on our side of the aisle has endorsed this and understands that. So I think that for those that are interested in the NEA, and that is what you are getting to, they can anticipate that we will be consistent on the authorization and the appropriation.

As the gentleman noted, it is self-enacting in that it limits the expenditure of funds in NEA to institutional grants. Of course I think that addresses the problem that the gentleman from Wisconsin [Mr. OBEY] discussed earlier in his remarks about some of the individual grants that have caused the NEA to have some problems.

Mr. BEILENSON. I appreciate the gentleman's response. It makes us feel a little bit better.

Mr. YATES. Mr. Speaker, if the gentleman will yield further, suppose the other body does not agree with what is being provided as self-operating in this rule. Suppose the other body wants to change it, and the conference wants to change it. That can be done, can it not?

Mr. REGULA. If the gentleman from California will yield, obviously we will be part of the conference, and I think, at least I have to speak for myself, as a conferee I fully intend to respect the House's position and maintain it in a conference. Because I think we have an obligation to those who vote for the rule today to do that. I want to say right up front that conferees will be instructed to stay with the House amount, and that is exactly what we plan to do.

The SPEAKER pro tempore (Mr. EWING). The time of the gentleman from California [Mr. BEILENSON] has expired.

Mr. BEILENSON. Mr. Speaker, this is an unusual request, but I wonder if our friends on the other side might yield us an additional 2½ minutes just to pursue this matter for a very short while because it is of some importance.

Ms. PRYCE. Mr. Speaker, I yield 2½ additional minutes to my friend, the gentleman from California.

Mr. BEILENSON. Mr. Speaker, if I may ask just one follow-up question for the gentleman from Ohio. I thank the gentlewoman very, very much.

With respect to the gentleman's response to the distinguished gentleman from Illinois, the only requirements of the rule before us has to do with the passage by the House of Representatives of a bill authorizing a certain amount.

I can only assume, and please tell us if I am correct in this, that once we get past the House authorization of an NEA appropriation for next year, let us assume it is the same amount as is included in this bill, that is all right. That is, whatever is determined finally in conference committee would in fact be authorized under a bill which might have a different amount?

Mr. REGULA. In response to the gentleman, let me just say that it is our every intention to respect the amount that is in the appropriation bill when we go to conference and, second, that will be in the authorizing bill.

Mr. BEILENSON. The principal point here is that if the $99 million is provided for in the bill, in the authorizing bill passed by this House, then that money, whatever eventual amount of money is decided upon can in fact be appropriated so long as it is within those parameters?

Mr. REGULA. Yes.

Mr. BEILENSON. I thank the gentleman for his response and the gentlewoman for her great kindness.

Mr. YATES. Mr. Speaker, if the gentleman will yield further, may I ask the gentleman a question: What happens if the authorizing committee of the other body does not agree and in their conference they come to a different conclusion than, as you say, the authorizing committee in the House?

Mr. REGULA. If the gentleman from California will yield further, the answer is that we made it subject only to the authorization by the House and not be the other body.

Mr. YATES. Does that mean that you have frozen the other body, you have compelled the other body to adhere to whatever you put into this rule?

Mr. REGULA. That will be the bottom line in a conference, I would say to the gentleman.

Mr. YATES. But there is another conference that is coming along and that is on the authorizing committee, as well.

Mr. REGULA. That is correct.

Mr. YATES. So they cannot deviate from this is what you are saying?

Mr. REGULA. I think that our conferees on an authorization bill will feel obligated to hold to the amount that we have agreed upon in this appropriation.

Mr. YATES. Suppose the other body does not agree with you on this. That means that the whole thing may explode?

Mr. REGULA. I will respond to the gentleman by saying that that will be an interesting conference.

Mr. YATES. We may wind up with no bill, then.

Mr. REGULA. I hesitate to predict what might happen in this body. We can only deal with the circumstances before us today.

Mr. BEILENSON. Mr. Speaker, again I thank the gentlewoman for her courteous generosity.

I urge a ''no'' vote on the previous question in which if it is defeated I will offer an amendment to the rule which would make in order the lock box amendment and also strike the unusual restriction on NEA funding that we have just been discussing.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. BEILENSON] has again expired.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the time.

I want to again congratulate her on superb management of this rule. It is a little easier today than it was last night, I will acknowledge, because we have, I believe, come to an agreement which will clearly be acceptable to a majority of this House.

Mr. Speaker, many of us have tried for a number of years to delete taxpayer funding of the National Endowment for the Arts, and that is obviously one of the major items of real controversy here. I will acknowledge there are other items that are very, very important in this measure, but the NEA on our side of the aisle especially has been a very, very contentious point.

We are going to, under this open rule, have an opportunity to in fact zero out the National Endowment for the Arts. As the gentleman from Illinois [Mr. CRANE] has offered that amendment in the past, he will have the chance to offer it again today when we proceed with the measure.

I believe that there is a very important signal that has been received. I will acknowledge that there was a little bump in the road last night when we did not quite get a majority vote for this rule, but this has been a very well thought out compromise which, as my friend from Illinois has just raised, in fact, insists that conferees on our side of the aisle adhere to the constraints that have been outlined in our proposal.

This is an open rule. It allows for the kinds of amendments that Members want to offer. I hope very much that we can now proceed and move as expeditiously as possible through this appropriations process, because we are trying desperately to maintain the kind of openness that we proposed at the beginning of this Congress. I believe this bill will be another great example of that.

Ms. PRYCE. Mr. Speaker, I urge adoption of this rule. It will get us back on track. It will give this body the healthy deliberation it needs on these issues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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. BEILENSON. 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 notice absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 194, not voting 10, as follows:

[Roll No. 498]

YEAS—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
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
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
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
Hoke
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
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
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—194

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
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
Hall (OH)
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)
Lincoln
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
Stark
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—10

Andrews
Bono
Collins (MI)
Dickey
Fields (TX)
Forbes
Hefner
Moakley
Reynolds
Tauzin

☐ 1144

Mr. JACOBS changed his vote from ''yea'' to ''nay.''

Mr. COBLE 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. EWING). 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 229, noes 195, not voting 10, as follows:

[Roll No 499]

AYES—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
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
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
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
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
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
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
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
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOES—195

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr

Fattah	Maloney	Roemer
Fazio	Manton	Rose
Fields (LA)	Markey	Roukema
Filner	Martinez	Roybal-Allard
Flake	Mascara	Royce
Foglietta	Matsui	Rush
Ford	McCarthy	Sabo
Frank (MA)	McDermott	Sanders
Frost	McHale	Sawyer
Gejdenson	McInnis	Schroeder
Gephardt	McKinney	Schumer
Geren	McNulty	Scott
Gibbons	Meehan	Serrano
Gonzalez	Meek	Sisisky
Gordon	Menendez	Skaggs
Green	Mfume	Skelton
Gutierrez	Miller (CA)	Slaughter
Hall (OH)	Mineta	Spratt
Hamilton	Minge	Stark
Harman	Mink	Stenholm
Hastings (FL)	Mollohan	Stokes
Hayes	Montgomery	Studds
Hilliard	Moran	Stupak
Hinchey	Murtha	Tanner
Holden	Nadler	Taylor (MS)
Hoyer	Neal	Tejeda
Jackson-Lee	Neumann	Thompson
Jefferson	Oberstar	Thornton
Johnson (SD)	Obey	Thurman
Johnson, E. B.	Olver	Torres
Johnston	Ortiz	Torricelli
Kanjorski	Orton	Towns
Kaptur	Owens	Tucker
Kennedy (MA)	Pallone	Velazquez
Kennedy (RI)	Pastor	Vento
Kennelly	Payne (NJ)	Visclosky
Kildee	Payne (VA)	Volkmer
Kleczka	Pelosi	Ward
Klink	Peterson (FL)	Waters
LaFalce	Peterson (MN)	Watt (NC)
Lantos	Pickett	Waxman
Levin	Pomeroy	Williams
Lewis (GA)	Poshard	Wilson
Lincoln	Rahall	Wise
Lipinski	Rangel	Woolsey
Lofgren	Reed	Wyden
Lowey	Richardson	Wynn
Luther	Rivers	Yates

NOT VOTING—10

Andrews	Furse	Tauzin
Bono	Hefner	Young (FL)
Collins (MI)	Moakley	
Fields (TX)	Reynolds	

□ 1202

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1977, which we are about to consider, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 187 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1977.

□ 1203

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 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, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

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

Mr. Chairman, Members of the Committee, first of all I want to thank those of my colleagues that supported the rule because I think we have a good bill here given the fact that we are under the constraints of the Budget Act which reduces our amount of money over 10 percent, and also I want to say to the gentleman from Illinois [Mr. YATES] and the members of the subcommittee on both sides of the aisle that we had a very bipartisan subcommittee. We worked well together. We tried to be as totally nonpartisan as we had to make these difficult choices, and we did as much as possible to address the challenges of the Interior and related agencies' responsibility with the funds that were available, and I think on balance we did a good job of achieving that. The gentleman from Illinois [Mr. YATES] and the whole team worked well; the staff and the associate staff worked as a team. We worked very closely with the authorizers. I say to my colleagues, ''There isn't anything in this bill that's not approved by at least the chairman and the members of the authorizing committee so that what we have here is a team effort.''

Mr. Chairman, obviously we are going to have differences, and that will be reflected in the amendments, some substantial policy issue differences. I will say at the outset, ''We'll do everything we can to expedite this so Members can get home but not in any way stifle debate in the process.''

I am going to be very brief in my opening comments here. I think it boiled down to three areas, as I would see it, given the constraints of the budget reductions.

First of all, we had the must-dos. The must-dos were keeping the parks open, keeping the Smithsonian open, keeping the visitor facilities at Fish and Wildlife and Bureau of Land Management open to the American people. Two hundred sixty million Americans enjoy the public lands, and they enjoy them in many ways. They enjoy them in terms of looking into the Grand Canyon and seeing a magnificent thing created by our Creator. They likewise enjoy going out and fishing in a stream or hunting in a national forest. They enjoy going to a Fish and Wildlife facility to see how we propagate the species of fish and how we nurture the fishing industry. They enjoy going to the Bureau of Land Management facilities, the millions of acres.

So, Mr. Chairman, we made every effort to do those things that the public enjoys, and we held the operating funds at roughly a flat level given our constraints, meaning that we would in no way restrict public access to these great facilities that people care a lot about, and about a third of the United States is public land owned by all of the people of this Nation, and we make every effort to insure that their experience with that will be very enjoyable, and that led to the second category of things, and that is the need-to-dos.

As I see it, the need-to-dos were to insure that sanitary facilities at our national parks, and forests and other facilities were good. The need-to-dos included fixing a road if it is in bad shape. It included finishing buildings that were under way. I say to my colleagues, ''You can't stop a construction job in midstream, and those things had to be taken care of, and we have done so.''

The third group was the nice-to-dos, things that are nice if we had the money. There are a lot of activities that we could no longer afford to do. Many of the grant programs had to be terminated, some of the research programs in energy. We had to downscale land acquisition 78 percent. We put in, of course, some money for emergencies, but essentially we will not be doing additional land acquisition because I tell my colleagues, ''When you buy lands, you have to take care of it, and that gives you enormous downstream costs.'' We did some construction where it was necessary to finish buildings, but we do limit new construction. We limit new programs so that we had some tough cuts that we had to make in the things that are nice to do.

Mr. Chairman, we just had a lot of discussion on the NEA, and of course the NEH is similar to that. We have had change. We eliminated the National Biological Survey, and rather than that we have a natural resource science arm in the U.S. Geological Survey. But we are not getting into that now because that will come up to the debate.

I think we have addressed energy security. We want to be sure that the United States will be secure in the future, that we will have energy independence, that we will not have to depend totally on foreign sources, and so we have addressed that in our bill to the best of our ability.

The Bureau of Indian Affairs is our responsibility, and in the bill we said at the outset we are going to take care of education, the basic education, for the Bureau of Indian Affairs and the basic health. That is the responsibility

of the Federal Government, and as much as possible we have level funded that along, as I mentioned earlier, with what we were able to do in keeping parks and so on open.

There are lot of other things I could say about this legislation. I simply want to say again I think it represents common sense, I think it represents a responsible use of the funds available. I endorse the fact that we are downsizing the budget, that we are going to get on a glide path to a balanced budget in 7 years. We do not fund programs that have large outyear costs simply because we would not be able to address those in the future.

I just want to close, because I think it reflects the overall philosophy in this budget, with a statement by Chairman of the Federal Reserve, Mr. Alan Greenspan, to the Committee on the Budget, and he said, and I quote:

I think the concern, which I find very distressing, that most Americans believe that their children will live at a standard of living less than they currently enjoy, that that probably would be eliminated and that they would look forward to their children doing better than they.

That is a significant statement because it says very clearly from one of the economic leaders of this Nation that, if we can balance the budget, we will leave a legacy for our children of a better standard of living than we have, and that to me is what this is all about. That is what we are trying to do here, and not only do we want to try and leave a legacy of a better standard of living by using our resources more wisely, but we are also leaving a legacy, in my judgment, in the way we have handled the responsibilities of public lands that will be even better for their enjoyment, and that is the challenge we face as we deal with the amendments here today. We will try to keep that in mind.

Thomas Jefferson said, ''The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.'' In this bill I think we are responsibly exercising that important role.

Mr. Chairman, at this point I ask that a table detailing the various accounts in the bill be inserted in the RECORD.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	597,236,000	616,547,000	570,017,000	-27,219,000	-46,530,000
Fire protection	114,748,000	114,763,000	.....	-114,748,000	-114,763,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000	.....	-121,176,000	-131,482,000
Wildland fire management	.....	.....	235,924,000	+235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	-3,409,000	-4,024,000
Construction and access	12,068,000	3,019,000	2,515,000	-9,553,000	-504,000
Payments in lieu of taxes	101,409,000	113,911,000	111,409,000	+10,000,000	-2,502,000
Land acquisition	14,757,000	24,473,000	8,500,000	-6,257,000	-15,973,000
Oregon and California grant lands	97,364,000	112,752,000	91,387,000	-5,977,000	-21,365,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	-1,237,000	.....
Service charges, deposits, and forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	+110,000	.....
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	.....	.....
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	-43,542,000	-101,219,000
United States Fish and Wildlife Service					
Resource management	511,334,000	535,018,000	498,035,000	-13,299,000	-36,983,000
Construction	53,756,000	34,095,000	26,355,000	-27,413,000	-7,740,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	6,019,000	-668,000	-681,000
Land acquisition	67,141,000	62,912,000	14,100,000	-53,041,000	-48,812,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	-898,000	-29,915,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	-1,198,000	-592,000
Rewards and operations	1,167,000	1,169,000	600,000	-567,000	-569,000
North American wetlands conservation fund	8,983,000	12,000,000	4,500,000	-4,483,000	-7,500,000
Lahonton Valley and Pyramid Lake fish and wildlife fund	.....	152,000	152,000	+152,000	.....
Rhinoceros and tiger conservation fund	.....	400,000	200,000	+200,000	-200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	998,000	.....	-2,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	569,823,000	-101,215,000	-132,994,000
National Biological Service					
Research, inventories, and surveys	162,041,000	172,696,000	.....	-162,041,000	-172,696,000
National Park Service					
Operation of the national park system	1,077,900,000	1,157,738,000	1,068,249,000	+10,349,000	-89,489,000
National recreation and preservation	42,941,000	39,305,000	35,725,000	-7,216,000	-3,580,000
Historic preservation fund	41,421,000	43,000,000	37,934,000	-3,487,000	-5,066,000
Construction	167,668,000	179,583,000	114,668,000	-52,820,000	-65,015,000
Urban park and recreation fund	6,000	2,300,000	.....	-6,000	-2,300,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	.....	.....
Land acquisition and state assistance	87,373,000	82,696,000	14,300,000	-73,073,000	-68,396,000
Crime Trust Fund	.....	15,200,000	.....	.....	-15,200,000
Total, National Park Service (net)	1,367,329,000	1,490,122,000	1,261,076,000	-126,253,000	-229,046,000
United States Geological Survey					
Surveys, investigations, and research	571,462,000	586,369,000	686,944,000	+115,482,000	+100,575,000
Minerals Management Service					
Royalty and offshore minerals management	188,181,000	193,348,000	186,556,000	-1,625,000	-6,792,000
Oil spill research	6,440,000	7,892,000	6,440,000	.....	-1,452,000
Total, Minerals Management Service	194,621,000	201,240,000	192,996,000	-1,625,000	-8,244,000
Bureau of Mines					
Mines and minerals	152,427,000	132,507,000	87,000,000	-65,427,000	-45,507,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,795,000	107,152,000	92,751,000	-17,044,000	-14,401,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	-689,000	-1,000
Subtotal	110,984,000	107,653,000	93,251,000	-17,733,000	-14,402,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	176,327,000	-6,096,000	-8,793,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	-23,829,000	-23,195,000
Bureau of Indian Affairs					
Operation of Indian programs	1,519,012,000	1,609,842,000	1,508,777,000	-10,235,000	-101,065,000
Construction	120,450,000	125,424,000	98,033,000	-22,417,000	-27,391,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	67,145,000	-9,951,000	-83,880,000
Navajo rehabilitation trust fund	1,996,000	.....	.....	-1,996,000	.....
Technical assistance of Indian enterprises	1,996,000	1,996,000	.....	-1,996,000	-1,996,000

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Indian direct loan program account	779,000	.....	.....	-779,000	.....
(Limitation on direct loans)	(10,890,000)	.....	.....	(-10,890,000)	.....
Indian guaranteed loan program account	9,671,000	9,684,000	.....	-9,671,000	-9,684,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	.....	(-46,900,000)	(-70,100,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,697,941,000	1,673,955,000	-57,015,000	-223,986,000
Territorial and International Affairs					
Assistance to territories	50,481,000	41,512,000	41,512,000	-8,969,000	.....
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	.....	.....
Subtotal	78,201,000	69,232,000	69,232,000	-8,969,000	.....
Trust Territory of the Pacific Islands	19,800,000	.....	.....	-19,800,000	.....
Compact of Free Association	13,574,000	10,038,000	10,038,000	-3,536,000	.....
Mandatory payments	10,000,000	14,900,000	14,900,000	+4,900,000	.....
Subtotal	23,574,000	24,938,000	24,938,000	+1,364,000	.....
Total, Territorial and International Affairs	121,575,000	94,170,000	94,170,000	-27,405,000	.....
Departmental Offices					
Office of the Secretary	62,479,000	64,772,000	55,982,000	-6,497,000	-8,790,000
Office of the Solicitor	34,606,000	35,361,000	34,606,000	.....	-755,000
Office of Inspector General	23,939,000	25,485,000	23,939,000	.....	-1,546,000
Construction Management	1,996,000	2,000,000	.....	-1,996,000	-2,000,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	.....	.....
Total, Departmental Offices	124,022,000	128,618,000	115,529,000	-8,493,000	-13,089,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,006,534,000	-501,363,000	-849,401,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,036,534,000)	(-501,363,000)	(-834,201,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
Crime trust fund	.....	(15,200,000)	.....	.....	(-15,200,000)
(Limitation on direct loans)	(10,890,000)	.....	.....	(-10,890,000)	.....
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	.....	(-46,900,000)	(-70,100,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	193,748,000	203,796,000	182,000,000	-11,748,000	-21,796,000
State and private forestry	154,268,000	187,459,000	129,551,000	-24,717,000	-57,908,000
Emergency pest suppression fund	17,000,000	.....	.....	-17,000,000	.....
International forestry	4,987,000	10,000,000	.....	-4,987,000	-10,000,000
National forest system	1,328,893,000	1,348,755,000	1,276,688,000	-52,205,000	-72,067,000
Forest Service fire protection	159,285,000	164,285,000	.....	-159,285,000	-164,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000	.....	-226,200,000	-239,000,000
Emergency appropriations	450,000,000	.....	.....	-450,000,000	.....
Fire protection and emergency suppression	.....	.....	385,485,000	+385,485,000	+385,485,000
Construction	199,215,000	192,338,000	120,000,000	-79,215,000	-72,338,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(+221,000)	.....
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
Land acquisition	63,882,000	65,311,000	14,600,000	-49,282,000	-50,711,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	-181,000	-248,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	.....	.....
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	-599,000	.....
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	+3,000	.....
Total, Forest Service	2,803,602,000	2,416,539,000	2,113,671,000	-689,931,000	-302,868,000
DEPARTMENT OF ENERGY					
Clean coal technology	-337,879,000	-155,019,000	.....	+337,879,000	+155,019,000
Fossil energy research and development	423,701,000	436,506,000	384,504,000	-39,197,000	-52,004,000
(By transfer)	(17,000,000)	.....	.....	(-17,000,000)	.....
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	+1,500,000	.....
Naval petroleum and oil shale reserves	187,048,000	101,026,000	151,026,000	-36,020,000	+50,000,000
Energy conservation	755,751,000	923,561,000	552,871,000	-202,880,000	-370,690,000
Biomass Energy Development (transfer)	.....	-16,000,000	-16,000,000	-16,000,000	.....
Economic regulation	12,413,000	10,500,000	6,297,000	-6,116,000	-4,203,000
Emergency preparedness	8,233,000	8,219,000	.....	-8,233,000	-8,219,000
Strategic Petroleum Reserve	135,954,000	25,689,000	.....	-135,954,000	-25,689,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(+96,236,000)	.....
Energy Information Administration	84,566,000	84,689,000	79,766,000	-4,800,000	-4,923,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,156,066,000	-109,821,000	-260,709,000

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,709,780,000	1,816,350,000	1,725,792,000	+16,012,000	-90,558,000
Indian health facilities	253,282,000	242,672,000	236,975,000	-16,307,000	-5,697,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	-295,000	-96,255,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	81,341,000	84,785,000	1,000,000	-80,341,000	-83,785,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	24,888,000	26,345,000	21,345,000	-3,543,000	-5,000,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	11,213,000	19,846,000	5,500,000	-5,713,000	-14,346,000
Smithsonian Institution					
Salaries and expenses	313,853,000	329,800,000	309,471,000	-4,382,000	-20,329,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,000,000	-42,000	-1,950,000
Repair and restoration of buildings	23,954,000	34,000,000	24,954,000	+1,000,000	-9,046,000
Construction	21,857,000	38,700,000	12,950,000	-8,907,000	-25,750,000
Total, Smithsonian Institution	362,706,000	407,450,000	350,375,000	-12,331,000	-57,075,000
National Gallery of Art					
Salaries and expenses	52,902,000	54,566,000	51,315,000	-1,587,000	-3,251,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	5,500,000	+1,484,000	-4,385,000
Total, National Gallery of Art	56,918,000	64,451,000	56,815,000	-103,000	-7,636,000
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	10,323,000	10,373,000	9,800,000	-523,000	-573,000
Construction	8,983,000	9,000,000	8,983,000	.....	-17,000
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	-523,000	-590,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,878,000	10,070,000	6,152,000	-2,726,000	-3,918,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	133,846,000	143,675,000	82,259,000	-51,587,000	-61,416,000
Matching grants	28,512,000	28,725,000	17,235,000	-11,277,000	-11,490,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	-62,864,000	-72,906,000
National Endowment for the Humanities					
Grants and administration	146,131,000	156,087,000	82,469,000	-63,662,000	-73,618,000
Matching grants	25,913,000	25,913,000	17,025,000	-8,888,000	-8,888,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	-72,550,000	-82,506,000
Institute of Museum Services					
Grants and administration	28,715,000	29,800,000	21,000,000	-7,715,000	-8,800,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	219,988,000	-143,129,000	-164,212,000
Commission of Fine Arts					
Salaries and expenses	834,000	879,000	834,000	.....	-45,000
National Capital Arts and Cultural Affairs					
Grants	7,500,000	6,941,000	6,000,000	-1,500,000	-941,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,947,000	3,063,000	1,000,000	-1,947,000	-2,063,000
National Capital Planning Commission					
Salaries and expenses	5,655,000	6,000,000	5,090,000	-565,000	-910,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	48,000	147,000	48,000	.....	-99,000

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,736,000	3,043,000	2,000,000	-736,000	-1,043,000
Public development	4,084,000	2,445,000	.....	-4,084,000	-2,445,000
Land acquisition and development fund	.....	1,388,000	.....	.....	-1,388,000
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000	-4,822,000	-4,876,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	26,809,000	26,707,000	26,707,000	+2,098,000	.....
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	5,956,141,000	-1,055,192,000	-1,005,328,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(+221,000)	.....
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
Grand total:					
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	11,962,675,000	-1,556,555,000	-1,854,729,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(11,992,675,000)	(-1,556,555,000)	(-1,839,529,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....	.....
Crime trust fund	.....	(15,200,000)	.....	.....	(-15,200,000)
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(+221,000)	.....
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	.....	.....
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(+79,236,000)	.....
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	-43,542,000	-101,219,000
United States Fish and Wildlife Service	671,038,000	702,817,000	569,823,000	-101,215,000	-132,994,000
National Biological Service	162,041,000	172,696,000	.....	-162,041,000	-172,696,000
National Park Service	1,387,329,000	1,490,122,000	1,261,076,000	-126,253,000	-229,046,000
United States Geological Survey	571,462,000	586,369,000	686,944,000	+115,482,000	+100,575,000
Minerals Management Service	194,821,000	201,240,000	192,996,000	-1,825,000	-8,244,000
Bureau of Mines	152,427,000	132,507,000	87,000,000	-65,427,000	-45,507,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	-23,829,000	-23,195,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,673,955,000	-57,015,000	-223,986,000
Territorial and International Affairs	121,575,000	94,170,000	94,170,000	-27,405,000	.....
Departmental Offices	124,022,000	128,618,000	115,529,000	-8,493,000	-13,089,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,006,534,000	-501,363,000	-849,401,000
TITLE II - RELATED AGENCIES					
Forest Service	2,803,802,000	2,416,539,000	2,113,671,000	-689,931,000	-302,868,000
Department of Energy	1,265,887,000	1,416,775,000	1,156,066,000	-109,821,000	-260,709,000
Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	-295,000	-96,255,000
Indian Education	81,341,000	84,785,000	1,000,000	-80,341,000	-83,785,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	21,345,000	-3,543,000	-5,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	-5,713,000	-14,346,000
Smithsonian Institution	362,706,000	407,450,000	350,375,000	-12,331,000	-57,075,000
National Gallery of Art	56,918,000	64,451,000	56,815,000	-103,000	-7,636,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	-523,000	-590,000
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	6,152,000	-2,726,000	-3,918,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	-62,864,000	-72,906,000
National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	-72,550,000	-82,506,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	-7,715,000	-8,800,000
Commission of Fine Arts	834,000	879,000	834,000	.....	-45,000
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	-1,500,000	-941,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	1,000,000	-1,947,000	-2,063,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	-565,000	-910,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	48,000	.....	-99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000	-4,822,000	-4,876,000
Holocaust Memorial Council	26,809,000	26,707,000	26,707,000	+2,098,000	.....
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	5,956,141,000	-1,055,192,000	-1,005,328,000
Grand total	13,519,230,000	13,817,404,000	11,962,675,000	-1,556,555,000	-1,854,729,000

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

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

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

Mr. YATES. Mr. Chairman, my good friend, the chairman of the subcommittee, and he is my good friend, and I have differed on an Interior appropriations bill I think for the first time in how long have you been on the committee, RALPH? Twenty years? Twenty years we have been in agreement on the bills, and the reason for that, I think more than any other, is the fact that the bill did not suffer from malnutrition. The heavy hand of the full chairman of the committee was felt immediately by the Interior Subcommittee. Our 692(b) allocation was cut by more than a billion dollars on the first go-around. On the second go-around on the 602(b), we were cutting another $17 million dollars. So, there is a lot of PR work for the chairman and for me to do with the chairman of the full committee if we want to be treated as we should be treated.

This is America's bill. This is the bill that fosters our natural resources. This is the bill that is working on providing energy savings. This is the bill that provides for cultural enrichment throughout the United States.

□ 1215

Yet, as a result of the 602(b) allocation, we just do not have the funds with which to carry on the kind of activities that we ought to.

Our natural resources are going to suffer. My good friend, the chairman, indicated that we are keeping the parks open. That is not enough, The Grand Canyon, as the gentleman said, will still be there and people will still be able to see the Grand Canyon, but they ought to be able to see the Grand Canyon in comfortable facilities. They ought to be able to see the Grand Canyon driving on roads that do not have ruts and ditches. They ought to be sure that their safety is protected as they go through the national parks.

I do not know that the funds we have provided here will allow that. Construction for the parks, construction for Fish and Wildlife, construction funds for the Bureau of Land Management and the Forest Service, have all been cut back.

I do not know that I can use the phrase ''worst of all,'' but the Indian people are going to take a very big hit in this bill. The protection of our environment will be severely diminished as a result of what we do in this bill.

Of course, we have been arguing about the National Endowments for the Arts and the Humanities and the Institute for Museum Services for 2 days now. The Endowments have been cut by at least 40 percent. That is a huge cut. Our cultural resources are going to suffer.

The program to help the needy people with their problems of weatherization, during the cold of winter, and the heat of summer is being cut. We have a program in our bill that enables the needy to obtain a small amount of funding to improve their physical properties so that the rigors of the winters in cities like Chicago or in States like Minnesota or New England will not be felt as keenly as they are going to be felt now, because there will not be funds with which they could help themselves.

I talked about welfare for the needy, and in this bill, welfare for the needy will be cut. But Western welfare, welfare for the Western States; for example, the program to provide payments in lieu of taxes, PILT, is increased. In a total bill that is cut more than 13 percent below the 1995 appropriation, payments in lieu of taxes, a program heavily weighted to the West, is up 10 percent. Welfare for the needy may be on the wane, but welfare for Western miners has taken new life.

In our bill last year, we approved a moratorium on providing the sale of national lands to miners for $2.95 an acre, lands that have subsequently been sold on many occasions for huge sums of money to big mining companies. This giveaway of public lands will now start again. The patent moratorium is not in this bill. Nothing is done to stop the mining law of 1872's permissive nature. Western States and localities will also be able to build roads through existing parks, refuges, forests, and public lands unabated.

There is much pain in this fiscal year 1996 bill, and it takes various forms. Agencies are being eliminated, programs are being terminated, programs are being phased out. Hard working people are going to lose their jobs, Mr. Chairman. At least 3,000 people in the Department of the Interior will be laid off.

This bill does have some good features. I congratulate the chairman for that. I do hope that the other body, when it considers this bill, will take the steps that are necessary to maintain the vital functions that are carried out in this bill.

But other programs have not been cut.

Welfare for the needy may be cut but western welfare in the form of payments in lieu of taxes is up. In a bill that is cut more than 13 percent below the 1995 appropriation, payments in lieu of taxes, a program heavily weighted to the west is up 10 percent.

Welfare for the needy may be on the wane, but welfare for western miners has new life. The giveaway of public lands will start again because this bill, unlike the fiscal year 1995 appropriation law, does nothing to stop the mining law of 1872's permissive nature.

Under the bill western States and localities can build roads through existing parks, refuges, forest, and public lands unabated.

There is too much pain in this fiscal year 1996 Interior appropriations bill. The pain began with the 602b allocation for this bill. This bill is subject to a larger percentage reduction than any other appropriation bill. At $11.9 billion in new budget authority, this bill is $1.6 billion below 1995 and $1.9 billion below the President's request. What form does the pain take?

Agencies are being eliminated; programs are being terminated immediately; programs are being phased out; and hard working people are going to lose their jobs, with at least 3,000 people in the Department of the Interior subject to a reduction in force.

INDIAN PROGRAMS

Let me speak first to the programs that serve and honor the Indian people. I am grateful that the Indian Health Service and Bureau of Indian Affairs education programs are maintained at the 1995 level. But I know even at the fiscal year 1995 levels, these programs will not come close to meeting the needs. The Bureau of Indian Affairs education programs are $31 million below the President's request at a time when student enrollment is escalating rapidly; the Indian Health Service is $96 million below the President's request. With medical inflation and a growing Indian population, this means that health care will be reduced in a very real way.

Among the most prominent terminations in this bill is the Indian Education Program administered by the Department of Education. It would be easier to accept this $81 million cut if at least some of this money had been transferred to the Bureau of Indian Affairs education programs. But that was not done. This is a program that has enhanced the education of nonreservation Indians across the country.

But this is not the end of the insult to the Indian people.

This mark limits the ability of the Indian people to defend themselves in water rights cases. Even at the $15 million 1995 level, the Bureau of Indian Affairs is unable to meet requests from 30 tribes who need technical and legal assistance in defending their water rights. With a $5 million reduction, the 1995 level will be reduced by one-third and even more tribes will remain unsupported. I view this an abrogation of our trust responsibility to Indian nations.

This marks takes away the ability of the Indian people to help themselves through loan guarantees.

If this mark is approved, the U.S. Government will be breaking yet another promise to the American Indian people. This mark will delay, if not totally stop, the much needed Smithsonian facility at Suitland that would store and conserve the Heye collection of Indian artifacts which will be the central feature of the Smithsonian's American Indian Museum.

Self-governance for Indian tribes, with these budget reductions, will be delayed and the momentum generated in recent years for self-governance lost. I believe self-governance is working and should be encouraged instead of stifled through budget cuts.

Heaped upon all of this is the complete elimination of community economic development grants, community development technical assistance, and the Indian arts and crafts board. And this bill sets in motion termination of Federal support for the Institute of American Indian and Alaska Native Culture and Arts Development.

In total, what is before us today for Indian people is $450 million below what the President requested, an 11-percent reduction for one of the neediest groups in America.

ENERGY PROGRAMS

Moving on to the Department of Energy, I think we all can take great pride in the successes resulting from our investments in energy efficiency technologies. New lighting technology, new windows and efforts to produce more efficient automobiles are all paying off. Now, many of these efforts will be reduced, and eventually eliminated.

One of the most disappointing things in this bill is that it slashes the low income weatherization program in half, a $107 million reduction. This is done at the same time the committee ignores the President's request to delay $155 million in clean coal technology subsidies for industry. Do we really want to continue corporate welfare at the expense of elderly poor people? If this cut is not reversed, efforts to reduce overall energy usage and reduce energy costs for elderly people will be extremely limited.

CULTURAL PROGRAMS

Of course, the proposed decreases in the appropriations for cultural programs is an urgent concern. The cuts in the National Endowment for the Arts and the National Endowment for the Humanities which exceed 40 percent and the cut for the Institute of Museum Services, which exceeds 25 percent, are out of proportion to the total reduction in this bill and for the National Endowment for the Humanities and the Institute of Museum Services the reduction is out of proportion to the recommendations of the Economic and Educational Opportunities Committee.

I wonder if people understand fully the impact these cuts will have on our culture. Performances will be canceled, museums will close their doors earlier, and art education opportunities in our schools will be cut back sharply. Every segment of American society will suffer from these draconian cuts.

SCIENCE PROGRAMS

Not only is this bill unfriendly to cultural programs, it buries biological science. It buries it in the U.S. Geological Survey after cutting biological research by almost one-third and shackles researchers to Federal land. But the creatures of this great land of ours are not restricted to Federal lands. Lets think about what we are doing. The Secretary of the Interior has a trust responsibility for migratory birds as well as international treaties protecting these birds. These migratory birds do not know the boundaries of Federal land. Provisions in this bill though keep the Secretary from doing any science, any research on anything but Federal lands. If there are threats to our waterfowl on non-Federal lands, the Secretary could not study it even if private landowners ask to have their properties studied. Why at a time when duck numbers are finally increasing as a result of combined Federal, State, and private efforts, would we want to place obstacles to the progress now underway? Is that what we want? I think not. But this bill would do that.

Volunteers are even banned by this bill, if they offer their talents to help resource science and research. Let me give one example of what this will mean to one program, the breeding bird survey. The North American Breeding Bird Survey, started in 1966, is the only continental survey program specifically designed to obtain population trend data on all species of birds. At least 4,000 volunteers contribute to this survey. Without their data, it would be extremely difficult to detect declines or increases in our country's bird populations. No one has ever questioned the authenticity of this information and it come to us at no cost. I do not know what public policy purpose is served by banning the use of volunteers.

SHORT ON DOLLARS, LONG ON LEGISLATION

This is bill, as I have documented, short on dollars; yet, it is long on legislative provisions.

The bill requires committee approval for new wildlife refuges.

The bill amends fee language for refuges.

The bill mandates peer review for resources research in the Geological Survey.

The bill permits giving away Bureau of Mines facilities.

The bill amends the American Trust Fund Management Reform Act of 1994.

The bill repeals the Outer Banks Protection Act of 1990.

The bill authorizes and executes the sell of strategic petroleum reserve oil.

The bill terminates the Pennsylvania Avenue Development Corporation and transfers its responsibilities to other agencies.

The bill establishes a new fee program for the Bureau of Land Management, Fish and Wildlife Service, National Park Service and Forest Service; and

The bill includes Columbia River basin ecoregion assessment restrictions and directions.

Beyond that, the Endangered Species Act is circumvented by not providing money for listing species so they can receive the full protection of the Act.

Section 404 of the Clean Water Act is being circumvented by taking away the Fish and Wildlife Service's ability to respond to a permit application for a golf course which would disturb valuable wetlands in Lake Jackson, TX.

The California Desert Protection Act is circumvented by taking away all but $1 for the National Park Service to operate the Mojave National Preserve and returning the management to the Bureau of Land Management. With this bill, the first of the national parks will be closed. How many more will follow?

MORATORIA

And we find that moratoria are OK in some instances but not okay in others. Moratoria are not OK to stop the give away of patents under the 1872 mining law. But a moratoria is acceptable to stop promulgation of an RS 2477 rulemaking, a rulemaking that would prevent the potential despoliation of national parks, wildlife refuges, and wilderness areas.

This bill does include a continuation of the moratoria on Outer Continental Shelf leasing including Bristol Bay in Alaska, California, Oregon, and Washington on the west coast as well as certain Florida areas and east coast areas.

LAND AND WATER CONSERVATION FUND

While I am relieved there is some money for land acquisition, unlike the scorched earth policy of the House budget resolution, the lack of money can only lead to future problems. For many willing sellers, the Government is the only possible buyer. Ongoing acquisitions which have been phased over several years can not be completed. We will have broken commitments with those individuals and concerns that entered into agreements. Of the $51.5 million in the bill related to the land and water conservation fund, only $23 million is for actual acquisition of land. The balance is to administer the program.

The Secretary of the Interior asked for money to help local areas with habitat conservation plans by giving land acquisition grants to State and local governments, a request that was denied. Turning a blind eye to this problem serves only to undermine efforts to improve the Endangered Species Act.

The North American wetlands conservation fund is cut in half with the understanding that it will be terminated next year, another blow to successful efforts to strengthen the number of migratory waterfowl.

CONCLUSION

Given the disproportionately large reduction this subcommittee received from the full Appropriations Committee, large cuts are inevitable and regrettable.

One of the great strengths and appeals of this bill is the wide variety of programs it covers. The all-America bill as I used to call it. The remarkable natural resources of this country, our magnificent cultural resources, the programs that help people, the energy research programs—unfortunately, all will be diminished by the provisions in this bill.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR], a very good member of our committee and a Member who has done great service on handling the Forest Service issues and who brings to it a lot of knowledge.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, before I came to Congress, I was chairman of the State Parks and Recreation Council in overseeing our State parks and facilities, and we never had enough money to do the things we wanted to do or do all the maintenance we wanted to do. And I found it the same on a national basis, but I think the gentleman from Ohio, Chairman REGULA, and the committee, working with Members and the authorizers, have done as much as they possibly can to see that the needs of our Parks and Forest Services are met.

The actual maintenance, park maintenance, even though the total committee was ordered to reduce the cost in order to meet budget reductions, and we reduced this $1.5 billion below the fiscal year 1995 bill, maintenance for the critical areas were held even. I think that is amazing, given the cuts that had to be made.

It also addresses the concerns and the desires of many of the Members' specific things that they had to do, and I again want to thank both Chairman REGULA and ranking member YATES for the work that has been done in this bill.

We have increased, and I feel very strongly about this, our timber sale program some $7.5 million above current levels. This will increase our timber sale program by 418 million board feet of green sales and 300 million feet of salvage timber. This is a modest increase, but it is moving in the right direction.

We are now in this country in a dangerous situation regarding forest health. We have not been removing salvage as we should have been. We have not been addressing the concerns of management, silviculture concerns of management by professional foresters and science that has been lost in much of our forest management, and it has cost us tens of thousands of jobs. It has cost us millions of dollars in taxes, and it means that we, today, are importing over one-third of our timber.

Mr. Chairman, I certainly urge support of this bill, and will be voting for it.

Mr. Chairman, I rise in strong support of this bill. Not only does H.R. 1977 reflect the serious will of this body to reduce spending—it is $1.5 billion below the fiscal year 1995 bill—it also addresses the concerns, desires, and suggestions of many members and the authorizing committees. Chairman REGULA and the staff have done a terrific job in putting this bill together, and I encourage all my colleagues to support the bill. One aspect that is particularly pleasing to me is the commitment by this committee to turn the management or our national forests around.

This bill moves the timber sale program forward, in a new direction from the past. The increase in the timber management and sales program and road construction funds will allow the Forest Service to increase the timber sale volume to its maximum capacity in fiscal year 1996 of 4.3 billion board feet.

We have increased the timber sale program only $7.5 million above current levels, but this will increase the sale program by at least 418 million board feet of green sales and 300 million board feet of salvage volume. This modest increase will not only maintain jobs, it will create job growth and return many times the amount in timber sale revenues and income taxes.

Although the road construction account has been cut, we have increased the timber road construction account to correspond with the increase in the timber sale program. This account has been maligned for a long time, and I would like to set the record straight.

First, roads in the national forests serve many purposes. They provide the primary access to the 191 million acres that make up the National Forest System. These roads provide access for recreation, for wildlife and fisheries projects, for fire protection, for monitoring water quality, and for many other aspects of ecosystem management and timber harvesting. Funding for road construction ensures watershed protection through better road design, improves safety for road system users, and provide access for fighting wildfires and responding to other emergencies.

The bulk of road construction funds are for reconstruction, that is, restoration and maintenance of existing roads. In fact, the number of miles of new roads has dramatically declined over the past several years. Also, the Forest Service has obliterated more roads than were constructed and the same pattern is being proposed for the next fiscal year. In fiscal 1994, the total road system actually decreased by 1,780 miles and only 519 miles of new roads were constructed.

Today, millions of acres of our forest lands are in need of attention. We are well aware of the forest health problems that pervade our Federal forests—approximately 6 billion board feet of timber dies each year. The road budget is one step toward assuring access for salvage sales and forest restoration projects.

This bill is only a first step. The Forest Service is so depleted of adequately trained personnel that it is still incapable of establishing a timber pipeline, which is desperately needed in many parts of the country. However, by providing funds for timber sale preparation above the level requested by the administration, we expect the Forest Service to make a significant contribution toward the national need for lumber and wood products. I don't know if this body is aware that we are currently importing a third of our wood needs—much of it from environmentally sensitive areas of the world with less sensitive harvest methods than those used here.

For too long, we have ignored professional foresters and silviculture science when managing our national timber assets. Instead, we have relied on the pseudo-science of the environmental community to dominate the discussion. The pendulum swung too far—encouraging the locking up of these valuable assets instead of their wise use. We have a responsibility to protect, conserve and maintain the ecosystems of our Federal forests. To do that we must provide our land management agencies with the resources and tools necessary to get the job done. H.R. 1977 does that.

We are all aware of the widespread forest health problems in our national forests across the country. Chairman REGULA and Chairman LIVINGSTON have been real troopers for including the salvage timber provision in the fiscal year 1995 supplemental-rescissions bill and continuing to fight for its passage. I know we are all looking forward to getting a final resolution on the rescission bill.

The committee understands that the Forest Service can use the timber sale program as a cost-efficient tool to thin and restructure forest stands. Timber harvests improve the forest health by clearing out the dead and dying trees and solving the overcrowded conditions found on many of our national forests. Harvests will also improve the habitat for many creatures that live In the forests and lead to less destructive forest fires.

Although we continue to receive criticisms regarding below-cost timber sales, these determinations have not been based on an evaluation of all the factors that contribute to the profitability or cost of the timber program. Those opposed to timber sales encourage greater costs by supporting more costly harvest methods but have not come forward with proposals to minimize costs incurred by the Forest Service. This, combined with specific direction to manage the timber program for a broader variety of program objectives, continues to drive costs upward.

I remain concerned that staff reductions within the agency to meet the administration's governmentwide FTE reduction targets have been to date disproportionately directed toward staff professionals with expertise in timber management and timber sales planning and preparation. In attempting to meet any future goals relative to agencywide staff reductions, I expect the agency will seek opportunities in other areas to reduce personnel, before considering reducing staff in timber management programs, particularly with regard to personnel stationed in the field.

It is my hope that the Forest Service will not only take the necessary steps at all management levels to provide the maximum amount of timber sales possible in the next year, but also continue to seek ways to more efficiently provide for a timber sales program in a manner that reduces bureaucratic requirements.

Again, I want to thank Chairman REGULA and his staff for working to accommodate the concerns and wishes of many Members, myself included, and I encourage my colleagues to support the bill.

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

Mr. Chairman, I would like to state at the outset that I think all of us serving on this committee have a deep and abiding love for the responsibilities that come with the jurisdiction of this subcommittee.

I also want to pay tribute to the gentleman from Ohio [Mr. REGULA], our subcommittee chairman. There is no more decent or thoughtful Member of this body. He has been given an incredibly difficult task to manage the responsibilities that we have within the budget constraints. And while I know he would have liked to have done more and better, he has done well with what was made available to us.

It is also an extraordinary privilege to serve under the leadership of the gentleman from Illinois [Mr. YATES], our ranking member on this subcommittee.

There are a number of good things in this bill. But there are also too many instances where I think it falls very seriously short of what should be done for the proper protection and proper management of our public lands and resources, for the education of native Americans children, and for continuing sound policies about the development and use of energy.

It provides no money for endangered species prelisting work, for instance; that is, for efforts to avoid the necessity of adding species to the list protected under the Endangered Species Act. This is a prescription for increasing, not diminishing, the conflicts about implementing that law, and is extremely unwise and shortsighted. So are funding restrictions for basic biological research, restrictions on the use of volunteers and access voluntarily to private property.

The bill does not include the moratorium that should be there for patenting mining claims until we have a revision of the mining law of 1872. In area after area, this bill puts commercial interests ahead of science, education, proper management and protection of our natural resources, our historical and cultural resources, our human resources.

There will be amendments offered to correct some of these defects. I will support those. But I am afraid that unless the bill is radically revised, and the chances of that are not great, it will be difficult to say that it deserves to be enacted.

This bill, more than any other that comes before this body, is about the profound trust and stewardship responsibilities that this Congress has for our

national treasures, for our natural treasures. I am afraid our descendants will look back on these actions and ask how in the world we could so shortchange our trust and our stewardship responsibilities.

Tragedy occurs, Mr. Chairman, when we know better but we do not do better, and I fear today we are writing a tragedy.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN] who is a very valuable member of our subcommittee, who brings a wealth of knowledge as a rancher to some of the tough problems that confront us, as well as a leader in the Western matters and with the cattle association, and other things.

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

Mr. Chairman, I would like to take a little time to give my sense of appreciation for the kind of work that goes on in a committee with as diverse a responsibility as is inculcated into the authorization in the realm of what is known as the Committee on Resources.

I want to say that Chairman REGULA and Ranking Member YATES are some of the finest people I ever worked with and had the opportunity to work with and to deal with in this Congress of the United States, along with the other members of the committee itself. This is my second go-around on that committee, an enormous responsibility.

I want to say, too, to the staffs that back us up, that there are no better people on this Earth who are more learned or a more professional group in the world than the staffs that support the committee work that we do day in and day out. Without them, it would not be possible to put this together, particularly at a time like this when we are cutting back, reducing the size of Government, but yet maintaining that sense of responsibility that is paramount to this entire function.

That word ''function'' means an awful lot. Because if you do not understand what the function of some of these programs are, then you are hard put to come up with some solutions to some of the things we are trying to do. These folks have done an outstanding job. I wanted to compliment them all and say it is great serving with you.

I hope that those of you who are out there furiously writing new amendments to this bill would stop and listen just once and say do I really understand what the function of this particular element of this bill is, how does it work. If you do not, then skinny yourself over here and talk to some of these people that I just referred to on the staffs, and it will save us an awful lot of talking time, because right now we need to reduce the time and expenditure on some of these bills.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I want to take this opportunity to commend the full Committee on Appropriations and, of course, the gentleman from Illinois [Mr.YATES], for their action to restore a moratorium on offshore drilling along the U.S. coastline in this bill. The committee action puts Congress back on the right track in the protection of our coastal resources.

For more than a decade, Congress has recognized the need to impose sensible safeguards against the exploitation of our offshore areas.

□ 1230

While some in Congress and, of course, the oil companies want to reopen these areas to drilling, the overwhelming consensus among those of us who live and work in the coastal areas is that it is simply not worth the risk to open these areas up to drilling. Offshore drilling off New Jersey in my State and other mid-Atlantic States is not environmentally sound and also threatens the economies of coastal areas that depend on a healthy coastal environment.

In the areas off the Jersey shore and other Mid-Atlantic States, studies have indicated that the expected yield of oil and gas is rather low. Still there are strong expressions of interest in exploratory drilling which would have disastrous effects on our environment and coastal economy. We must keep the door firmly shut to any drilling or preleasing activities.

Having said that, Mr. Chairman, I want to mention that there are other parts of the bill that I do find objectionable, particularly the committee's decision to derail the Endangered Species Act by defunding the program. This is the wrong way to address individual problems with the Endangered Species Act.

I also object to the bill's drastic reductions in funding for land acquisition under the U.S. Fish and Wildlife Service. In New Jersey, the most urbanized State in the Nation, we have refuges that are under severe threat of development and the $14 million that is provided is not enough to cover even New Jersey's preservation needs, let alone the needs of the Nation as a whole.

Finally, Mr. Chairman, I would like to take this opportunity to speak out against any further cuts in funding for the National Endowment for the Arts and the National Endowment for the Humanities. These influential agencies encourage lifelong learning, promote participation within civic organizations and preserve our country's cultural and intellectual heritage. New Jersey takes advantage of these funds very effectively and I think it would be a mistake for us to make any further cuts in those programs.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I'd like to commend the chairman of the Interior Appropriations Subcommittee and my friend, Mr. REGULA, for his hard work and courageous action in putting this bill together. It has not been an easy task. But throughout the hearing process, as well as the subcommittee and full committee markup, Chairman REGULA and his staff have performed tirelessly, professionally, and with the utmost sensitivity.

Trying to put together a workable budget for the Departments of Interior and Energy, the Forest Service, and the numerous independent agencies under the Interior Subcommittee's jurisdiction is difficult. Add to this an effort to address the personal concerns of the members of this body and you have a very arduous, nearly impossible mission. But, Chairman REGULA and his staff have crafted a good bill that I think is fair, fiscally conservative, and represents an excellent starting point for our 7-year journey to a balanced budget.

Is this bill everything everyone wanted? Of course not. But then we can't—nor should we—ever go back to the fiscally irresponsible practices of the past. We must keep in mind that the fiscal integrity of this nation is our responsibility, and we must act accordingly.

As the chairman has stated, the bill appropriates $11.96 billion in new budget authority for fiscal year 1996, $1.56 billion less than fiscal year 1995, and almost $2 billion less than the President requested. We have attempted to place an emphasis on preserving natural and cultural resources, the maintenance of scientific and research functions, and on our commitment to the health and educational needs of native Americans. H.R. 1977 also ensures that adequate resources are allocated for our Nation's public lands and our crown jewels—our National Park System. In fact, in an era of decreasing budgets, the bill actually contains an increase in the operational account of the National Park Service. This will prove invaluable to those who manage America's parks. And contrary to some published reports, the subcommittee never considered or even contemplated closing any of our Nation's parks.

Overall, the National Park Service fared fairly well. The bill appropriates $1.26 billion in overall funding. The bulk of these funds, $1.08 billion, will go to the management of park areas, visitor services, park police, resources and facility maintenance. This figure represents a $10 million increase over fiscal year 1995.

An important and much needed initiative that is included in the bill is the Recreational Fee Demonstration Program. This innovative program will give the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the Forest Service the opportunity to establish a 1-year pilot program that allows these land managing agencies to charge, and utilize on-site, recreational use and access fees. The language in the bill directs each agency to establish 10 to 30 demonstration sites where broad fee authorities are established.

The best aspect of the program is that the bulk of fees that are collected—stay at the site which collects them. Of the fees, 80 percent that are collected are to be used in that area. The remaining 20 percent of the fees go into an agency account to be used agency-wide for priority backlogged recreational safety and health projects.

On the budgetary side, the bill is quite lean. Most agencies are at or below their 1995 funding level. Land acquisition accounts are reduced 87 percent below the 1995 level. Funds are to be used only for emergencies, hardship situations and high priority acquisitions subject to committee reprogramming guidelines. Major construction accounts are reduced 41 percent below their 1995 level with emphasis on high priority health and safety construction. Funding for the controversial National Endowment of the Arts is reduced 39 percent, and the National Endowment for the Humanities is reduced 42 percent. The bill calls for a 3-year phase-out of Federal funding for these agencies, but new agreements made last night may reduce that to 2 years.

H.R. 1977 also proposes the elimination of a number of agencies and programs. Agencies targeted for termination include the National Biological Service, the Bureau of Mines, the Pennsylvania Avenue Development Corporation, the Department of Energy's Office of Emergency Preparedness, and the Department of Education's Office of Indian Education. The Advisory Council on Historic Preservation is also slated to be terminated.

On the positive side, H.R. 1977 provides $111.4 million for the Bureau of Land Management's Payments in Lieu of Taxes [PILT] Program. As you know, the PILT Program compensates units of government for losses to their real property tax base due to Federal lands within their boundaries. In my State of Arizona, this level of funding is welcomed by several county administrators.

In general, this bill provides a sound and fiscally conservative blueprint for the continued management of our public lands. As stewards of these lands it is incumbent upon us to ensure that they are preserved for future generations to enjoy. I commend Chairman REGULA and his staff, and I hope that through the amendment process we can produce a bill that we will all be proud of.

Mr. SKAGGS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, I rise in opposition to the measure that is before us. Frankly, it warrants opposition because of the priorities, because the hand that was dealt to the appropriators under the allocation system is inadequate to meet the responsibilities that we are sworn to discharge. The money is not there. Obviously, you can shift money around and do a little for operation and maintenance in the parks, but then you are denied to buy the in-holdings of lands and the land/water conservation or in other areas. The money is not there, and this bill ought to be rejected because it does not permit us to exercise our responsibilities in a way that is effective.

We are going to see we have a $7 billion backlog in parks or a $9 billion backlog in terms of responsibilities. That is going to grow under this measure. Under anyone's evaluation, we do not put a dent in the backlog. In fact, we add to it.

The other reason that this bill has to be rejected, and there are many such examples in the bill, where it is inadequate, the elimination of essential programs like the weatherization program, the energy programs, these are working programs. They work. They are not just for a time of crisis. They are the way we avoid crisis.

The other reason is that this measure is not just an appropriations bill, this is a whole policy bill. In Congress, we separate policy and authorization from the actual appropriation. The allocation of dollars actually funding programs is essential. That is an essential decision which is supposed to be kept separate. We have always had a little overlap. But in this bill we simply circumvent the policy process completely in many significant areas. We are rewriting the Endangered Species Act. We are rewriting law after law in this legislation, rewriting those laws, in fact, in a way in which we are not able to have essential debate.

My colleagues wonder why we are spending more time on the appropriations bill on the floor. I can tell you, because when you consolidate the appropriation process, one that is highly controversial because of the nature of the cuts that are coming down this year and the strong disagreement in terms of those priorities, and with an entire wholesale rewrite of many laws that affect the management of our forests, management of our park system, fee issues, issue after issue, the Endangered Species Act, the issue with regard to mining law and whether or not we are going to have a moratorium, when you combine all of this into a single legislative bill, you have bought into a significant responsibility.

I have spent some 19 years in this body working on parks and public lands issues, as an example. I think I know a little bit about it. I do not know everything. As my colleague, Congressman Udall, used to say, there are two types of Members of Congress: ''those that don't know and those that don't know they don't know.''

Obviously, we are always guided by the fact that we are trying to learn in this process, as I am sure my colleagues would agree. But the fact that you consolidate into this measure dozens of policy changes that you do and the other aspects are obviously going to result in a significant policy path changes.

This should not be done. Maybe the chairmen of the various authorizing committees approved of this, but that does not make a majority. That does not provide us with the in-depth debate and hearings and other aspects that are supposed to take place in terms of public participation to at least a limited degree.

So this bill fails in terms of process. It fails in terms of priorities, and it should be defeated.

Mr. Chairman, as we consider H.R. 1977, the fiscal year 1996 appropriations bill, I think it is appropriate to review the mission and purpose of the Department of Interior as outlined in the U.S. Government Manual (1993/94):

> As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation.

Similar analysis and reflection would apply to the Department of Agriculture Forest Service, the sister agency which shares substantial responsibilities for conservation and preservation of our natural and cultural legacy also is addressed in this measure.

I cannot support H.R. 1977 because it doesn't provide the Interior Department or the Forest Service with the resources they need to carry out their stated mission. This is an unfortunate move away from a core conservation and preservation ethic that is basic to the definition and culture of the American people.

The policies and programs in place to carry out the mission of the Interior Department are not the work of Democrats or Republicans alone, rather they were uniquely derived from years of deliberation, of listening and responding to the core conservation and preservation values and ethics of the American people.

Significant programs—the Land Water Conservation Fund [LWCF] and Historic Preservation Fund [HPF] are cut to the point of not being able to fill the backlog or immediate need. Of the one billion of funds generated, only 6–7 percent allocated for its intended purposes.

In their zeal to shun Federal conservation efforts the majority isn't even making sensible choices in funding priorities. For example, zero funding listing and prelisting programs for endangered species and eliminating the National Biological Service demonstrate the height of hypocrisy on the part of the majority. Problems in managing our Federal resources will not go away just because we decide to quit addressing them, and not addressing them is certain to cost the American people more in the long run.

I too want to decrease the Federal deficit. But the most sensible way to do that is through improving the effectiveness and efficiency of Interior Department programs or other funding of agencies with this measure. Many of the programs seriously underfunded or targeted for elimination in this bill are working. Improving programs that work goes a lot

farther in reducing the Federal deficit than cutting funding and hoping the problem goes away.

H.R. 1977 zero-funds all prelisting activities until the ESA is reauthorized. The $4.5 million cut from the FWS budget for prelisting activities is vital to the continuation of a highly successful program designed to prevent the need to list under the Endangered Species Act. There are over 4,000 species now under consideration for possible listing. Many of these species could be conserved through simple and inexpensive programs at the Federal, State, and local land management levels.

The Fish and Wildlife Service candidate conservation program serves as an impetus to establishing conservation and stabilization activities before the species reaches critical levels. It is hypocritical for this Congress to criticize the FWS for listing species without giving that agency the opportunity to conserve species before they reach critical levels. It is hypocritical for this Congress to cry for reduced spending and greater economic efficiency while gutting a program that decreases the need for future costly emergency recovery actions.

H.R. 1977 zero-funds all listing activities for endangered and threatened species, thereby extending the current moratorium. The majority is evading the legislative process by using agency appropriations to legislate national policy. By denying FWS any ability to conserve species proactively, Congress is ensuring further decline and the need for drastic and expensive actions to save species. In addition, there are no exceptions in this budget cut for emergency listings or for listing plant species which are potential sources of medicine. Plants, animals and people cannot cling to life waiting for the legislative process to run its course.

The submersion of the National Biological Service into the National Geological Survey is another glaring illustration of fear run amok. There is legitimate room for debate over the merits of what the NBS or any other government agency does or how much funding should be provided for that work. However, the allegations leveled at the NBS, largely unfounded, are being used to justify elimination of the NBS. It is hypocritical for this Congress to call for better science and then deny funding for efforts specifically set up to conduct unbiased science.

H.R. 1977 also eliminates the Advisory Council on Historic Preservation, severely crippling the efforts of the Federal Government to achieve consensus on policy actions and short changing the key efforts which backstop local nonprofit and private preservation efforts.

Historic preservation provides a twofold benefit—preserving historic properties while helping communities achieve the economic advantages that occur as a result of historic preservation. It seems Members who take deficit reduction seriously would see the significant benefit that flow from a program that efficiently achieves a national goal while generating revenue to participating communities.

Beyond these specifics the moratoria to prevent the public land giveaways under the 1872 mining laws are not included. Elimination of the essential weatherization program, appliance development commercialization program and other energy efficiency programs. Most energy conservation programs have been severely cut. Unfortunately this measure bans AmeriCorps funding initiated under the National Service law in spite of the fact that it was self funded by the 1993 law.

The majority claims that their bill strikes a balance between the dual goals of reducing the deficit and protecting and enhancing the Nation's rich natural and cultural resources. This bill does no such thing and in the process, poorly serves the needs of the American people. It's certainly not a good measure we can and should do better.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. NETHERCUTT], a newcomer in terms of service but an oldcomer in terms of knowledge to the subcommittee. The gentleman brings a great perspective on Western issues, particularly as they affect the State of Washington, and the areas surrounding, on forests and some of the river problems.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for the kind remarks.

I am happy to stand before this House today in support of H.R. 1977, the fiscal year 1996 Interior Appropriations Act. I am a new member of the Subcommittee on Interior. I am a new Member of Congress. I was very pleased to work closely with the chairman, the gentleman from Ohio [Mr. REGULA], and certainly the Members of the minority party to craft this legislation in the fairest way possible.

I believe we still have further to go in reducing the size and scope of this Federal Government, but this bill represents a significant first step, I believe, in the right direction in cutting back on unnecessary waste and duplication within the Federal Government.

This bill is about a billion and a half dollars below last year's level of funding. I recognize the difficulty that the chairman had and our subcommittee and committee had in meeting the needs of the Nation with this reduction. But I certainly want to compliment him and the rest of the leadership for allowing such an open process as we go through this very important bill.

I personally had some problems supporting one aspect of the bill regarding the Bureau of Mines. I wanted to keep it open, and we decided not to in the committee. But I was encouraged to offer an amendment in both the subcommittee and the full committee by the chairman and others, and we had a full hearing. I thank the chairman for his forbearance in working with us on that amendment.

I also want to thank the committee for working with me and other Members from the West on programs that are of particular importance to our region. This bill continues funding for the operation of our national parks, our forests, our pubic lands and refuges, and it maintains our forest health programs and provides a modest increase for the timber sales program. This increase comes after a drop in sales targets by about 60 percent over the last 5 fiscal years.

This slight increase will begin to put our timber communities back to work without damaging the environment. The bill eliminates the National Biological Service, an agency that is unauthorized and is really unnecessary at this time. Critical NBS functions will be continued at the Geological Survey while private property rights will be fully preserved. This bill funds the arts and culture at a more fiscally responsible level, a level that all of us should support at this time of the fiscal responsibility that we must exercise.

I urge all Members to support this bill. It is a good bill. It is a fair bill. Let us work hard to pass it.

Mr. SKAGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. HINCHEY].

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

Mr. HINCHEY. Mr. Chairman, first of all let me express my profound respect and appreciation for the work of the chairman of the subcommittee. He and I share many of the same values and interests with regard to the Nation's natural and historical resources. But unfortunately, this bill does not reflect those values in the way that I think both the gentleman and I would like it to.

The gentleman has been given a very ugly package to carry here. What does this bill do? First of all, it cuts the Department of the Interior to $500 million below this current year's level, making it more difficult for the Department to protect the Nation's natural and historical resources. It eliminates the National Biological Service as a separate agency and slashes funding for that purpose by about 30 percent. It pretends that we ought not to know more about the Nation's biological resources, pretends that ignorance about these resources is a virtue.

The bill prohibits the research activities of the Department, the former National Biological Service, from using even volunteers to go out and accumulate information. It revels in this kind of ignorance and prevents people from exercising their civic duty in a voluntary sense.

It cuts the National Park Service by $230 million below the administration's request, including $70 million from park operations, making it more difficult for the people of this country to enjoy these natural resources, particularly our national parks.

But it expends money in other areas. It exceeds the House Committee on Science's authorized amounts for the Department of Energy's fossil energy research and development activities by more than $150 million. This is a giveaway to major energy corporations in the country. It provides more than $65 million for six pork barrel projects for which the Committee on Science recommended no funding. At the same time it increases funding in these areas, it slashes funding for the Department of Energy's weatherization

program by $100 million, which means there are more people who are going to be colder in the winters and we are going to be wasting more energy.

□ 1245

Mr. Chairman, Let me focus on one particular provision. The Strategic Petroleum Reserve was set aside in the advent of an incident, another incident which occurred back in the 1970's. This bill reduces the Strategic Petroleum Reserve by 7 million barrels, and it sells those 7 million barrels for now about $15 a barrel. This oil was purchased for $30 a barrel, so we are selling for $15 what we bought a few years ago for $30 a barrel. If this is any indication of the way the majority party in this House is a steward of the Nation's resources and the taxpayers' dollars, then I think it is a poor example of where we are and where we are heading. This is foolhardy to cut back on this reserve, and it is certainly wasteful of the taxpayers' money.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. GALLEGLY], a member of the Committee on Resources.

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

Mr. Chairman, I rise today as chairman of the Subcommittee on Native American and Insular Affairs to express my support for the pending efforts to amend H.R. 1977 to restore funding for either the Office of Indian Education or the education programs supported by that office.

The Office of Indian Education provides financial assistance to elementary and secondary schools, tribal schools, and related Indian education programs.

These programs are important elements in the overall effort to provide quality education for our native American children.

While I support efforts to balance the budget, cut bureaucrats and shrink the Government, H.R. 1977 goes well beyond reason. This bill not only cuts funding, it totally eliminates the office which administers the funds.

To completely abolish these programs is not prudent and asks too much of our Indian children in too short a period of time.

I know several amendments will be offered to reverse the committee's recommendations and I hope the Members of the House will give those amendments every consideration.

Mr. SKAGGS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mr. Chairman, this is the season of sacrifice. We know that. But, why is it that we continue to pick on those least able to defend themselves—the children?

I refer, of course, to that section of this bill that would eliminate the Office of Indian Education.

First established in 1972, through the Indian Education Act, for nearly a quarter of a century the Office of Indian Education has sought to serve the unique cultural and academic needs of the original inhabitants of our land.

Without the Office of Indian Education, American Indian children and Alaska Native children would not be able to achieve the same academic standards as other children.

Most American Indian and Alaska Native children are State recognized, but are not federally recognized.

Elimination of the Office of Indian Education and the loss of funding for that purpose would mean the loss of this special Federal funding for public school districts that provide educational opportunities to the vast majority of these children.

Federal financial assistance to tribal schools, for elementary and secondary schools, and for related Indian education programs will be gone if this bill stands. Our amendment freezes funding at this fiscal year's level.

The administration had sought an increase in funding for the Office of Indian Education, however, in the spirit of deficit reduction, we believe a freeze in funding is appropriate.

But, we do not accept a freeze in progress. The primary focus of the Office of Indian Education is to encourage Indian children to achieve self-sufficiency. That is an important goal—a goal that is consistent with many of the themes embodied in the Contract With America.

As we sacrifice, let us not sacrifice the gains we have made. In addition to assistance to tribal schools and to elementary and secondary schools with significant Indian populations, the Office of Indian Education provides assistance for adult Indian education, for fellowships for those Indian students who have distinguished themselves, for special Indian education programs and for planning, pilot and demonstration projects.

For a small investment, this Office manages to do a lot for a population that deserves the help of this Nation. I urge my colleagues to raise their voices for Indian children and give your vote for the future of America. Vote for the Obey-Richardson-Clayton amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ALLARD], a member of the Committee on Resources, who was a key Member in working with the authorizers and the appropriators in a team effort to address a number of challenging issues in this bill.

Mr. ALLARD. Mr. Chairman, I rise in support of the Interior appropriations legislation. I would like to begin by first of all complimenting the gentleman from Ohio [Mr. REGULA], chairman of the House Subcommittee on the Interior of the Committee on Appropriations, for his hard work on the National Biologic Service issue. I would like to especially thank him for working closely with members of the Western Caucus, who have a very keen interest in this issue.

The Interior appropriations legislation is an important move in the right direction. The independent Biological Research Agency is eliminated. There is no longer a National Biological Survey, a National Biological Service, or a Life Science Research Service. This is a significant victory for taxpayers. Fifty-four million dollars is saved. The overhead of a separate agency is eliminated. Objective science is promoted.

The 1995 funding level for the NBS was $167 million. The Interior appropriations bill eliminates this agency and account entirely. The bill provides $113 million to the U.S. Geological Survey for resources research. The USGS already has an authorized research mission. Further, research will be confined to public land and will be conducted by trained professionals. Equally important, the legislation will provide for greater peer review throughout the research process. An option is to privatize or contract out more of the research being done by the Interior Department.

One of the most important points to make is that the Interior appropriations bill language states that when authorizing legislation is finally passed and signed by the President, it will supersede the current proposal. We all agree research must be based on sound science. Therefore, it is up to the authorizing committee to determine how to guarantee that quality science is used and to include appropriate guidelines and restrictions concerning private property and the use of volunteers in an authorization bill.

Mr. Chairman, I think this is a wise step toward balancing the budget.

Mr. SKAGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Chairman, I rise in vehement opposition to this year's Interior appropriations bill (H.R. 1977).

By slashing the amount of money the Nation spends on protecting various species and their environment, this bill will set back many of the gains the Nation already has made in ensuring that our children and grandchildren have a healthy environment in which to live.

Make no mistake, this bill is the first step by the Republican majority to effectively gut and make useless the Endangered Species Act—an act that has successfully balanced economic development with necessary environmental concerns across the country for almost 25 years.

In fact, over the last 22 years, there have been fewer than 12 court cases concerning habitat modification while countless sustainable compromises have proven ESA's effectiveness.

I am not just talking about preserving ESA moneys so that future strip malls aren't built on wetlands or timber companies clearcut too close to salmon habitat. We need these species for the future because we know how much the vast spectrum of life has helped us in the past.

Right now, ESA protects plant life which may cure diseases such as AIDS. Fifty percent of prescription medicines sold in the United States contain at least one compound originally derived from plants, microbes, fungi, and other obscure species. These medicines play a vital role in fighting cancers, heart disease, and other infectious diseases and have produced considerable economic benefits as well.

Yet, despite the many gains made under the ESA, the Republicans are using the appropriations process as a devious back-door strategy to slightly eliminate the ESA by no longer funding its activities.

Mr. Chairman, I urge Members to vote against this bill on that basis alone.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a valued member of the Committee on Resources, chairman of the Subcommittee on National Parks, Forests and Lands, and a Member who contributed substantially in helping to craft this bill as we worked in a cooperative way with the authorizing committee.

Mr. HANSEN. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations. I appreciate his kind words.

Mr. Chairman, I seek this colloquy to discuss the Interior appropriations subcommittee action to reduce by $5.5 million the administration's budget request for the implementation of the Ute Indian Settlement Act. As the gentleman from Ohio is aware, the Indian settlement was improved by Congress as part of Public Law 102–575, which contained the Central Utah Project Completion Act.

Title V of that act settles certain water claims of the Ute Indian Tribe of Utah relative to prior agreements with the United States, the State of Utah and the central Utah Water Conservancy District. This settlement represents more than a simple authorization for future appropriations to the Ute tribe. It represents a binding obligation by the Federal Government to compensate the Ute tribe for past promises that were never kept.

I am concerned that the members of the Ute tribe will view the subcommittee's action as breaking the Federal Government's commitment to abide by the settlement. Does the subcommittee's action to reduce funding for the settlement in any way suggest that the terms of the settlement will not be fully satisfied?

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

Mr. HANSEN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would respond to the gentleman from Utah [Mr. HANSEN] by saying no. The action taken by the subcommittee to reduce funding for this settlement should not in any way be viewed as a retreat of the Federal Government to honor the terms of the agreement with the Ute Tribe of Indians. We are honor-bound to fully comply with all aspects of the Ute Indian Settlement Act.

Mr. HANSEN. Could the chairman of the subcommittee then explain why this action was taken?

Mr. REGULA. I would tell the gentleman from Utah, as he is very aware, this year the Subcommittee on the Interior of the Committee on Appropriations did not receive a section 602(b) budget allocation large enough to fully fund the administration's request for the Indian land and water claims settlements and miscellaneous payments account. The subcommittee was forced to reduce the amount appropriated for the Ute Indian Settlement Act by $5.5 million.

The bill does appropriate, however, a sizable remaining amount of approximately $20 million for the Ute settlement. We plan to make up for the reduced level funding in this fiscal year settlement funding by adding in the future year's appropriations bills the appropriate amount.

Mr. HANSEN. Mr. Chairman, if the other body is able to find additional resources under section 602(b) allocation to restore the $5.5 million and appropriates the full amount requested by the administration's budget for the Ute Indian settlement, will the subcommittee chairman defer to the other body in conference on this specific appropriation item, so that the obligation to the Ute tribe could be satisfied in this year's appropriation bill?

Mr. REGULA. Mr. Chairman, I can only assure the gentleman from Utah that I and the other members of the conference committee representing the House will carefully consider this item as we confer with the Senate, with the other body, and seek to achieve, as much as possible, full funding of the Ute Indian settlement.

Mr. HANSEN. Mr. Chairman, I appreciate the willingness of the chairman of the subcommittee to continue to try to find money for this important matter, and also for his excellent work as chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Chairman, as the ranking member of the Subcommittee on Native American and Insular Affairs of the Committee on Resources, I rise to express great concerns about the cuts which the Interior appropriations bill makes in the funding of the Bureau of Indian Affairs.

Mr. Chairman, when viewed in the context of the massive cuts which all Federal programs are taking, the BIA cuts may not seem serious. But, when viewed in the context of the special Federal legal and moral obligations to the Indian people, these cuts only further undermine the honor and integrity of this Nation in meeting those obligations.

With that honor and integrity at stake, however, the Appropriations Committee, in its report, makes a serious error which calls into question the good faith of the United States toward all native Americans.

In particular, language on page 53 of the committee's report directs the BIA to submit a report to the committee on the gross gaming revenues of Indian tribes and the amount of Federal funding such tribes are receiving. The threat is thinly veiled.

About one third of the Indian tribes in the lower 48 States have developed tribal revenues from gaming operations. In this respect, they are not unlike nearly all of the States which have developed State lotteries as a means of generating governmental revenues.

Two small tribes, ideally situated, have for all practical purposes achieved economic self-sufficiency and complete independence from Federal funding. Only a handful of other tribes are making significant gains from their gaming operations. The overwhelming majority are deriving revenues from their operations which permit them to only partially meet critical unmet needs which the Federal Government has refused to meet over the years. But in every case, whatever the level of their gaming income, these tribes are devoting the net revenues to governmental operations and programs, as required by the Indian Gaming Regulatory Act.

Yet the committee's report levels a threat at these tribes. After years of encouraging tribes to seek self-sufficiency and after years of failing to meet this Nation's obligation to assist tribes toward that goal, the report threatens to cut off their Federal funds in proportion to governmental revenues generated by their own initiative. But we know, in Indian affairs, that no good deed goes unpunished. If this Congress is going to be consistent, Mr. Chairman, we need to require each State government to make a report to Congress on the gross income derived by that State from gaming and other commercial activities, and to take those State receipts into consideration when allocating Federal funds.

Mr. Chairman, I hope that the Secretary of the Interior, in responding to the study requirement of the committee report—should the Senate concur—will put the report into context. When reporting on the level of tribal gaming revenues and on the level of Federal funding, he must also advise the Congress of the level of unmet need of that tribe and its members. The study of the tribe's unmet need must be comprehensive, accurate, and that need must be

measured in terms of the effort necessary to put that tribe and its members into a position comparable to the average circumstances of all Americans.

Until this Nation fulfills its obligation to the Indian people to ensure them a standard of living comparable to the rest of the Nation, it is unjust to threaten the Federal funding of programs for their benefit because they have begun to exert their own efforts toward self-sufficiency.

□ 1300

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

Mr. Chairman, just a few things that have been brought out here. First of all, concerning eliminating funding for endangered species. I think it should be pointed out that the bill is subject to authorization, and that for those that read today's Congress Daily, one of the headlines is ''Young-Pombo Species Bill Readied.''

What I am saying is that the funds are there, they are in the refuge operations and maintenance account, but they will be available in conference, assuming we get an authorization bill on endangered species. Right now there is not any. For that reason, we have not put in money for listing and pre-listing.

Mr. Speaker, weatherization was raised as a problem. Of course we had to cut. It was talked about how people are freezing. On weatherization, to my knowledge, there is not anyone freezing in Hawaii but they are getting weatherization money.

I think it illustrates the fact that this program is just one of those that every State gets so many dollars without regard to the need. It seems to me that if you have programs, they should be predicated on the need of recipients.

Then the issue was raised of selling oil from the Strategic Petroleum Reserve and a figure was brought up here of something like $30. I would point out that the last 7 million barrels that were put in the Strategic Petroleum Reserve which this bill proposes to sell cost $17.50. That is what we are talking about.

The problem is that if we do not take care of SPRO, the 590 million barrels that are there will not be accessible. But we will get into that further discussion at the time that we have an amendment on that topic.

One last comment. A number of speakers have addressed the fact that this is below last year, that there are needs that are unmet. But I would just remind everybody that there was an election on November 8, 1994, and I think the message was loud and clear from the voters, that they want to reduce spending.

We are trying to do that. We are reducing spending. We are doing it in a responsible way. Part of our legacy to future generations will be on an economy that will be strong, that will provide them jobs, that will be free of inflation, and that will give the standard of living improvement that Chairman Alan Greenspan talked about.

Mr. Chairman, I have no further requests for time, but I reserve the balance of my time, subject to what the minority would like to do.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, there are so many bad cuts in this bill that I do not have time to talk about all of them. I am going to talk abut the ones that matter the most to me. Those are the attacks on our endangered salmon.

This bill, makes no mistake about it, is an attack on environmental protection and the Endangered Species Act. First, it slashes funding for pre-listing activities and habitat acquisition. Why is that a bad idea? Because we want to pre-list species before they reach the point where they need listing. We want to buy habitat so that we do not impact private landowners.

Second, this bill terminates all funding for listing activities. We are simply putting our heads in the sand if we think that just because we do not list a species, it is not going extinct. That is ridiculous. We have got to list these species. The reality of species decline will simply require more money and more drastic measures down the line to stop the extinction of species.

Finally, Mr. Chairman, this bill terminates 3 vital initiatives to protect fisheries habitat in the Northwest: PACFISH, INFISH and the Upper Columbia Basin Assessment. Why are those important? Because they are designed to ensure that the activities in the woods do not impact our vital fishery interests.

On the West Coast, we are trying very, very hard, we have spent millions of dollars to restore our salmon industry. In 1988, these salmon contributed about $1 billion and 60,000 jobs to our region. Since then, the salmon have declined so badly that the fishing revenue has gone down 80 percent.

For this reason, the fishery industry strongly supports the Endangered Species Act I want to quote what they say: ''There is . . . no industry more regulated under the ESA presently, nor more likely to be regulated in the future, than the commercial fishing industry. . . . we view these protections as vitally important in protecting and preserving our industry, our jobs and our way of life for the long term. . . . Without a strong ESA, there will be no salmon recovery in the northwest.''

To those who might think that gutting funding for the Endangered Species Act will help the economy, I would ask you to go to the Northwest and talk with the unemployed fishermen and fisherwomen in my district. It seems to me if we want to reduce the deficit, and we must, let's cut some Pentagon pork, not gut salmon recovery.

I urge my colleagues to oppose this bill to protect the environment and to protect our salmon jobs and salmon industry.

Ms. RIVERS. Mr. Chairman, I rise today in strong opposition to H.R. 1977, the Interior Appropriations Bill for Fiscal Year 1996. Although there are many reasons for this opposition, the greatest is the elimination of the National Biological Service [NBS]. And although the U.S. Geological Survey will now perform some of the NBS's functions, it comes with a 33 percent cut in funding.

The National Biological Service [NBS] Director, Ronald Pulliam, has stated publicly that the cut in the budget of the NBS would result in, among other things, the closure of the Great Lakes Science Center [GLSC] in my district.

The GLSC provides an invaluable service to the entire Great Lakes Region. Since 1927, the Great Lakes Research Center has been funded by the Federal Government to monitor the status and trends of the Great Lakes ecosystem. The Center's 70 employees provide cutting-edge research in the field of contaminants, wetlands, fish and wildlife habitat, global climate change, fish health, and ecosystem indicators. The Center has been one of the Nation's leaders in researching the problems caused by nonindigenous pest species, such as the zebra mussel.

The Great Lakes contain 95 percent of the fresh surface water in the United States and supply drinking water, fish and other food to millions of Americans. It is of critical importance that we continue working to maintain and improve the environment in the Great Lakes Basin. It is not so long ago that we had headlines declaring that Lake Erie was dead. The research provided by the Great Lakes Science Center has helped to revive that Lake, and this is the thanks it gets?

Mr. Chairman, upon seeing the budget document background materials that were provided as part of the Republican Contract with America, I noticed a line item that stated ''Abolish the National Biological Service,'' and today they are doing it. And with the GLSC we are losing one of the best research facilities in the Great Lakes Region. Losing the Center, which has performed research work on Great Lakes issues since 1917, will truly be a national tragedy.

Mr. McDERMOTT. Mr. Chairman, I rise in vehement opposition to this year's Interior appropriations bill (H.R. 1977).

By slashing the amount of money the nation spends on protecting various species and their environment, this bill will set back many of the gains the nation already has made in ensuring that our children and grandchildren have a healthy environment in which to live.

Make no mistake, this bill is the first step by the Republican majority to effectively gut and make useless the Endangered Species Act—an act that has successfully balanced economic development with necessary environmental concerns across the country for almost 25 years.

In fact, over the last 22 years, there have been fewer than 12 court cases concerning habitat modification while countless sustainable compromises have proven ESA's effectiveness.

I am not just talking about preserving ESA moneys so that future strip malls aren't built on wetlands or timber companies clear cut too close to salmon habitat. We need these species for the future because we know how

much the vast spectrum of life has helped us in the past.

Right now, ESA protects plant life which may cure diseases such as AIDS. Fifty percent of prescription medicines sold in the United States contain at least one compound originally derived from plants, microbes, fungi and other obscure species. These medicines play a vital role in fighting cancers, heart disease, and other infectious diseases and have produced considerable economic benefits as well.

Yet, despite the many gains made under the ESA, the Republicans are using the appropriations process as a devious back door strategy to silently eliminate the ESA by no longer funding its activities.

Just take a look at what they're doing. They are eliminating—zeroing out—the money used for prelisting and listing species. Money crucial for minimizing conflicts between economic development and specie extinction. Countless other funds for ensuring that specie habitat can be saved—including money for essential land acquisition—have been dramatically reduced as well.

Mr. Speaker, since ESA has been enacted, the country has made terrific strides in protecting the environment. Strides that have provided both economic and environmental success. Let's not make a 180 degree turn and destroy the progress we have made by allowing bills like this to become law. I urge my colleagues to oppose this effort by the Republican majority to undermine the ESA and threaten the Nation's environment. I urge you to vote ''no.''

Mr. RICHARDSON. Mr. Chairman, I strongly object to language included in the report accompanying H.R. 1977, the Interior appropriations bill for fiscal year 1996, which directs the Bureau of Indian Affairs [BIA] not to distribute self-governance tribal shares of central office and pooled overhead funding to Indian tribes despite the fact that the distribution of these tribal shares is required by law, namely the Indian Self-Determination and Education Assistance Act. Even the committee's report admits that distribution is required by law. And as the U.S. Supreme Court has stated in the Tennessee Valley Authority and Oklahoma Press Publishing Co. cases, committee reports cannot change or amend the plain intent of statutes.

But we must not also forget that Congress passed the Indian Self-Determination Act and created the self-governance program in order to enable tribes to achieve self-sufficiency, eliminate unnecessary layers of bureaucracy, and reduce governmental red tape and inefficiency by turning over the operation of Federal Indian programs to the tribes themselves. This act was passed with strong bipartisan support and represents the foundation of our policy toward Indian tribes.

The transfer of tribal shares from central office operations to the tribes is part of this effort and has successfully resulted in concrete reductions in the Federal bureaucracy that exist at the central and area office levels of the BIA. As confirmed by a recent inspector general's report, tribes receiving tribal shares further the act's goals by spending these funds on actual services rather than on administrative costs.

The language contained in the Appropriation Committee's report would resurrect the very same bureaucratic obstacles that Congress and the tribes have fought to eliminate over the past decade. If the BIA does not have to distribute central office shares, then the BIA will not have to downsize or restructure itself. The BIA has always opposed the distribution of central office shares, and the language contained in the report will only give it further opportunities to defeat the very purposes of self-governance and the Indian Self-Determination Act. It is vitally important that the policy of self-determination—and the promises we made to the tribes in the Act—be honored.

Mr. DICKS. Mr. Chairman, I rise to discuss H.R. 1977, the fiscal year 1996 appropriations bill for the Department of the Interior and Related Agencies.

I would like to thank the gentleman from Ohio, Mr. REGULA, who has done a fine job under very difficult circumstances in developing this bill in his first year of chairing the Interior Appropriations Subcommittee. I would also like to express my appreciation to the subcommittee's ranking member, Mr. YATES, who has long been a champion of many of the critical needs for the Nation that are funded through this bill.

The Interior appropriations bill had to absorb a reduction of $1.5 billion in budget authority, $750 million in outlays, and an overall cut of 10 percent to base funding. So even though I am not happy with this level of reduced funding for the Interior bill, I believe that our chairman and our subcommittee did its best under difficult circumstances to hold together support for the bill's core priorities.

This bill is important because it funds our national parks. The national park system is currently comprised of 368 areas, encompassing more than 80 million acres, in 49 States and the District of Columbia. This bill provides the operations money to protect our crown jewels in the park system, such as the Olympic National Park, Mt. Rainier, Yellowstone, and Grand Canyon, and the Everglades.

The bill supports our national wildlife refuge systems, ensures the protection of species, and encourages ecosystems management. It ensures that the U.S. Geological Survey continues its operations, and is able to investigate and issue warnings of earthquakes, volcanic eruptions, landslides, and other geologic hazards.

The bill takes away the independent status of the National Biological Service, placing it under the jurisdiction of the U.S. Geological Survey, and reduces its base funding by $49 million. Under this bill, the NBS will not be a runaway agency as some opponents have claimed. But I believe that the mission of the National Biological Service is an important one, and we should not make critical decisions on habitat use and species protection in a vacuum. We should know as much as possible, and use that knowledge to make forward-thinking decisions which benefit all concerned.

I just had a private company in my State, Murray-Pacific, produce the first multi-species habitat conservation plan [HCP] in the nation. Their experience, and the progress that others are making, demonstrates that species and humans can co-exist, and the NBS can be a positive catalyst to assist in these efforts.

This bill addresses the needs of our native American citizens, and ensures that we continue to invest in their economic well-being, health, and cultural priorities through the Bureau of Indian Affairs [BIA] and the Indian Health Service [IHS]. I would have killed to have seen the Office of Indian Education funded as well, but I understand the subcommittee's constraints, and we did manage to hold the Bureau of Indian Affairs to only a 3-percent cut, and maintained base funding for the Indian Health Service.

This bill funds the President's forest plan in the Pacific Northwest, and although greater efforts need to be made in the region to reach the timber harvest levels identified in the plan, I believe we are making progress, and the funding within this bill will keep us on a positive track.

The bill provides for the full economic assistance to hardhit timber-dependent communities in the Northwest, and also keeps us moving forward with watershed analysis and the ''Jobs in the Woods'' watershed restoration program, which is doing great things for the environment and helping dislocated timber workers in my district and the region.

The bill also ensures that we continue to make progress on the national timber sale program. We have a severely depleted national pipeline, and there are funds provided in this bill to increase efforts on advanced timber sales preparation, and prepare an additional 400 million board feet above the 4.9 billion board feet target called for in the President's fiscal year 1996 budget submission.

Finally, the bill funds our cultural institutions: the Smithsonian Institution, the Holocaust Museum, the National Endowment for the Humanities, and yes, the National Endowment for the Arts. I strongly support the Arts and Humanities agencies. They are an investment in America's culture and future. Both the NEA and NEH received 40 percent cuts in this bill and should not be reduced further.

Mrs. ROUKEMA. Mr. Chairman, I will support House passage of H.R. 1977, but I want to take this opportunity to briefly express my concern about several aspects of this very important legislation, which funds the Interior Department and various independent agencies for the coming fiscal year.

Before elaborating on my concerns with the particular details of this bill, let me reaffirm that I vigorously support a balanced Federal budget, and I continue to support efforts to slow down the rate of growth in Federal spending as a means of achieving this objective, instead of raising taxes on the hard-working American people.

I also know that Chairman REGULA, like all other Appropriations Subcommittee chairman, is trying to make the best of a very difficult situation.

H.R. 1977, as reported by the House Appropriations Committee, represents his best effort at balancing far more requests for Federal monies than his subcommittee has the ability to fund, now that the 104th Congress has begun the difficult process of balancing the Federal budget over the next 7 years.

Nevertheless, there are priorities which should be understood. Namely, that inordinate delays in taking action can frequently result in higher costs. In other words, postponement can sometimes be ''penny wise, but pound foolish.''

Such a delay would, in the case of Sterling Forest, result in enormous additional costs. That is why our New Jersey delegation is aggressively pursuing the following course of action.

In recent years, a bipartisan delegation of members from the states of New Jersey and

New York have worked diligently to pass legislation that would initially authorize, and subsequently appropriate, funds to purchase roughly 20,000 acres of undeveloped woodland straddling the New Jersey-New York border commonly know as Sterling Forest.

Protecting Sterling Forest from development is essential, because these lands provide vital watershed protection to millions of residents in the great New York City metropolitan area, including New Jersey and Connecticut.

Developing Sterling Forest, as its current owner has proposed doing, would jeopardize the water quality for hundreds of thousands, if not millions, of people who live and work in the tristate area.

Further delays in purchasing will ultimately cost our citizens much more, both in financial costs as well as public health costs.

Consequently, those of us who have been working to protect Sterling Forest were very encouraged to see the Senate pass legislation that contained authorization for $17.5 million in funding to help purchase Sterling Forest, right before the Fourth of July recess.

I, along with other concerned House Members, will be working with the leadership of the House Resources Committee to encourage the committee to promptly pass this critical authorization legislation through the House of Representatives so that it can go directly to the White House where President Clinton can sign it into law.

If we are successful in these efforts, I hope that the Senate will include funding for Sterling Forest in its version of H.R. 1977, which will be debated by the other body in September or October.

If the Senate version of the fiscal year 1996 Interior appropriations bill contains Sterling Forest funding, I look forward to working with subcommittee Chairman REGULA, and other House conferees, to ensure that the final version of H.R. 1977 contains these essential money.

In addition to having the support of Members from both New Jersey and New York, the effort to preserve and protect Sterling Forest enjoys the support of both Governor Whitman and Governor Pataki.

Clearly, this is a case of bipartisan, interstate support for doing the right thing; namely, purchasing Sterling Forest and preventing its development will help protect the water supply for millions of residents in the northern New Jersey and avoiding escalating costs to the taxpayers in the future.

Enacting this legislation is a very high priority for Governor Whitman, the State of New Jersey, and our congressional delegation. I will continue to work with Chairman REGULA to make this a reality.

In the meantime, I will support House passage of H.R. 1977 with the hope that its final version will enjoy my full and enthusiastic support.

Mr. YATES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

The amendments printed in section 2 of House Resolution 187 are adopted.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau $570,017,000, to remain available until expended, of which not more than $599,999 shall be available to the Needles Resources Area for the management of the East Mojave National Scenic Area, as defined by the Bureau of Land Management prior to October 1, 1994, in the California Desert District of the Bureau of Land Management, and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)): *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $570,017,000: *Provided further,* That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: *Provided,* That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $2,515,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $111,409,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $8,500,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $91,387,000, to remain available until expended: *Provided,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50

per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $498,035,000, to remain available for obligation until September 30, 1997, of which $11,557,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided,* That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $26,355,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $6,019,000, to remain available until expended: *Provided,* That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $14,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $8,085,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $4,500,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101–618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (P.L. 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $998,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles, of which 59 are for police-type use and 88 are for replacement only; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That notwithstanding any other provision of law, the

Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: *Provided further,* That none of the funds made available in this Act may be used by the U.S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U.S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: *Provided further,* That section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is amended—

(1) in subsection (a)(1)(B), by striking ''distributed'' and inserting ''used''; and

(2) in subsection (c)—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (A) as paragraphs (1), (2), and (3), respectively;

(B) by striking ''shall be distributed as follows:'' and all that follows through ''such amount—'' and inserting ''shall be used by the Secretary—''; and

(C) by striking subparagraph (B).

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,088,249,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203, and of which not more than $1 shall be available for activies of the National Park Service at the Mojave National Preserve.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $35,725,000: *Provided,* That $248,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $37,934,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $114,868,000, to remain available until expended: *Provided,* That not to exceed $6,000,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $14,300,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $4,800,000 is provided for Federal assistance to the State of Florida pursuant to Public Law 103–219, and of which $1,500,000 is to administer the State assistance program.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $686,944,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $112,888,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997: *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: *Provided further,* That none of the funds available under this head for resource research shall be used to conduct new surveys on private property: *Provided further,* That none of the funds provided herein for resource research may be used to administer a volunteer program: *Provided further,* That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further,* That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: *Provided further,* That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: *Provided further,* That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: *Provided further,* That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $186,556,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $12,400,000 for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided,* That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): *Provided further,* That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in

accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for the orderly closure of the Bureau of Mines, $87,000,000.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to The University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $92,751,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided,* That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $176,327,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended, of which $5,000,000 shall be used for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That donations credited to the Abandoned Mine Reclamation Fund, pursuant to section 401(b)(3) of Public Law 95–87, are hereby appropriated and shall be available until expended to support projects under the Appalachian Clean Streams Initiative, directly, through agreements with other Federal agencies, as otherwise authorized, or through grants to States or local governments, or tax-exempt private entities: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,508,777,000, of which not to exceed $106,126,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $67,138,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Johnson O'Malley Act shall remain available for obligation until September 30, 1997; and of which not to exceed $74,814,000 shall remain available until expended for trust funds management, housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided,* That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further,* That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the reconciliation report to be submitted pursuant to Public Law 103–412 shall be submitted by November 30, 1997: *Provided further,* That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further,* That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further,* That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further,* That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be

transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 1997: *Provided further,* That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: *Provided further,* That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: *Provided further,* That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: *Provided further,* That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $98,033,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further,* That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $67,145,000, to remain available until expended; of which $65,100,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $69,232,000, of which (1) $65,705,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: *Provided further,* That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further,* That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658: *Provided,* That notwithstanding section 112 of Public Law 101–219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99–658, or its annex, if the changes do not result in increased costs to the United States.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $55,982,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $34,608,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,939,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold,

with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Office of the Secretary'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must, be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the ''Emergency Department of the Interior Firefighting Fund'' shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Amounts appropriated in this Act for the Presidio which are not obligated as of the date on which the Presidio Trust is established by an Act of Congress shall be transferred to and available only for the Presidio Trust.

SEC. 109. Section 6003 of Public Law 101–380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

AMENDMENT OFFERED BY MR. KOLBE

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

The Clerk read as follows:

Amendment Offered by Mr. KOLBE: Page 19, line 15, after ''property'' insert the following: ''except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative''.

Mr. KOLBE. Mr. Chairman, this amendment has been cleared with the majority and the minority. It has been cleared also with the authorizing committee, so I will take less than 30 seconds to describe it.

Basically, when we transferred the functions of the NBS, National Biological Survey, to the U.S. Geological Survey, we put in language which prohibited the use of any funds to conduct surveys. USGS does do surveys, always with written authorization, so this simply restores that and clarifies it and makes it clear that if they are requested, and if it is authorized in writing by the private property owner, they can do the survey. Without this, USGS, for example, would be unable to go on the property of Phelps Dodge or Magnum or some other company to do a geological survey. We think it does clarify it, and it has been cleared.

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

Mr. KOLBE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as I understand it, it is cleared with the authorizers?

Mr. KOLBE. It has been, that is correct.

Mr. REGULA. Mr. Chairman, we have examined the amendment, we think it is a good one and we are in agreement. We accept the amendment.

Mr. YATES. If the gentleman will yield, we have no objection to the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

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

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 9, line 22, strike ''498,035,000'' and insert in lieu thereof: ''499,235,000'', and

On page 18, line 25 strike ''686,944,000'' and insert in lieu thereof: ''685,744,000'', and

On page 19, line 3, strike ''112,888,000'' and insert in lieu thereof: ''111,688,000''.

Mr. REGULA. Mr. Chairman, this amendment transfers $1.2 million to support the breeding bird survey that transfers from the USGS to the Fish and Wildlife Service. The Fish and Wildlife Service prior to 1993 performed this function. We want to give it back to them. I think this is a very important function.

The gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee, filed a dissent. It is on the back page of the report. I think the information and the ideas he expressed therein are very constructive. We are trying to respond to the concerns expressed by the gentleman from Wisconsin [Mr. OBEY]. I share them.

Many groups across the country participate in the survey on the breeding birds and they find this something they like to do, so we want this to continue. Therefore, we are taking some of the funding in the resource research division we have created in USGS and have transferred it to the Fish and Wildlife for that function.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I am impressed with the chairman's argument. Why do you not do it for all the other places where you have banned the use of volunteers?

Mr. REGULA. In response to the gentleman's question, Mr. Chairman, this is the biggest item in terms of volunteer hours. It is a selected function in terms of dealing with the migratory birds. We felt that it would be very appropriate to have the volunteers do this.

Mr. YATES. I do not think there is any doubt that this is a place where you can use volunteers. But I should like to suggest to the chairman that there are other places as well. I would hope that he would give them his close attention.

Mr. REGULA. Mr. Chairman, I would point out that with the exception of the natural resource research function, within the USGS there is no restriction on the use of volunteers, and as we all know, there are hundreds of thousands of volunteers in forests, parks, BLM, Fish and Wildlife, USGS, and they are in no way restricted by this bill.

Mr. YATES. If the gentleman will yield further, I have a factsheet from the Department of the Interior. It says that during the last 4 years, 32 veterinary medicine students and 18 others have volunteered over 3 person-years to the National Wildlife Health Center in Madison, WI, to perform postmortem examinations and other highly technical activities in collaboration with the center's diagnostic staff.

Apparently even in scientific work, volunteers have done a creditable job.

Mr. REGULA. We discussed that with the gentleman from California [Mr. MILLER], and I know it is a matter of a difference of opinion.

Let me just mention one further thing. The language in the science portion of USGS as provided in this bill says that if there is an authorized bill on this subject, and I know that the authorizing committee plans to bring one out, that the language in the appropriations bill will drop out and whatever comes in the authorizing bill, they can address the volunteer issue in that bill.

Mr. YATES. I thank the gentleman.

Mr. REGULA. Mr. Chairman, the amendment transfers $1,200,000 from the U.S. Geological Survey, surveys, investigations, and research appropriation, natural resources research activity, to the U.S. Fish and Wildlife Service, resource management appropriation, migratory bird management activity to support the Patuxent bird banding lab and the breeding bird survey, the latter of which is conducted largely by volunteers and is essential in the promulgation of Federal migratory bird hunting regulations. This transfer also includes $200,000 for the related waterfowl survey work on the Yukon Delta refuges in Alaska. These activities were formerly funded in the Fish and Wildlife Service and were transferred to the National Biological Survey when it was established. The amendment does not transfer back the computer support for this program, with the expectation that the data analysis needs of the breeding bird survey be given the highest priority within the resources research activity.

□ 1315

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, on the point that the gentleman from Illinois was pursuing with you, I appreciate what the gentleman is doing in terms of the migratory birds. But, again, I do not understand why we are going to draw a barrier around one provision where he will not be able to use volunteers.

We started to talk about it this morning in the debate on the rule. But can the gentleman tell me, he says, Well, not for the science functions. He wants everybody to be a Ph.D. But I do not understand.

Mr. REGULA. Mr. Chairman, I would say to the gentleman that this is to try to address the property rights issue. As you know from service on the authorizing committee, there is a divergence of opinion.

As I know the gentleman is the senior member of the minority on the authorizing committee, he is going to be addressing this problem in that committee and I would suggest that the volunteer issue should be raised by the gentleman in developing authorizing legislation.

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

Mr. Chairman, I want to commend the author of this amendment, but I think the gentleman could get greater commendation by doing rather more.

I am curious, why is it that this amendment deals only with the breeding bird situation at Fish and Wildlife and the Interior Department as opposed to dealing more broadly with the entire program for the use of volunteers by the Fish and Wildlife Service? Can the gentleman inform me why this narrow limitation on this matter?

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

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. REGULA. In responding, to a certain extent, to the dissenting views of the ranking member of the full committee, and he addressed the breeding bird issue, the migratory breeding birds and, the fact that the great bulk of the volunteer effort is expended on doing the surveys on the migratory breeding birds. And the gentleman is a sportsman and understands that very well.

Mr. DINGELL. Mr. Chairman, I support what the gentleman is doing, but he still has not answered my question. The question really is why is the gentleman just making the use of volunteers by Fish and Wildlife Service available in the case of the migratory bird survey? Volunteers are used by Fish and Wildlife Service for running refuges, for conducting a whole series of surveys, for dealing with the salmon problem in the Pacific Northwest, for addressing different problems that exist within the Service in terms of serving as guides and interpretive people at the refuges.

Indeed, in many refuges these are the only people, the volunteers are the only people that are available to make the refuge system work. I am unaware of any abuse that has been committed by the volunteers or any abuse that exists with regard to this system. And If the gentleman can inform me what that abuse is, or why is it that we are terminating the use of the volunteers in the refuge system, and why the gentleman is limiting this addition only to volunteers with regard to the breeding surveys, he will help me enormously.

Mr. REGULA. If the gentleman will continue to yield, all the activities you described are not affected in any way.

Mr. DINGELL. As a matter of fact, I think they are, because the language of the bill, if the gentleman will permit, simply bans the use of volunteers.

Mr. REGULA. For natural resource research only in USGS. That is the only place it is affected. Fish and Wildlife is in no way affected in the use of volunteers. The Park Service is not affected. The other divisions of the USGS are not affected. And all I have done in the proposed amendment is transfer additional money to the Fish and Wildlife Service to do the functions you are talking about, and specifically the breeding bird survey.

Mr. DINGELL. It may well be that that is so, but the hard fact of the matter is that the Fish and Wildlife Service uses them for fish surveys in the Pacific Northwest, something that is extremely important. The salmon are

now approaching the status of endangered species in the entire northwestern part of the United States.

Without that particular use of volunteers for surveys on streams, and things of that kind, to count breeding populations and things of that kind and to identify reproduction, you are going to find a major threat to the salmon resource in the entire Western part of the United States.

Now, why are we not including them?

Mr. REGULA. Mr. Chairman, if the gentleman will continue to yield, the only limitation is on the natural resource function in USGS as far as volunteers.

As far as the Fish and Wildlife Service, any science that they are doing, any activities that they are doing, can be done by as many volunteers as they choose. There is no limitation.

Mr. DINGELL. Mr. Chairman, reclaiming my time, I want to make it very, very clear to my friend, and I applaud what he is doing, but I want to make it very clear to my good friend that I did not favor the idea that we would create a U.S. Biological Survey. I thought it was a step backward. I thought it created great peril. I thought it set up a target where we could do great hurt to the Fish and Wildlife Service and to the conservation efforts of this United States by setting up this kind of an entity. I opposed it on this floor and I think it is a bad idea.

But that is not the problem we confront. There are a number of scientific efforts that are conducted now by this entity. I intend to try and get rid of it at the earliest possible moment. But during the time that it is there, whether you like it or not, the hard fact is this agency has to be able to perform the scientific research that has to be done in order to get the information that is necessary for us to properly manage our Fish and Wildlife resources.

I am not talking about going out and shutting down somebody who has a controversy involving the Endangered Species Act or anything of that sort. I was just saying to find out about the wildlife resources of the United States, this kind of survey has to be done. This kind of survey, under the unfortunate existence of the Biological Survey, is done by the biological Survey. It is not only the breeding bird population survey which is at stake here.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(On request of Mr. OBEY and by unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, I want to make it clear, I am trying to proceed in a friendly way. I have great respect for the gentleman, and what he is doing is good, but not good enough.

I yield to my good friend.

Mr. REGULA. Mr. Chairman, I want to reemphasize that any science done by the Fish and Wildlife Service is not affected one iota. This is only the natural resource research, and it is only after October 1.

The NBS, the National Biological Survey that you do not like, and I do not have any great affection for either, will be able to continue their programs until September 30, and by that time we hope the Fish and Wildlife Service can address their needs.

Mr. DINGELL. Mr. Chairman, reclaiming my time, but remember you have runs of spring Chinook. They will be coming in during the time in which this is forbidden. It is not Fish and Wildlife that conducts all of those research efforts. And a lot of the people that do the work are now shifted by a bookkeeping effort from Fish and Wildlife's budget over to the Biological Survey. They are doing the same work that they did when they were in the Fish and Wildlife Service, and they are doing it in concert with people in the Fish and Wildlife Service, but they are paid by the other agency.

So, whether this amendment carries or not, and it is a good amendment. I intend to support it, but I would like to support it if it were better. Whether it carries or not, still the question is going to exist as to whether or not volunteers can participate in that survey.

But I want to reiterate for the benefit not of my friend, because I know he understands what is going on. I understand the politics of this situation. He has been caught in a political situation where some know-nothing somewhere came to the conclusion that we had to do away with the use of volunteers by the Fish and Wildlife Service or the Interior Department.

I want to give my colleagues here some appreciation of the hard facts. If my colleague were to offer a similar amendment with regard to the Defense Department or the Veterans Administration and say that you could not use volunteers in a hospital run by the VA or run by the Department of Defense, people would say you are crazy.

We run the entirety of these hospitals in almost total dependence on volunteers. The volunteers there do the work. The volunteers there comfort the patients. The volunteers do actually research, and things of that kind, which is extremely important to the existence of those agencies and the services at the hospitals.

Now, a similar situation obtains with regard to the Fish and Wildlife Service and the Interior Department. I still have not heard from my dear friend why it is that we are prohibiting the use of volunteers in this. If the Biological Survey is bad, I will be happy to join the gentleman in offering legislation which will simply do away with it. I think it was extremely unwise it was ever adopted. But I do not think we ought to punish ongoing efforts which are extremely important in terms of efforts which are done using scientific methods to manage our living resources, not only in the West but in the East. Can the gentleman tell me why this thing was done in the first place?

Mr. REGULA. If the gentleman would yield, as a veteran, if I go to a veterans hospital, I do not want any of the medical procedures carried on by the volunteers. What we are trying to go on here is the science.

Mr. DINGELL. There are volunteers in the VA hospital and you are going to find out how well you are going to do there, but the gentleman still has not answered the question. And having dealt with the gentleman over the years, I know how adept and adroit my good friend is, but I want to make it clear that he has not answered the question as to what blockhead it was that did this on this particular legislation.

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

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

Mr. OBEY. Mr. Chairman, let me say that I share the concern of the gentleman in the well about the creation of the National Biological Service in the first place. I think it was a tactical mistake. I do not think it should have been done and I would join him in the actions that he described.

Mr. DINGELL. Absolutely.

Mr. OBEY. But I want to ask the gentleman from Ohio to reconsider what I think is really a mistake in attitude about how different functions of this Government can be carried out. You said during the debate on the rule that you would be happy to provide support for all of the volunteers that we wanted, if they were Ph.D. biologists.

I would just make this observation. At the National Institutes of Health, if we insisted that only Ph.D. scientists could review routine data and perform routine tasks in compiling observations, we would raise the cost of medical research in this country tenfold.

You do not need Ph.D. scientists to perform a lot of the functions at NIH or with respect to some of the surveys that the gentleman in the well is talking about and, with all due respect, to those who can make somewhat flippant remarks about the knowledge level of these volunteers, I suggest that their usage is perfectly appropriate in most of the instances that the gentleman in the well is talking about.

And if you want to set up a standard that you have got to have a Ph.D. every time you deal with either a medical problem or an environmental problem, you are going to raise the cost of these programs by 10 to 15 times their present cost.

Mr. DINGELL. Mr. Chairman, reclaiming my time, this is particularly true in view of the fact that the Republican Party is also talking about the need to have volunteerism. Here we have a piece of legislation which simply bans volunteerism in a very important area.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Gilchrest-Dingell NBS [National Biological Service] volunteers amendments. During a time when budgets are being cut and agencies are being asked to do more with less, it makes little sense to prohibit the use of properly trained volunteers working under the supervision of professionals.

Volunteers have provided a wide variety of services, from common labor to highly specialized areas of expertise. The last year for which national statistics were gathered—6,080 volunteers added at least 240 FTE's to the National Biological Service's work force. That, Mr. Speaker, was an increase to the paid staff of almost 13 percent. The Department of the Interior's 30-year-old breeding bird survey would have been impossible had they not used volunteers.

Mr. Chairman, I urge my colleague not to set up artificial roadblocks to impede the Department of the Interior from gathering information that allows us to understand the health of our living resources. Support the Gilchrest-Dingell amendments.

□ 1330

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

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

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. REGULA. Just to respond to the gentleman from Wisconsin, I would point out that there are over 200,000, probably 300,000, volunteers that serve all the agencies, and this amendment, nor does this language in the bill in any way affect them, and all I said is that if you are doing scientific work, it should be done by professionals as much as possible, and that is what we are attempting to do. If it is a high degree of science and the volunteer limitation is in the area of USGS that is devoted to natural resource research to developing ideas, then I think the researcher needs to have skills in order to make sure that is valid and quality science, and I know the gentleman from Michigan would agree with that.

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

Mr. POMBO. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, if that is so, why is this amendment necessary? This amendment is necessary to cure the mischief that is included in the appropriations bill which prohibits the use of these kinds of volunteers for this kind of work.

Mr. REGULA. If the gentleman will yield further, this amendment is necessary to enable Fish and Wildlife to have adequate funds in addition to their regular duties, to do the breeding bird survey, which the gentleman very much wants to happen.

Mr. DINGELL. I applaud what the gentleman is doing, but he still has not addressed the problem.

Mr. POMBO. Mr. Chairman, I would just like to comment that the reason that we wanted to ban volunteers in the scientific part of this bill was we feel that we need to depend upon better science than what is being used right now, and that if you have volunteers out gathering scientific data, that data can come back reflecting the agenda of the volunteers. If we are going to, as policymakers, make decisions based on science, we need to have it based on good science.

If you have a bunch of volunteers running all over the country supposedly collecting scientific data, I believe that the data can come back skewed one way or the other, which does not benefit us.

What the gentleman from Ohio [Mr. REGULA] is trying to do with this amendment is to cure one part of the bill that was overlooked when they drafted it. I believe it is a correct amendment. I support that amendment.

But I will also support the ban on volunteers in gathering scientific data that we are supposed to base our decisions on.

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. I hate to belabor the point, ladies and gentlemen, but the gentleman from Ohio has simply not answered the question the gentleman from Michigan [Mr. DINGELL] and others have asked, and that is: Why do you have a ban on volunteers?

And we are told that we have a ban on volunteers by the gentleman from Ohio and the gentleman from California only because we want good science. Well, if a PhD, if a Nobel Prize winner wants to volunteer, they cannot volunteer, because this says, ''No volunteers in the USGS'', so a Nobel Laureate cannot go out on the weekends and take water samples, take a little test tube, put it into the river and collect it and give it to a government scientist, because it says, ''No volunteers.'' It does not say, ''Volunteers except for Einstein.'' It says, ''No volunteers.''

So you have not answered the question.

It is not a property issue, because we just accepted the amendment offered by the gentleman from Arizona [Mr. KOLBE] that says you can go onto private property if you are, in fact, invited by the owner of that property, as we have seen with a number of timber companies that want this service provided so they can design their cuts to maximize the efficiency of their operations and environmental protection. So you are stuck here with something that does not quite smell right.

Now what else have you done? You really denigrate hundreds of thousands of people in this country. Some are bird watchers, some are reptilian fanciers, some are people who are interested in habitat, some are interested in this as a hobby, and they are very skilled people. They work in Yosemite National Park, they work in the Sequoias. They are collecting data. Yes; I say to the gentleman from Ohio [Mr. REGULA] they are interrupted because every study that Fish and Wildlife does now will have to be redesigned and refunded because it is relying on volunteer programs designed by the National Biological Survey, which has now been put into the U.S. Geological Survey. You cut that budget by $49 million. You start to see the picture? You cut the budget. We need more volunteers. You prohibit the volunteers, and the other agencies that are relying on these volunteers now will not be able to use them because they come out of USGS.

Why do you not give back the American people the right to volunteer on behalf of their Government? And why do you not give back to the Government the right to supervise those people? Because we have not had these complaints. We have not had the complaints in California where they are working in the Rosewood National Park to document changes in channel stability so we know what the farmers can do upstream in that area. They are working in Sequoia National Park, and they have over 480 hours, for a total of 1,920 hours they have given collecting data, not rocket scientists, collecting data under the direction of people there.

Over the last 15 years, 75 volunteers have contributed to the efforts of the Santa Cruz field station to help the 5 employees who are there. We see it in the National Park Service and the National Marine Fisheries, studies that are used that rely on these same people and these volunteers.

They are doing it in Maine at Acadia National Park, monitoring bald eagle reproduction which contributed to the downlisting to removing this bird from the endangered species; the Southern Science Center has over 30 volunteers. These volunteers help in laboratories and greenhouses and help with the coastal mapping activities.

These are American citizens who are out there helping their Government, helping the private sector, and what you are telling them is, ''No,'' you are telling them ''No.''

You have them in Massachusetts at Turner Falls, at the global change lab in Hadley and the Cape Cod National Seashore field station; you have the great American fish count, where every year during 2 weeks in July thousands of people go in to count the fish. So, again, we can start to map what catches will be available or not be available. You have them in Alaska, where they help out in counting the Canadian geese. It goes on and on and on.

The point is this: The point is that many of these are very talented graduate students from our finest universities, and they volunteer. Now, mind you, some only have masters degrees, a hell of a lot more educated than many Members of this Congress in a specific field, and they are volunteering. Some of them are some of the most noted people in their fields as private citizens, but they go out during certain periods of the year to help us find out more and more about species and about habitat, to help the Government make intelligent decisions, and we are going to cut these people off. We are going to cut these people off even though we have the protection that they cannot go on private land without being invited and even though they are following the direction of government employees or contractors or what have you.

We have them in the State heritage programs, very important programs to most States. They are helping the States design these programs. We cannot use them, because they are now in the USGS. Why can we not use them? Because we said that we did not want to use them because they are scientists; they are scientists in many instances. You ought to get yourself out of this situation. You ought to get yourself out of this situation. You ought to go back to what President Bush talked about, the 10,000 points of light. We have got to go with what every President of the United States has talked about, encouraging voluntarism.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mr. MILLER of California. Mr. Chairman, we have got to understand the kind of time that these people are giving the Government, and now apparently if they are not associated with the USGS, they will still be allowed to do that.They could do it for NASA, they could do it in the fields of education, they could do it at NIH, they can do it everywhere else in the Government, but we are not going to let them wade into our streams and put a beaker down and pick up some water and take it to the laboratory. We are not going to let them pick a little bit of flowers or identify a bird even though they may be the best people in the Nation identifying the bird.

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

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman, as a member of the authorizing committee, knows full well that USGS will now have four branches, including the one on natural resource research. There is no limitation in the other three divisions, geologic, water, you mentioned water, there is no restriction, and mapping.

Mr. MILLER of California. There is a restriction.

Here are all the grants; here are all the programs ongoing for 5 years, 3 years. They have to be rewritten now because you prohibit the thousands of Americans who are helping their Government because these programs are off limits. Now these programs are off limits.

You say you want the authorizing committee, fine, let us design it. You put a ban on it, so for the next fiscal year they cannot do this.

Mr. REGULA. If the gentleman will yield further, if you read the language carefully, it says in the natural resource research arm of USGS. That is just 1 out of 4.

Mr. MILLER of California. That is the people running this program.

Mr. Chairman, reclaiming my time, I appreciate what you are saying. You have taken the National Biological Survey, you have put it into the science function of USGS.

Mr. REGULA. We abolished it and created this function.

Mr. MILLER of California. In the transfer, somebody lost $50 million, and in the transfer they lost the right to all the volunteers, and in the transfer they lost the right of these thousands of citizens to participate with Fish and Wildlife or any other agency who are relying on these; yes, they were relying on the Biological Survey. The programs have now been abolished and transferred.

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. POMBO. When we started getting into this whole argument about what we did with NSB, the National Biological Survey, in maintaining the science function, I was told as we passed on the House floor last year, there was a ban on volunteers, that the National Biological Survey was not using volunteers in accordance with the ban that was passed on the House floor.

Mr. MILLER of California. You are getting bad information. Here is program after program in our State and other States.

Mr. POMBO. If the director of the National Biological Survey is giving me bad information, I apologize.

Mr. MILLER of California. They are in fact using the volunteers. Here it is. You still have not told me why you would ban this group of Americans from participating with the Government like hundreds of thousands of other Americans getting to participate on a voluntary basis.

The gentleman from Ohio [Mr. REGULA] says if he goes into the hospital, he does not want a volunteer doing the work.

Mr. REGULA. Specific work.

Mr. MILLER of California. When the doctor gets to taking your urine sample, who is going to carry it down the hall? Do you want to pay the surgeon's rates, or would you like to have somebody else help out the surgeon?

Mr. POMBO. If the gentleman would yield, the reason that we are banning them on science is that you are fully aware of the fact that there is very little effort on the part of private property owners in this country to participate with volunteers. We feel that the best way to collect scientific data is using professionals, and we feel it is extremely important that we use the best science possible.

Mr. MILLER of California. Reclaiming my time, the point is this: As already stated, you can have people who have their Ph.D.'s, who have a Nobel Prize, and they cannot volunteer in the science part of USGS under this bill. There are no exceptions.

Now, even though they cannot get onto the land that you are concerned about, and we are all concerned about, without the owners' invitation, and I suspect he would ask are you going to have 50 grade school children running around my land, or are you going to have some serious scientists conducting this study, then he would decide whether or not he or she would extend that invitation. You have all those built-in safeguards. Somehow we are not going to let highly qualified, talented people who happen to want to volunteer in one little piece of the Federal Government, and I still have not heard the reason why.

I think we ought to strike this provision.

AMENDMENT OFFERED BY MR. GILCHREST AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. REGULA

Mr. GILCHREST. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST as a substitute for the amendment offered by Mr. REGULA: Page 19, line 17, insert after ''program'' the following: ''when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified''.

Mr. GILCHREST. Mr. Chairman, I would like to say something quickly about volunteers. My own son right now is an unpaid volunteer to record information for the Museum of Natural History. I was a volunteer for the Forest Service in a wilderness cabin, designated wilderness area, because the Forest Service could not afford to put somebody in that particular cabin.

We are working with the USGS; that is a little bit different, but the concept is the same.

Mr. Chairman, this amendment is fairly straightforward. It would allow the U.S. Geological Survey to use volunteers for research, provided those volunteers are appropriately trained and supervised and that their data is verified. It reflects almost exactly the language adopted in the subcommittee.

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

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

Mr. YATES. I accept the gentleman's amendment. I think it is a good amendment.

Mr. GILCHREST. I thank the gentleman.

I would like to make just a couple more points, if I may.

Last year we all learned many Members had concerns about the National Biological Survey. There was a perception that it was a band of environmental activists who would seek to find endangered species on private property, and I would be willing to say, in some instances, that probably happened. It was feared that volunteers had more agenda than training and that their data would be inaccurate. I believe, at best, these concerns very often are overstated.

Let me talk about what this amendment does not do.

□ 1345

It does not allow anyone to collect any resource data on private property. The explicit language of the bill prohibits research on private property. It does not allow untrained environmental activists to sign up to count species. All volunteers must have adequate training. For those who are concerned that volunteers will manufacture data, the amendment requires supervision of the volunteers and a verification of this data.

This amendment is not about property rights. Again let me emphasize that the language of the bill prohibits data collection on private property. Researchers could only collect data on public property.

This amendment is not about the Endangered Species Act. The purpose of this research is to take inventory of natural resources. If this study were to overlap the Endangered Species Act, it would most likely be because new counts of certain species would result in their being upgraded or delisted, which would help all of us. This is not an effort to find out which species are endangered; it is an effort to find out what species we have.

Day after day on the House floor we hear people talking about good science. The distinguished chairman of the Committee on Science just yesterday, the gentleman from Pennsylvania [Mr. WALKER], made an excellent speech about the value of research, and volunteers are critical for this effort. We simply do not have enough money to pay all the people necessary to collect this data. If this amendment is not adopted, then a retired professional with a degree in ornithology, or something of this nature, would not be allowed to help collect scientific data even though he was perfectly trained to do so.

Mr. Chairman, who benefits from this substitute amendment? How can someone argue that we are better off not knowing what plants or animals are out there? Does anyone believe, does anyone believe, that ignorance is our friend and knowledge is our enemy? I do not think so. People want to give us verified information for free. I cannot understand why we would not want that, and we are prohibiting the Federal Government from accepting it. In fact, we will only accept it if we are allowed to pay for it. I do not think that is being very wise.

Mr. Chairman, let me close by emphasizing that this amendment is not about property rights. We already have that. This amendment is not about endangered species; that fight is yet to come. It is simply about allowing the Government to accept free research, and I would ask my colleagues to accept this substitute amendment.

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

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

Mr. YATES. Mr. Chairman, the gentleman's explanation has confirmed the opinion that I expressed in the first place. I think it is a very good amendment, and, as far as our side is concerned, we are willing to accept it. I would urge my chairman to accept it as well.

Mr. GILCHREST. Mr. Chairman, I would like to make one other comment about volunteers and use the State of Alaska for an example.

For 10 years over 20 Yupik Eskimo student volunteers have donated over hundreds of hours assisting the Alaska Science Center band cackling Canada geese in western Alaska. They calculated the annual and seasonal mortality of the population by resighting the neck-collared geese in Oregon and California, their wintering habitat.

Without this data collection there would be basically no hunting season. This type of data collection by volunteers who are trained, whose information is verified, will save the U.S. government millions of dollars and, I am sure, do what both sides of this issue wanted to do. That is try and get information.

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

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

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

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

Mr. POMBO. Mr. Chairman, I say to the gentleman, ''You in your amendment say that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified. I would like to ask the maker of this amendment who will be determining whether or not the volunteers are properly trained or that the information is carefully verified.''

Mr. GILCHREST. The Federal officials will verify the research and have the funding for that particular program which ultimately is the Secretary of the Interior.

Mr. POMBO. So the gentleman's definition of this is that the Federal officials themselves would be determining that.

Mr. GILCHREST. Yes.

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

Mr. Chairman, I reluctantly rise in opposition. I am a big fan of volunteers. As we have hearings, I ask each of the agencies, ''How many volunteers do you use?'' I am a volunteer myself. I just worked on a home for Habitat last Saturday, and I am not a skilled carpenter, to say the least. But I want to point out to the gentleman from Maryland [Mr. GILCHREST] that this would in no way inhibit his son from working with the Forest Service. It in no way inhibits the volunteers in Alaska. It is a very restrictive area that we do not allow the use of volunteers.

In addition I would say to the gentleman he is a member of the Committee on Natural Resources. The language in this bill that establishes the Natural Resources section of USGS says clearly that, as soon as an authorizing committee produces legislation, that will override, and I would urge the gentleman, as the authorizing committee works on developing legislation in this field, to bring to that, the members of his committee, his ideas on volunteerism, and perhaps it can be very narrowly restricted to ensure to the owners of private property that they will not have the problems that they have suffered to some extent in the past.

In addition let me point out again that this in no way, no way whatsoever, affects volunteers in the Forest Service, the Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the USGS, except for the very narrow activities in the area of natural resource research.

I think it is great. Volunteerism is very much a part of the American way, and it's just, that in this instance, we are trying to narrow the way in which this program is used.

This is not NBS. This bill will eliminate NBS. Until September 30 they would continue to use volunteers as they choose, and, hopefully before that, the gentleman's committee will have a bill and will reflect some of the gentleman's ideas on volunteerism.

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

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

Mr. GILCHRIST. Mr. Chairman, I thank the gentleman for his suggestion about correcting some of the problems so that we can make better use of volunteers, reduce the costs of collecting data to enhance the quality of data we collect, and I certainly will pursue that agenda. But I think we could correct the problem right now if we adopt the substitute amendment.

I also want to make two other quick points, if the gentleman will continue to yield. The bill says the following if there are any concerns about private property rights on page 19, starting on line 12:

Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property.

So the key has locked the door and slammed it shut to protect private property rights.

What we are looking for, Mr. Chairman, and I understand and I appreciate the fact that National Biologic Survey has been wiped out, but sent over to the U.S. Geological Survey, which is a reputable, scientific organization, but in that area of USGS where they will be collecting data for species around this country so that we can have some sense of the health of the biological diversity of this country, the importance of biological diversity of this country, the potential value of biological diversity in this country, will be hampered and hindered unless we give that particular agency the tools to collect that data, and I think we have strapped USGS by limiting the use of trained volunteers when the information that they bring back to them will be verified.

Mr. REGULA. Reclaiming my time, two points. One is that the gentleman will have an opportunity in the authorizing committee to bring to that committee his ideas. We would hope there would be a permanent bill prior to October 1 and, therefore, this language will not go into effect.

Second, we just accepted an amendment on both sides of the aisle that says that, if it is requested and authorized in writing by the property owner, that they can under this natural resource research division in USGS go on private property lands. So it is not just restricted. I say to the gentleman, ''You see that changes the dynamics.''

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

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

Mr. GILCHREST. There have been some significant changes that I think have gone in the right direction. The Breeding Bird Survey I think takes up about half of the volunteers in this country. To allow a willing property owner to have species studied on his property, that is another move in the right direction, I think, for fiscal reasons.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. Chairman, again with great respect and great affection for my good friend, the chairman of the subcommittee, I would like to support this amendment very strongly which is offered on behalf of the gentleman from Florida [Mr. GOSS] and by our good friend, the gentleman from Maryland [Mr. GILCHREST]. It is a good amendment.

As my colleagues know, I cannot understand what it is that the Committee on Appropriations has against using volunteers to collect scientific data and information. If that is their concern, they should say so. I have asked on a number of occasions why is the language at lines 12 through 17 in the bill? There is no answer. What abuse is this language directed at? Has there been some impropriety by Fish and Wildlife or by the Biological Survey which has been committed which would trigger this kind of response? The answer is nobody knows, but all of a sudden this language shows up, and it says:

> You can't use volunteers at the Biological Survey to collect data and information which would be of value in understanding what is going on with regard to our fish and wildlife resources in this country.

Now this language is not something which is thought lightly of in the conservation community. The Audubon Society, the Trails Unlimited, National Wildlife Federation, and the International Association of Fish and Wildlife agencies all are opposed to the language, and all support the amendment because they recognize that we need to have information to manage wildlife resources. Without it we cannot do an intelligent job of managing those precious resources.

We are not talking about endangered species. We are not talking about regulatory actions. All we are talking about is the collection of information and data of scientific information and of utilizing volunteers to assist the taxpayers and the Government in carrying out the mission of this Government. Why that should cause distress, pain, suffering, and heartburn on the part of my friends on the Committee on Appropriations I do not know.

Mr. Chairman, I have inquired to find out what it is that distresses so many of my friends on the Committee on Appropriations about that situation. They cannot say.

The hard fact of the matter is that volunteers are used throughout the entirety of government and they serve well and honorably. They provide informational services. They serve as associates in the administration of public lands. They serve as volunteers at hospitals to assist the sick and the ill in government-run hospitals. They serve at the National Institutes of Health, the National Science Foundation. We have a large internship program here, and yet we say no Fish and Wildlife, Biological Survey, Interior Department can use volunteers. Why? Nobody knows, but it causes great distress to the Committee on Appropriations so they put in this language.

Now the International Association of Fish and Wildlife Agencies, all of my colleagues' home-State Fish and Wildlife administrators, their game and fish commissions in their own States, say that is a bad thing, that that language should be removed, that we should use volunteers. My dear friend from Ohio, for whom I have the most enormous respect, cannot tell us why this language is here. Obviously he is under some sort of pressure, and I respect him for having responded to it with such grace and dignity, and I must say that there is no man who could have done a better job in handling a bad hand in a poker game, but the hard fact of the matter is this language is bad, it is unwise, it is unnecessary. The chairman of the subcommittee cannot explain why it is here.

So, we ought to adopt this amendment. What we really ought to do is to strike the entirety of the language from line 12 down through line 17. Then we would have a program which would continue to make the public be able to participate in their government, to enable us to derive enormous advantage from the service of ordinary citizens to save money on behalf of the taxpayers, to gather needed information in a timely fashion so that we can protect the precious and treasured Fish and Wildlife resources in the United States.

☐ 1400

Why we are trying to deny ourselves that, I cannot explain. My good friend from Ohio, the chairman of the subcommittee, cannot explain why. I have asked him on several occasions. He suffered mightily over the question, but he cannot answer it.

So my urging to my colleagues is, join the responsible people in the conservation community. Join your own home State fish and game administrator. Support the amendment offered by the gentleman from Maryland [Mr. GILCHREST], and then let us try and lay to rest this cockamamie idea that we should not use volunteers in this country because some oddball somewhere gets the idea that we really should not.

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

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, there is nothing here that says we cannot use volunteers in America. It is a very narrowly constricted area. We permit hundreds of thousands of volunteers, and your friends at Fish and Wildlife can continue to volunteer. I am trying to let them do the breeding bird survey, if you let me get to the amendment.

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

Mr. Chairman, I rise in strong support of the Gilchrest amendment. I am a little bit baffled by the language this bill is amending. Why is the Committee on Appropriations so fearful of volunteers? I always thought the Republican Party was the champion of volunteerism. That is what Ronald Reagan said, volunteers were to take over what had been government responsibilities. That is what George Bush said, volunteers were 1,000 points of light.

But here we have a program that uses thousands of volunteers to help carry out what would otherwise be a very expensive government function, and we want to turn them away unceremoniously.

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

Mr. BOEHLERT. I yield to the gentleman from Ohio.

Mr. REGULA. This is a new program. It cannot have used thousands of volunteers, because it has not been in existence.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, for such a reversal of our party's course, quite frankly, one must assume that these volunteers were some sort of dangerous cabal or cadre. But who are most of these volunteers? Bird watchers? Not a bunch who are thought to be a very dangerous group.

Well, I for one am willing to take the risk and let the bird watchers and the fish counters and other volunteers go about their business. I am willing to trust that they will be well-trained and well-supervised, as they have been, and as the Gilchrest amendment requires, and they will provide information to help policy makers make informed decisions.

I have said it many times on this floor and I will repeat it: The American people want us to do more with less, not to do more knowing less. I urge my colleagues to support this well-reasoned, very carefully crafted amendment, and to endorse our traditional source and encouragement for volunteers.

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

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

Mr. GILCHREST. Mr. Chairman, I want to make a comment about volunteers that would come under the jurisdiction of USGS as far as collecting data on species. In Maine and Maryland, recently volunteers are the ones who collected the data that was used by the National Biological Survey that would now be incorporated into the USGS to delist bald eagles. It was the important use of those volunteers that went out into the field, very well-trained, the information was verified, and in the State of Maine now and the State of Maryland, the bald eagle is now delisted from endangered to threatened. That was the value of volunteers. It could not have been done without those valuable, trained volunteers.

Mr. BOEHLERT. Mr. Chairman, volunteers all across America, in so many aspects of our daily life, do wonderful service for the American people. We here in the people's House should be encouraging them.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. Chairman, with all due respect to myself and all of my colleagues who have participated in this debate, not only today, but its predecessor a couple of years ago when we first authorized in this House the National Biological Survey, this has to be one of the silliest debates I have ever had the privilege to be participating in.

I invite Members to concentrate on what it is we have been talking about. There have been three propositions before us in the course of the day: The first is the one that is in the bill, and it is based on the premise apparently there is something inherently pernicious about volunteers, because it prohibits them outright from the research of the U.S. Geological Survey. No volunteers. No one has yet told us what is particularly pernicious and dangerous about volunteers, but it prohibits them.

The second proposition before us is offered by the distinguished chairman, the gentleman from Ohio. The essence of the gentleman's amendment is, well, on the other hand, maybe you can have them. They are OK for the migratory bird survey, but not for anything else. But that raises the obvious question, if they are not pernicious for the migratory bird survey, why are they so dangerous for the rest of he Geological Survey?

Now, believe it or not, the third proposition before us, offered by the gentleman from Maryland [Mr. GILCHREST], is, if I may roughly translate it, volunteers are OK, as long as they are competent.

What is truly staggering is that is being opposed here on this floor passionately by Members who think this is a major issue. We must not allow competent volunteers to participate in the Geological Survey.

A citizen, in the unlikely event that one is still listening, might ask himself or herself, what are they doing? Have they lost it altogether? We are actually opposing the proposition that competent volunteers ought to be allowed to help us. For God's sake, we are proposing to extinguish the Points of Light that Republican Presidents used to talk endlessly about.

Not only that, but, shockingly, the gentleman from Ohio [Mr. REGULA] has revealed that in our very midst there are volunteers, on this floor as we speak. My God, there are volunteers. The gentleman from Ohio has pled guilty, the gentleman from Maryland has pled guilty, and I have a revelation to make. I hope Members will not be shocked, because I know there are Members here who are offended, frightened, and somehow outraged by the very thought of volunteers. We do not usually do this, but the distinguished gentlewoman staff member of this committee, Karen Stoyer, was a volunteer. I hate to tell you she is not a Ph.D. She was counting whales at a research center on Cape Cod. She concluded, and I think most Members might agree, that you do not need a Ph.D. They are very big. They are not hard to count. That is part of the work that is being done here.

I submit that the propositions before us are apparently absurd. We have more important work to do. Let us adopt the extraordinary contention of the gentleman from Maryland that competent volunteers are OK, and get along with our business.

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

Mr. Chairman, I rise to speak adamantly against the proposal, the amendment that is on the floor. First of all, I want to make it very clear that none of us oppose the use of volunteers, and I think those who have any honesty on the other side really do know that. But we are opposed to using volunteers when the work product that is produced is not adequate and is not accurate.

It has been asked several times, well, just exactly what is the problem? Well, I am here to tell you what the problem is. I am from the West, and I notice that people who have spoken in favor of this amendment are from Maine and Maryland and Massachusetts and Michigan and New York. And what they do not understand about places like Wyoming and Nevada and Utah is the ownership configuration of the land. It is a checkerboard configuration. Forty acres is about 2.2 square miles. So every other 2.2 square miles is privately owned, and then publicly owned, privately owned, and then publicly owned. So when volunteers go out, they, unknowingly, possibly, go on to private land and violate private property rights. That is a problem, because this boils down to private property rights.

Many, many times, in their zeal to protect and preserve the resource, they show little respect for private property rights. They also, again, with all the best intentions, sometimes have a subjective bias to the resource that they are counting. That is why they are there, because that is their interest. So they have a subjective bias, and most have their own environmental bias, which tends to totally disregard private property rights.

Mr. PACKARD. Mr. Chairman, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, there is no question that if you wanted to do surveys on promoting unionism, labor unionism, the volunteers you would get would be labor. They would not come from the management side. If you wanted to get volunteerism to promote abortion rights, you would not get volunteers from the other side of the issue.

On this issue, the volunteers have a specific agenda, as the gentlewoman has mentioned, and that is natural that you will get volunteers from that side. And when the agenda requires research, and the only research you are going to get and the numbers you are going to get are from the side that promotes the environmental side, that is wrong, and that is the whole reason that you have to do this. Even Ph.D's that have an agenda are not going to solve the problem. If you could get a

balance of those that would do the research and the counts and the numbers, that would be a different story, but that is not what is happening.

I could give you horror story after horror story on my own properties as well as property owners within my district that simply say you have got to do away with the people that impose upon your property rights.

Mrs. CUBIN. Mr. Chairman, reclaiming my time, I want to explain one more thing. My district, my State, is 98,000 square miles. As I said, much of it is owned in this checkerboard fashion. So it makes it very difficult to have volunteers go out and have control over them.

If you are going to cover 98,000 square miles with volunteers that are closely supervised, why not just have the supervisors count the flora and fauna on the public lands and leave the private land alone.

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

Mrs. CUBIN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, we want to ensure that no one is going to go on private land. We realize, and I have lived in the West, the difficulty sometimes of knowing what is private land and what is public land. That is why we wanted these volunteers to be very well trained and supervised, so they do not violate anybody's private property.

Mrs. CUBIN. Mr. Chairman, reclaiming my time, many of these places have not been surveyed. Many of these sections have not been surveyed. So it requires a professional to know what is private land and what is public land.

Again, there are thousands and thousands and thousands of square miles that are owned in this way without markers, without corner posts, so that people will know where the land is. That is why I am saying that is is necessary that professionals do the counting in the West, and that is the reason for the chairman's amendment, and I think the chairman's amendment is good, and I hope you will defeat the amendment on the floor.

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

Mr. Chairman, I just would like to ask the chairman if he could propound a unanimous consent request regarding debate time on this amendment.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, we have been thinking about getting a unanimous consent agreement. Does the gentleman's side want to limit debate to another additional 20 minutes?

Mr. YATES. We would be willing to vote as soon as the gentlewoman from Colorado is through.

Mr. REGULA. If the gentleman will yield, we have a couple more speakers.

Mr. Chairman, I ask unanimous consent that all time for debate on this amendment be limited to 2:30 p.m.

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

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I stand as a westerner to engage myself in this debate. Mr. Chairman, there seemed to be a protest from the other side that there was nobody talking from the West. Colorado is from the West. I was born in the West, Oregon, and I have letters here from my very own district saying that they really do believe that volunteers are very essential. I have a letter here from a women in my district talking about how important these surveys are and that as an Audubon volunteer she is willing to go out and do all of this.

You just heard about private property, private property, private property. Guess what; you cannot go on private property as a volunteer without permission of the owner. So that is kind of a bogeyman that someone is throwing out there.

The other thing you hear about volunteers are biased, what do you mean? How can you be biased in favor of birds, or biased in favor of migratory birds? I do not understand what all this bias, bias means.

I assume that these are good citizens who are wanting to go out and take a look at what the wildlife is looking like, and they are trying to monitor it. There is never enough money to get that kind of information, I cannot understand what they are talking about, whether they are going to be biased or not.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Wisconsin.

□ 1415

Mr. OBEY. Mr. Chairman, I just heard the gentleman from California somehow talk about unionization in this effort. Is the gentlewoman aware of any effort that she knows of to unionize birds?

Mrs. SCHROEDER. Mr. Chairman, I do not think the birds have a union. I have been listening to this debate thinking it is not worth getting into because it does not make any sense. My understanding is all this debate is about is an amendment to allow volunteers to be used to monitor migratory birds and then there is an amendment to the amendment saying they have to be competent volunteers. I think that is what it is about.

All of this is modified by the fact that you cannot go on private property without the owner's permission and now we are hearing that some of them might be biased or birds may be getting a union. People are wondering what is going on with us. They are going to want volunteers to be in here carrying on this debate.

I have a letter from a woman in Colorado. Her name is Pauline Ritz. She is with the Denver Audubon society. She points out that she is considered perfectly competent to volunteer in her children's schools, as many of us do.

She was considered perfectly competent to volunteer at the Denver Arsenal, when we were busy trying to make it into a wildlife refuge, even though that arsenal had some of the most polluted land in the world. People were able to figure out how to utilize volunteers very well to move that forward and create something very exciting. And she goes on to point out many other things.

So I think this is a wonderful use of resources. America is about volunteerism.

You could go all the way back to the 1700's, Europeans visiting here could never believe the passionate volunteerism that we had trying to make this country great.

Now, migratory birds and all of these issues are terribly important, I think, for future generations, and nobody wants to go out and hire Federal employees to sit around and count them, because we do not have that kind of money. We are cutting off some essential services.

If I am missing something, let me know what it is. This just seems so simple that I understand frustration of the gentleman from Illinois. Why are we debating this? What is wrong with competent volunteers being able to deal with migratory bird issues, even though we are shutting them out of everything else and with the whole private property area saying you have to have the owner. Why is this a debate? People keep accusing this side of the aisle of stalling things, but these amendments are coming from that side of the aisle. And they are just incredible amendments that I cannot figure out why we are spending this body's time.

I would hope that this body could move propitiously to endorse the amendment to the amendment and then the amendment to the bill, and I think everybody out there will scratch their head and say, my goodness, what is going on there today. There must be something in the water.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close at 2:30 and that time be equally divided.

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

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2:35 and that the time be equally divided.

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

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, there are

Members here who have not had an opportunity to speak. And I would appreciate it if the gentleman would at least extend this time. I am sure there are other Members who would like to speak yet.

Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, we were all going to speak for 5 minutes, too. We said that we will not object to the limitation of time. We would all like to get through the thing and give the gentleman from California [Mr. MILLER] his time and us, too. I will not take the 5 minutes, and I was even going to yield to cut the time.

Mr. REGULA. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2:40 p.m. and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The time for debate on the pending amendment and all amendments thereto shall expire at 2:40, which would be 20 minutes equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES].

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank the distinguished chairman for yielding time to me.

Mr. Chairman, the bird survey that we are talking about is put there for a specific agenda; it is to count birds. We have been asked why would we oppose the amendment of the gentleman from Maryland [Mr. GILCHREST]. Some of the Members have indicated that it is trivial, why we would oppose it. I would say, Mr. Chairman, that it is not.

Why would I say that? The previous actions of this House and of the Members and of specific agendas that have been pushed through in the past have superseded common sense. I look at the last time that this body was in the majority on the other side. They were pushing to even have these volunteers to be able to go on the land without permission, without permission of the private property owner. Now they cannot do that, so they are trying to get volunteers.

I would look at the comments of the gentleman from California [Mr. PACKARD]. If you have different agendas, you would go to those groups to have them go into those areas. And the other side of the aisle, some of the speakers, and some on our side, too, as well, believe and they will say strongly, and they have a right to their opinion, but have pushed that agenda to the extreme. And the people that are out in the field, they support that agenda. That is why those volunteers would be even further pushing that agenda. We think that that is wrong.

I look at past actions on private property rights and the inability of those same people that I discussed of yielding anything but to push right through.

The gentleman here that offers the amendment on private property rights, on the California desert bill, we had a thing in California where people were even asking to disk around their field because there is a fire season, and we were denied. We lost a whole bunch of homes because of it.

It is that reason why we question this amendment. In the future, if we can work closer together to come somewhere to the center of these things, then it would be frivolous to bring this up. But at this time we do not feel it is.

There is no definition of carefully trained. There is no definition of carefully verified. It would be those individuals with that specific agenda in mind that would be out there in the field that would also gather the data, which would be biased. And we object to that type of motivation.

So it is not just volunteers. It is the type of volunteers that would be worked in this group to push a specific agenda.

Mr. YATES. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the supporters of banning American citizens from volunteering for the USGS are simply not being candid with the Members of this House. They say that the volunteers may be biased. Does that mean that people who they want to volunteer for the migratory bird count are not biased? Are the environmentalists who go out and count for migratory bird count, are they undercounting the birds so the shooting limit will be less? Are the gunners who go out and count for the migratory bird count, are they overcounting the birds so the limits will be higher, the seasons will be longer. You trust those people. But you do not trust the Boy Scouts who gave 1,000 hours in Wisconsin. You do not trust 32 veterinary students who volunteered the time of three full-time employees to do autopsies on animals. You do not trust them.

The gentleman from California [Mr. CUNNINGHAM] comes down here and talks about some conspiracy of bias, and he is sponsoring legislation and pushing for legislation to let us accept science from industry. Something is going on here. What is going on here is a very, very extreme agenda about taking American citizens who are interested in the environment out of the equation.

This amendment now says you must be qualified and supervised, you cannot go on to private land without the invitation of the owner. So it is not a property rights issue. It is not a competency issue. It is an extreme radical right-wing agenda about taking American citizens out of one part, one small part of the environmental movement, one small part of data gathering for the entire Federal Government.

Under the bill as written, it does not matter, as I said, if you have a Nobel laureate; you cannot gather this information. You cannot gather this information. Graduate students cannot gather this information. There is something terribly wrong here, because they are talking all around the amendment, but they will not talk to the amendment.

We look out here at the Patuxent environmental science group; 849 volunteers provide the information. They gather if for the scientists who put it to peer review. We are not going to allow them to do that under this legislation. The thousands of people that go on the Fourth of July butterfly count, the butterfly count across this Nation on the Fourth of July could not turn in their information to the USGS. The Christmas bird count, thousands and thousands of your citizens who go out every year could not turn in their information to the USGS under this amendment.

Is that really what you want to do? Do you want to single out the Boy Scouts, the Nobel laureates, the Fourth of July butterfly count, the Christmas bird count? I do not think that is what you want to do. What you really are trying to do is strangle, strangle our ability to gather information that has an impact on our ability to manage habitat, to manage species and try to help private citizens, governmental agencies, and corporate America make decisions about the use of their lands, the sustainability of their profit-making use of the land and the environmental use of that land.

And somehow this is what you have done. You have decided that you are going to take tens of thousands of Americans who are qualified, who are carrying out the best tradition of volunteerism. You do not like AmeriCorps. You do not like them if they are paid. And now you do not like them if they are volunteers. It is simply not fair to these Americans. It is simply not fair to our constituents.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

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

Mr. Chairman, I rise to support the amendment offered by Mr. GILCHREST that would return H.R. 1977 to its original language regarding the selection of personnel for resource research by the National Biological Survey. I believe that the language of the Appropriations Subcommittee had thoughtfully covered the concerns of all parties involved. Volunteers had to be properly

trained and supervised, and the information collected carefully verified.

I admit that to be supporting language that does anything less than gratefully thank volunteers for their indispensable assistance is certainly a first for me. We are talking here about citizens who care enough about an issue to give their time, energy, expertise, and dedicated effort for a task that is seldom easy. For example, to obtain information about the causes of the declining populations of canvasback ducks who winter in and around the Chesapeake Bay requires studies of their mortality, nutrition, activity, and habitat. How can we justify refusing the scientists the benefit of volunteer, unpaid assistants to help with this demanding work? In just makes no sense.

I would also like to state that I do not support an interruption in the listing and prelisting process under the Endangered Species Act, even though it is stated that it is only until the act is reauthorized. In addition, I believe that the funding level for the ESA is woefully short of being adequate. Again, I look to the reauthorization process and intend to share my concerns at that time. I do appreciate, however, that the Appropriations Committee has worked long and hard to balance conflicting interests and I accept the fact that several programs that I strongly support will have major changes. However, I think that this particular one, the use of trained and supervised volunteers, will have far-reaching negative and unintended consequences.

I urge this body to support the Gilchrest amendment.

□ 1430

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in favor of the Gilchrest amendment. Let me just state from the outset that we have seen the devolution of authority go back to the States with respect to a number of programs, one of the most critical of which is protecting our environment. To show the absurdity of the Republican effort to protect the environment, they say ''Let all thee States do it. Let us have a State by State approach.''

It really makes no sense, when you are trying to clean up the air, because you cannot draw State lines around our air quality. We cannot draw State lines around our water quality.

Now, with the amendment being proposed, they want to draw private property rights around migratory bird patterns. They want to draw property rights around fish species, like the fish only go to some person's property as opposed to someone else's. They want to say, ''Listen, if we want to put the power back into the locals' hands,'' that is what the big Republican mantra is, give it back to the locals; yet with the amendment being proposed, and hopefully we will support Gilchrest that would remedy it, they want to take the local initiative out of environmental protection.

I think this is the critical issue why we need to support the Gilchrest amendment, because we have seen the bumper stickers, ''Think globally, act locally.'' How can we expect people to take the initiative on the local level if we say to them, ''We are not going to allow you to participate in protecting your own backyard?'' In my State, people are passionate about conserving and protecting their environment. Yet, this proposal by the Republicans on the floor today would say volunteers cannot go out and try to protect their own environment.

Mr. Chairman, I hope that this House adopts the Gilchrest amendment and strikes the language that would bar volunteers from participating in protecting their own environments.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I would really like once again to reiterate some points. First of all, this is a Republican amendment, I would just like to make that point. I am a Republican. We are all working together here.

First of all, Mr. Chairman, no one wants to violate anybody's property rights at all. We do not want to do that. It is in the bill to protect property rights.

This agenda to have volunteers is not to make something out of nothing. We are not going to run around there and try to find some hidden way to keep people from using their property. This is about biological data. What is the potential use of collecting biological data? There are a lot of viruses out there that are becoming resistant to antibiotics now. There is endless potential for a variety of chemical agents, yet uncovered, to be able to avoid calamities and disasters with new diseases or present diseases.

This is about collecting biological data which will cure or help with heart problems, with cancer problems, with hypertension, with new viruses, with pain killers, with natural insecticides, with this plague that we call AIDS. This is biological data. We do not have enough money to pay for all of this information. We need well-trained, well-verified, good volunteers. I urge my colleagues to vote for the substitute amendment.

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

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

Mr. OBEY. Mr. Chairman, in light of the fact that pro-choice and pro-life was brought up, perhaps we can assure our colleagues that we will see to it that the volunteers are equally divided between pro-choice and pro-life, understanding, of course, it is choice for the birds.

Mr. GILCHREST. That is a very good recommendation, and it is whether or not to eat the chicken eggs, or to hatch the chicken eggs, I guess. The question is collecting biological data, the health of the country, using well-trained volunteers. I urge my colleagues to support the Gilchrest amendment.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

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

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

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

Mr. FARR. Mr. Chairman, I would like to point out that this amendment is a compromise amendment. I cannot imagine why anybody would vote against it. It is not what a lot of people have indicated, an open door to volunteers being able to be utilized.

What the bill says, and I think that the author of the bill recognized it as a Republican amendment, but the bad side is also a Republican bill. That is that the bill says that none of the funds provided for resources research may be used to administer a volunteer program; and what the language says, ''unless that volunteer is properly trained and the information is carefully verified.'' So this is a half a loaf, it is a good amendment. I urge everybody on both sides of the aisle to support it.

Mr. VOLKMER. Mr. Chairman, the gentleman is alluding to the amendment of the gentleman from Maryland, and it is a Republican amendment. I hope everybody will support it.

Mr. Chairman, I have been here 18½ years. This is the weirdest debate that I have ever participated in. For an hour and a half, for an hour and a half, we have been talking about whether we can use volunteers or not. How much money are we saving, here? We are not saving a whole bunch of money, we are not spending a whole bunch of money, we are just asking the right, the gentleman from Maryland [Mr. GILCHREST] is, the right of people, taxpayers, the people that Members are supposed to be so proud of, and these are people that are out there working day and night, and they are taking their time off to go out and get information, information.

Are Members scared of information? That is what it sounds to me like, that the radical right is scared to death that they might find something out that they do not want to know about, so we put it away, do not find out about it. It is only volunteers. What my former President, my President, your President, Reagan pushed so hard for was voluntarism. Now we are saying no to voluntarism.

There might be something under that rock that we do not want to know about, or something in that water, ''Oh, oh, we do not want to know about it''; or something in the sky, what is it? No, it is not Superman. It might be a bird. We do not know, we do not want to know. Weird, weird. Oh, boy, scaredy folks. Be scared, the bogeyman might get you. The bogeyman might get you

right-wingers, watch out. These volunteers are bad, bad people. Watch out, folks. Be careful. Be careful. Step lightly.

The amendment of the gentleman from Maryland [Mr. GILCHREST] may pass and we may have somebody out there that finds something out that we really do not like. However, I think we can live with it. I think the country will survive. I do believe that we should, and I agree with Reagan, we should use volunteers. I do not see anything wrong with it.

I hope that this House has the sense enough to let volunteers do the work that Government agencies and Government money will not be spent for. I support the amendment offered by the gentleman from Maryland [Mr. GILCHREST] wholeheartedly.

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

Mr. Chairman, I started out here to allow money in Fish and Wildlife to use the volunteers to count the birds, migratory birds, breeding birds. Of course, this was something the gentleman from Wisconsin [Mr. OBEY] is interested in, and all of us are interested in. I have been involved in that, too. We use Boy Scouts, we use 4–H Club members, we use all kinds of people. I do not want to lose sight of the original objective of what I was trying to achieve here.

Mr. Chairman, I will say, in fairness to the westerners, and I have recently spent 2 days in California in the mountains, and there is absolutely no indication, no boundary markers, nothing. If you look at a map, it is a section of private land, a section of public land, a section of private land, and it is a checkerboard, because, of course, that is the way it was laid out when the land was originally given to the railroads, so people who would be out there trying to do any kind of a count, whether it is a fauna or flowers or birds or whatever, would not really know whether they were on public lands or private lands. That was the concern that is expressed.

One last thing, Mr. Chairman. It illustrates the problem, and I hope the gentleman, Mr. GILCHREST, and the gentleman, Mr. MILLER, both of whom are members of the authorizing committee, will resolve this problem in their committee and bring us a piece of legislation. When that happens, all of this drops out. This illustrates the importance of the authorizers dealing with this. This is temporary legislation to deal with an immediate concern.

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

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

Mr. OBEY. Mr. Chairman, I very much appreciate the fact that the gentleman with his amendment tried to respond to concerns that I raised in the minority views in the report. It is a constructive effort. However, I would also say that I think that we obviously would prefer to make it even more constructive by adding the amendment offered by the gentleman from Maryland [Mr. GILCHREST] to that amendment.

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

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has 1 minute remaining.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST] as a substitute for the amendment offered by the gentleman from Ohio [Mr. REGULA].

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

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I deemed a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the Regula amendment without intervening business on debate.

The vote was taken by electronic device, and there were—ayes 256, noes 168, not voting 10, as follows:

[Roll No. 500]

AYES—256

Abercrombie	Dingell	Jackson-Lee
Ackerman	Dixon	Jacobs
Andrews	Doggett	Jefferson
Bachus	Doyle	Johnson (CT)
Baesler	Durbin	Johnson (SD)
Baldacci	Ehlers	Johnson, E. B.
Barcia	Ehrlich	Johnston
Barrett (WI)	Engel	Kanjorski
Bass	English	Kaptur
Bateman	Eshoo	Kelly
Becerra	Evans	Kennedy (MA)
Beilenson	Ewing	Kennedy (RI)
Bentsen	Farr	Kennelly
Bereuter	Fattah	Kildee
Berman	Fawell	Kleczka
Bevill	Fazio	Klink
Bilbray	Fields (LA)	Klug
Bilirakis	Filner	Kolbe
Bishop	Flake	LaFalce
Blute	Flanagan	LaHood
Boehlert	Foglietta	Lantos
Bonior	Forbes	LaTourette
Borski	Fox	Lazio
Boucher	Frank (MA)	Leach
Browder	Franks (CT)	Levin
Brown (CA)	Franks (NJ)	Lewis (GA)
Brown (FL)	Frost	Lincoln
Brown (OH)	Furse	Lipinski
Bryant (TX)	Gejdenson	LoBiondo
Bunn	Gephardt	Lofgren
Cardin	Geren	Longley
Castle	Gibbons	Lowey
Chapman	Gilchrest	Luther
Clay	Gillmor	Maloney
Clayton	Gilman	Manton
Clement	Gonzalez	Markey
Clinger	Goodlatte	Martinez
Clyburn	Gordon	Martini
Coble	Goss	Mascara
Coleman	Greenwood	Matsui
Collins (IL)	Gutierrez	McCarthy
Condit	Hall (OH)	McCollum
Conyers	Hamilton	McDermott
Costello	Harman	McHale
Coyne	Hastings (FL)	McKinney
Cramer	Hefley	McNulty
Cunningham	Hilliard	Meehan
Davis	Hinchey	Meek
de la Garza	Hobson	Menendez
Deal	Hoekstra	Meyers
DeFazio	Holden	Mfume
DeLauro	Horn	Miller (CA)
Dellums	Houghton	Miller (FL)
Deutsch	Hoyer	Mineta
Dicks	Inglis	Minge
Mink	Rivers	Thompson
Molinari	Roemer	Thornton
Mollohan	Ros-Lehtinen	Thurman
Montgomery	Rose	Torkildsen
Moran	Roukema	Torres
Morella	Roybal-Allard	Torricelli
Nadler	Rush	Tucker
Neal	Sabo	Upton
Oberstar	Sanders	Velazquez
Obey	Sanford	Vento
Olver	Sawyer	Visclosky
Orton	Saxton	Volkmer
Owens	Scarborough	Walsh
Pallone	Schroeder	Ward
Pastor	Schumer	Waters
Payne (NJ)	Scott	Watt (NC)
Payne (VA)	Serrano	Waxman
Pelosi	Shaw	Weldon (PA)
Peterson (FL)	Shays	Weller
Peterson (MN)	Sisisky	White
Pomeroy	Skaggs	Whitfield
Porter	Skelton	Williams
Portman	Slaughter	Wilson
Poshard	Smith (NJ)	Wise
Pryce	Spratt	Woolsey
Quinn	Stark	Wyden
Rahall	Stokes	Wynn
Ramstad	Studds	Yates
Rangel	Stupak	Zimmer
Reed	Tanner	
Richardson	Taylor (MS)	

NOES—168

Allard	Funderburk	Norwood
Archer	Gallegly	Nussle
Armey	Ganske	Ortiz
Baker (CA)	Gekas	Oxley
Baker (LA)	Goodling	Packard
Ballenger	Graham	Parker
Barr	Gunderson	Paxon
Barrett (NE)	Gutknecht	Petri
Bartlett	Hall (TX)	Pickett
Barton	Hancock	Pombo
Bliley	Hansen	Quillen
Boehner	Hastert	Radanovich
Bonilla	Hastings (WA)	Regula
Brewster	Hayes	Riggs
Brownback	Hayworth	Roberts
Bryant (TN)	Heineman	Rogers
Bunning	Herger	Rohrabacher
Burr	Hilleary	Roth
Burton	Hoke	Royce
Buyer	Hostettler	Salmon
Callahan	Hunter	Schaefer
Calvert	Hutchinson	Schiff
Camp	Hyde	Seastrand
Canady	Istook	Sensenbrenner
Chabot	Johnson, Sam	Shadegg
Chambliss	Jones	Shuster
Chenoweth	Kasich	Skeen
Christensen	Kim	Smith (MI)
Chrysler	King	Smith (TX)
Coburn	Kingston	Smith (WA)
Collins (GA)	Knollenberg	Solomon
Combest	Largent	Souder
Cooley	Latham	Spence
Cox	Laughlin	Stearns
Crane	Lewis (CA)	Stenholm
Crapo	Lewis (KY)	Stockman
Cremeans	Lightfoot	Stump
Cubin	Linder	Talent
Danner	Livingston	Tate
DeLay	Lucas	Taylor (NC)
Diaz-Balart	Manzullo	Tejeda
Dickey	McCrery	Thomas
Dooley	McDade	Thornberry
Doolittle	McHugh	Tiahrt
Dornan	McInnis	Traficant
Dreier	McIntosh	Vucanovich
Duncan	McKeon	Waldholtz
Dunn	Metcalf	Walker
Edwards	Mica	Wamp
Emerson	Moorhead	Watts (OK)
Ensign	Murtha	Weldon (FL)
Everett	Myers	Wicker
Foley	Myrick	Wolf
Fowler	Nethercutt	Young (AK)
Frelinghuysen	Neumann	Young (FL)
Frisa	Ney	Zeliff

NOT VOTING—10

Bono	Green	Tauzin
Collins (MI)	Hefner	Towns
Fields (TX)	Moakley	
Ford	Reynolds	

□ 1501

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Bono against.

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

Mr. MILLER of Florida and Mr. MINGE changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DAVIS). The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment marked No. 2.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 15, line 3, strike all beginning with '': *Provided further,*'' down to and including ''subparagraph (B)'' on page 15, line 16.

Mr. REGULA. Mr. Chairman, my colleagues, this is a bipartisan amendment. It strikes the language in the Fish and Wildlife Service administrative provisions which amends the Emergency Wetlands Act of 1986 to allow the Fish and Wildlife Service to retain the refuge entrance fee collections.

Under the current law, 70 percent of these fee collections are distributed through the Migratory Bird Conservation Act to be used for land acquisitions approved by the Migratory Bird Conservation Commission. And I might add that my amendment that was just approved, as amended by the gentleman from Maryland [Mr. GILCHREST], provides funds to do the bird count.

We looked at the language. In effect what this does is allow the refuge entrance fee collections to be used to buy additional wetlands which, of course, provide habitat for migratory birds. It is supported by a wide range of groups who are interested in the preservation of wildlife, as well as the various sportsmen groups.

I think it is a good amendment. We have worked it out with the authorizers and I know that we have had support on both sides.

The amendment strikes language in the Fish and Wildlife Service administrative provisions which amends the Emergency Wetlands Act of 1986 to allow the Fish and Wildlife Service to retain all of the refuge entrance fees. Under current law, 70 percent of these fee collections are distributed to the migratory bird conservation account to be used for land acquisitions approved by the Migratory Bird Conservation Commission. Currently the Commission receives approximately $21 million from duck stamp receipts, $18 million from import duties, and $1.7 million from refuge entrance fees, which are all available for land acquisition through a permanent appropriation.

The committee had proposed language to allow the Fish and Wildlife Service to retain the $1.7 million which goes to the migratory bird conservation account since the current amount which the Fish and Wildlife Service retains does not cover the costs involved to collect the fees, and serves as a disincentive to increase future collections. The committee also noted the 5-year moratorium on land acquisition that was included in the budget resolution, and reduced funding in the bill for land acquisition by 78 percent or $184 million. The $41 million permanent appropriation out of the migratory bird conservation account for land acquisition would have been reduced by 4 percent or $1.7 million. However, in deference to the authorizing committee which raised an objection to this language in the Rules Committee, the amendment is being offered to strike the language.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I applaud the leadership of the gentleman from Ohio [Mr. REGULA] and the leadership of the other side and the chairman of the authorizing committee [Mr. YOUNG of Alaska], for their work on behalf of resolving this issue which is extremely important to all of us in this country, especially the gentleman from Michigan [Mr. DINGELL] and I, who serve as representatives of this body on the Migratory Bird Commission.

This will allow us to continue to voluntarily set aside land to be used for our refuge system and for the migratory bird flyways of this country and throughout North America. In fact, if this amendment had not been ruled in order and accepted by the chairman, we could have seen 3,500 to 5,000 less acres set aside voluntarily in the next fiscal year.

I might add for my colleagues on both sides, this is a total voluntary program; no condemnation, no taking. This is done through voluntary purchases and setting aside of land to be used for the flyways of our migratory birds. Since the existence of this program, over 4 million acres of land have been set aside for this purpose.

It is supported by groups as diverse as the NRA to Ducks Unlimited to the Nature Conservancy. I applaud the leaders on both sides for this amendment, for accepting it, the gentleman from Illinois [Mr. YATES] and the gentleman from Alaska [Mr. YOUNG] and certainly the gentleman from Ohio [Mr. REGULA].

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

Mr. Chairman, I personally believe the original idea that the gentleman from Ohio [Mr. REGULA] had was much better than his amendment. It was a good idea. I think the Fish and Wildlife Service spends more money collecting fees than they now get in return.

But I am not going to oppose the amendment. I just want the Record to show that I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 23, line 19, strike ''$87,000,000'' and insert ''$70,220,000''.

Page 55, line 5, strike ''$384,504,000'' and insert ''$347,724,000''.

Page 55, line 22, strike ''$151,028,000'' and insert ''$124,247,000''.

Page 66, strike lines 11 through 15 and insert the following:

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, $81,341,000.

Mr. OBEY. Mr. Chairman, there are a lot of us on this side of the aisle who feel that many of the reductions that are being made in this bill to crucial environment programs, to crucial natural resources programs, are being made for the purpose of transferring these resources to the Ways and Means Committee to, in effect, finance a tax cut for lots of people making $200,000 a year or more. We do not happen to think that is the best use of money.

There is another program which is being savaged in this bill which is the Indian Education Act. This bill eliminates funding for Indian education. My amendment would simply restore funding for that program.

We would restore $80 million for the amendment and we would take it from sources that we think are much less damaged. For instance, we take it from the fossil fuels account, which is already very much over the authorized amount. It is $163 million over the amount provided in the authorized committee. So we think that $36 million reduction does no harm there and it takes it from other sources which we think do very much less harm.

Mr. Chairman, let me explain what it is we are doing. I had always thought that there was general recognition that the education of Indian children was significantly a Federal responsibility, because of the Federal trust status that many of our tribes have.

Now, the money in question, which I am trying to restore, will not go to tribes. The money that I am trying to restore will go to local school districts, will go to local public school districts. It will not go to tribal schools. And this money, if it is not provided, will, in fact, be lacking in those local school budgets and those local school districts will have to raise their own education budgets and their own property taxes to support education to the tune of about $80 million. I do not think they ought to have to do that.

Now, there would be arguments made that this program is duplicative. People will say, for instance, that after all, you have a lot of programs within the BIA to educate Indian children. But the fact is that BIA programs only educate 8 percent of Indian children. This program deals with the rest.

So you cannot fix this problem by relying on the BIA, because the BIA does not provide funding for this purpose.

□ 1515

People will say that impact aid will take up the slack, but, in fact, again, I would point out that impact aid payments flow only to about 700 school districts located on or near Federal reservations. The program does not serve members of State-recognized tribes or off-reservation Indians, and that would leave a substantial gap.

Now, we will also be told, well, title I funds can take care of this problem. The fact is, however, that title I stresses basic academic instruction, while Indian education programs focus heavily on students' culturally related academic needs, and there is a big, big difference.

So I want to make quite clear, and I do not think this is an especially complicated proposition, this is not a proposal which is going to make life easier for Indian tribes. This is not adding money into tribal budgets. This is simply protecting local school districts who have a right to expect that the Federal Government will live up to their responsibilities in educating Indian children.

Now, I must say I think that there is a broader issue involved here than just Indian education. I think that the Federal Government for a long time has been becoming Mr. Bugout When it comes to meeting its responsibilities for educating lots of people.

If this amendment does not pass, not only are we asking local school districts to pick up an obligation which belongs on Federal shoulders, but we are also in many other ways abandoning local school districts. Example: Immigrants who come into this country or refugees who come into this country.

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

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

Mr. OBEY. Mr. Chairman, now, I have no objection to an open and fair immigration policy, but I do have an objection when those refugees come into this country, are then dropped on the local doorstep and the Federal Government forgets its obligation to then help train and educate those children. Those local school districts should not have to carry that burden alone.

All this amendment does with respect to Indian children is to recognize that the Federal Government should not be transferring large financial burdens back to local school districts to carry out what essentially is a Federal responsibility.

And I would urge support for the amendment.

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

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

Mr. VENTO. I want to commend the gentleman in the well for his work, for his statement and for his support. I think he points out here many of the poorest of the poor, and, you know, frankly, investing in people, and I think that obviously the native American plight in terms of education, in terms of development and skills and so forth has been something which I think is a growing awareness of the shortfall and the uneven nature of what has occurred.

What the gentleman seeks to do is simply to restore the funding, basically a million dollars below this level of funding, simply to restore that by taking the money out of energy programs.

Mr. Chairman, I think we can afford to go without that. I do not think we can afford to go without the investment in these kids that need this help in these areas. I might point out, many have pointed out the profits in terms of gaming and other factors, but in reservation after reservation and area after area, there are many that receive no benefits from that. These programs are absolutely essential for the type of qualitative education programs desperately needed in these areas where we have the greatest degree of poverty in this Nation, in the Indian communities of this Nation, Mr. Chairman.

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

Mr. Chairman and members of the committee, I understand the objective of the sponsor of this amendment. As a matter of fact, we will have an amendment shortly from the gentleman from Oklahoma [Mr. COBURN] to accomplish the education part of it. But in the amendment offered by the gentleman from Oklahoma [Mr. COBURN], we will take the money out of the administrative functions in the Forest Service, the administrators, and I think that to get the necessary funds that the amendment by the gentleman from Oklahoma [Mr. COBURN] takes it from an area that is less important to the people of this Nation than are the things that are being deleted by the Obey amendment.

I would point out that under the amendment by the gentleman from Wisconsin [Mr. OBEY], he would cut coal research, which we have already reduced 14 percent. He would cut oil technology, which is already reduced by 17 percent. He would cut natural gas research, which is reduced by 1 percent. And I might point out the budget that this body adopted proposed very large increases on natural gas research. He goes into fuel cell research.

The problem we have here is that what we have tried to do in the energy portions of this bill is maintain basic research because we are a very energy-driven Nation. Jobs are a way of life because of transportation, because of distances in this country, because automobiles are very much a part of our culture. It puts great demands on our energy resources. We use a lot of electricity, which puts demand on coal, and we have to do a lot of research to ensure that we can get clean-burning coal and use this vast store of coal that we have for the decades to come.

I am really concerned about taking any additional money out of fossil energy research programs, since we have already cut them nearly $40 million in order to meet our budget targets, and I think as we try to have energy security, as we try to maintain a degree of energy independence, as we just fought a war, lost American lives and at great expense, to protect our sources of fuel in the Middle East, that we need to keep these programs going that develop research potential for oil, natural gas, fuel cells, coal research.

If any of you have seen the *Apollo 13* movie or the story of *Apollo 13*, they were using fuel cells, and they lost a fuel cell, which almost resulted in a disaster. Fuel cell research is very important to the future, not only in space but on Earth.

So, while I sympathize with the gentleman's desire to put money back in Indian education, I think the proposal of the gentleman from Oklahoma [Mr. COBURN] to take the money from the Forest Service administrative function would be a better way to do it. For that reason, I would have to oppose this amendment and will support Mr. COBURN's amendment.

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

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

Mr. OBEY. I thank the gentleman for yielding.

I would simply point out that I happen to support these fossil energy programs, but I would simply take note of the fact that the number in this bill is some $163 million over the authorization number, and I am sure that many of the good conservatives on that side of the aisle do not want to see us violate authorization ceilings. So I think we are being very responsible in taking only $36 million out.

Mr. REGULA. Reclaiming my time, as I said at the outset of the debate, we have some very important policy decisions. We both agree, both sides, we need to put the money back in Indian education. The position of our side is that the money ought to come out of the Forest Service administrative account and not out of energy research. And obviously the gentleman from Wisconsin would prefer it out of energy research and the areas I mentioned.

I think if we vote, the vote will be essentially, if you vote down the Obey amendment and then you will vote for the Coburn amendment, you would indicate with that vote that you prefer to get the money for the Indian education program from administrative

services in the Forest Service, administrators, rather than take it out of energy research.

So, for my colleagues that are listening to this debate, I just wanted to try to get the choices out here clearly.

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

Do I understand the gentleman from Ohio to be in favor of restoring the money for Indian education, and the only question is where the money is to come from for the offset?

Mr. REGULA. If the gentleman will yield, that is correct.

Mr. YATES. You do favor the restoration of the money for Indian education?

Mr. REGULA. I think that we have been persuaded by circumstances, if the gentleman will yield, that we need to put some additional funding in Indian education.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I happen to think the gentleman from Ohio and yourself have made an agreement here that we want to restore the moneys for Indian education. Is that correct?

Mr. REGULA. That is correct.

Mr. YOUNG of Alaska. There are other ways to restore this money other than taking it from the fossil fuel research. I will have amendments later on down the line that would save in the realm of $108 million that is unnecessary to spend at this time for the purchase of new vehicles and aircraft for agencies that have no reason to purchase them other than to have their own private fleet.

What I am suggesting is that there is plenty of room in this bill to transfer moneys into. I think the gentleman from Michigan will agree, and yourself and the gentleman from Ohio, this is a much higher priority than to purchase hardware for those that want their own little playground to play on with their own little play toys. So I am glad you have reached this agreement.

But I do not support the gentleman from Wisconsin taking it out of the fossil fuel research. I think in the meantime, before we get to title II, we can work out an amendment that can get the moneys to the American Indian education fund.

Mr. YATES. Does the gentleman propose to offer a substitute to the amendment offered by the gentleman from Wisconsin?

Mr. YOUNG of Alaska. Not at this time. I am going to be addressing it probably in title II concerning aircraft, concerning vehicles, and we can direct it at that time, I believe, maybe I am wrong, to the area which the gentleman from Michigan and yourself are seeking.

Mr. YATES. I just want to say, Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

I do not know about all of the offsets that have been discussed here in place of those suggested by the gentleman from Wisconsin [Mr. OBEY], but I do know that the Indian children need the funds that have been taken away from the Office of Indian Education. It would have been easier, of course, if the bill had not taken $81 million away from the education of Indian children in the first place. This should be corrected.

I want to commend the gentleman from Wisconsin for correcting it. We have done enough to the Indian people in the course of the history of this country. We have a national trusteeship to make sure that this kind of treatment of the Indian people is not continued, and certainly when it is proposed to cut funds for education of the Indian children, we are abusing our responsibility.

Mr. REGULA. if the gentleman will yield, I want to say, the gentleman from Illinois, as chairman of this committee for many, many years was always very sensitive to Indian education and health.

Mr. YATES. That is correct.

Mr. REGULA. We have tried to maintain that tradition, given the constraints that we faced, and Indian education is one of the few programs that did not receive much in the way of reductions even though we had an overall 10 percent, and we agree with what you are saying, and that is why it is not a question here of the money. It is where we get it.

The gentleman from Wisconsin would take it out of the energy program research. The gentleman from Oklahoma [Mr. COBURN] would take it out of administrative programs and forestry. And it seems to me, at least, that it would be from the standpoint of national policy, I prefer to keep the energy research and reduce the forest administrative.

But I think we are in agreement on the objective.

Mr. YATES. I thank the gentleman.

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

Mr. Chairman, I rise in support of the Obey amendment. I suggest from time to time that we go down to the National Archives, just down the street, and read the treaties that we have signed with Germany and England, China, France, and the Indian tribes of this Nation. Those treaties are available for reading, and in almost every instance, when one reads the treaties with the Indian nations, we find the taking away of, very often, millions of acres of land, and almost in every instance the promise of one thing: Education.

□ 1530

And that is a treaty obligation and, I believe, a moral obligation, and that is why in the 19 years I have been here in Congress I have tried to move toward fulfillment on our part of the treaty obligations.

In the State of Michigan they took away everything in Michigan and promised education, and I have served on the former Education and Labor Committee for years, and I focused on Indian education. We have done a little better, but we have not done fully. We do have a moral and, I believe, a treaty obligation to the Indians in the area of education.

Now I have a question, if I may address it to the gentleman. In the Obey amendment we restore about $81 million for Indian education. How much money is restored in the Coburn amendment?

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

Mr. KILDEE. I yield to the gentleman from Oklahoma.

Mr. COBURN. In our amendment we restored the $52.5 million that goes for actual education, we eliminate the bureaucracy associated with the Indian education department, but maintain the funds to the school districts where the actual Indian education takes place, and, if I may continue in answer to that, in supporting my amendment in lieu of the amendment that we are now considering of Mr. OBEY's what my colleague will find is that we will be taking that from a source that is more readily available to us with less disconcerting changes for everyone, and so we were more likely to restore the funds for Indian education.

Mr. KILDEE. Well, first of all there is not $30 million of bureaucracy. There is at least $10 million for adult education here, which the gentleman does not restore, and adult education is a very, very significant part of the Indian education money and bureaucracy.

What is a bureaucracy my colleagues? My two sons are lieutenants in the Army. They are part of the administration of the Army. I guess we could call that bureaucracy and reduce the bureaucracy of the Pentagon. When it comes to Indians, we call it bureaucracy. When it is the military, it is part of the important administration which my two sons serve in. So it is very easy to give a bad name, and call it bureaucracy, but of the $30 million, over $10 million, almost $11 million, is for adult education. It is extremely important.

So I think the main issue here is not so much where we take the money for restoration, but how much money is restored. I say to my colleagues, ''You still are $30 million short in your restoration, and a good chunk of that $30 million is for adult education.''

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

Mr. KILDEE. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, my review of the Office of Indian Education would indicate that at all of its levels, at the very maximum eliminating totally its bureaucracy might save, just might save, $3 million. So the gentleman is correct to question the 30, and I say to the gentleman:

''Bureaucracy, by the way, is the administration of the program, so you

get rid entirely of the bureaucracy, and there is nobody there to run the programs, although I do want to make this point: The office that is proposed by the committee to be closed here, and I know they are coming around on this, this is the office where the money follows the study. The BIA education money, as the gentleman from Michigan so well knows, that money follows the Indian schools. This money follows the Indian students. So for those Indian students who go to school in a town just off the reservation, you eliminate this money, you eliminate that school district's opportunity to help, specially help, those Indian children.''

Mr. KILDEE. We have some public schools, I might add, that have about 38 percent Indian students, and they depend a great deal upon these dollars. They do not have excess funds. They are not all on reservations. So we are really not only taking away from the Indian students, but taking dollars away from those schools that are educating Indian students.

So I think the point here is the restoration is not total in the Coburn amendment. It is more fulsome in the Obey amendment.

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

Mr. Chairman, I would just like to make the point in closing on the discussion on this amendment that first of all the real issue is Indian children and their education. That is what we are talking about. That is what we are talking about restoring.

There is, in fact, $10 million spent on administration associated with this program. There are no ands, ifs, or buts about that, so therefore the choice is not $52 million or $80 million. The choice is $52 million or no money, and what I want, and I come from the third most populous native American district in this Congress, I want the people in my district to receive the funds for the children who are going to need this money.

Mr. Chairman, I very well understand how important this money is, but I also understand what our priorities are, and this debate is about priorities, and it is about lessening the cost of government and still delivering the product of government, and I would urge that we would defeat the Obey amendment so that we can consider my amendment.

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

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

Mr. RICHARDSON. Mr. Chairman, I ask for support for the Obey-Richardson-Clayton amendment, and let me say that what is right now on the floor is the Obey amendment. I have heard this Coburn amendment. Nothing has been offered, and I am not sure it is in order. Let me just say what we are doing with the decimation of the Office of Indian Education:

We are affecting 32 States. Any Member here that has a native American in their district is affected.

Now I am the former chairman of the Native American Subcommittee. The gentleman from American Samoa [Mr. FALEOMAVAEGA] is now the ranking member. He dealt with this issue for years. If the initiative of the Interior appropriations passes, 92 percent of Indian children in this country will not be served because they live off reservations.

One of the myths that we have about the Indian people in this country is that they all live on reservations. They do not. They live in cities. They live in our rural areas. They live in all of our districts.

So what we are doing, what the initiative of the appropriations was doing, was zeroing out the Office of Indian Education that serves 92 percent of Indian children, and what the gentleman from Wisconsin [Mr. OBEY] is trying to do, and the gentlewoman from North Carolina [Mrs. CLAYTON], and myself, and many others; and I think the gentleman from Oklahoma [Mr. COBURN] has some very good intentions; those of us that have Indian districts, is restore the funds for this vital program.

Now what is this money used for? It is used for formula grants. Seventy percent of funding is grants to local schools with Indian populations, special programs for Indian children, dropout prevention, programs for the gifted and talented students, programs for Indian adults. Less than 5 percent of these funds go toward administration.

Now let me just give my colleagues some statistics about Indian children in this country: 12.5 percent below the national average. Thirty-seven percent of Indian children live below poverty level. Only 50 percent of schools with a majority of Indian students have college prep programs compared to 76 percent of other public schools. Only 9 percent of native Americans have bachelor's degrees compared with 20 percent of other adults, and we are taking the money from the Naval Petroleum Reserve, the fossil energy R&D. It has a big budget, it got an increase, and that is important, but we are taking out $20 million or so from it. The Bureau of Mines is being phased out this year, but after this offset the Bureau is still going to have $70 million to shut down, so what we are doing is educating Indian children.

If this amendment passes, we are creating a travesty of the special relationship the Federal Government and we all have with the Indian people that have no lobbyists around here. They do not have anybody down the halls with their Gucci loafers saying, ''Restore Indian education.'' But these are the forgotten Americans. These are the first Americans, and all of a sudden in the name of budget cutting, because we want to increase fossil fuels, they are paying 92 percent of Indian children, and we cannot have these special programs for us. Yes, we have increased money on BIA schools, BIA schools that are not run terribly efficiently on the reservation. That is 8 percent.

So what we need to do is focus clearly on what the Obey amendment does. It restores the funds for these programs, and it takes it out of programs that have been working but clearly have been very generously funded in this subcommittee.

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

Mr. RICHARDSON. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I certainly agree with what the gentleman has said. I support Mr. OBEY'S amendment to restore funding for the Office of Indian Education. Elimination of the funding will mean over a $2 million loss to the State of North Carolina and over $1 million in my own congressional district. There are many members of the Lumbee Indian tribe in my district, the largest tribe east of the Mississippi, and the ninth largest in the United States. They have benefited greatly by the Indian education program. They have become doctors and lawyers. They have become productive, law-abiding citizens, teachers, many professionals, and I am proud of the contribution that the Indian Education Act has made to their lives.

I think our human resources are clearly just as important as our natural resources, and to cut this out to accomplish fiscal austerity on the backs of Indian children is in my opinion mean spirited and shortsighted. Please vote for the amendment proposed by the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(On request of Mr. ROSE and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 3 additional minutes.)

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

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I appreciated listening to the gentleman's facts with regard to the plight of Indians, which is very real, and his facts are accurate. I do want to point out to my colleagues, however, that Indians have made extraordinary gains over the past approximately 15 years in educational achievement in the number of native Americans going to college and in college graduation rates, and in fact probably greater achievements than any other ethnic group in the United States. In my own State of Montana we have now reached the, some think, extraordinary situation where a higher percentage of native Americans now attend college than do the majority of Montanans, and so native Americans have turned the corner with regard to educational achievements, and we ought not abandon the Federal efforts that brought that about.

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

Mr. RICHARDSON. I yield to the gentleman from Arizona.

Mr. PASTOR. I represent the urban areas of Arizona, Phoenix, Tucson, and these areas are surrounded by Indian reservations, and because the economic opportunities on many of these reservations are very poor, lack of jobs, lack of opportunities, many of my native American constituents move into the urban areas. I have to tell my colleagues that they are people who do not have the highest education, do not have the talents to get the best-paying jobs, and so they tend to live in areas, in school districts, that do not have the highest resources, and that translates into that many of these young native Americans who are in our elementary schools or secondary schools have special needs, have special problems which the public school needs to address, and these moneys which service native Americans who are living in urban areas are much needed.

If there is one thing we need to do as adults, that is to ensure that our children are well educated, and these native Americans need these programs, need these resources, and I would think that all of us would want to ensure that the native Americans of this country would have the opportunities to better themselves.

So I would ask all of my colleagues to support the Obey amendment because it brings hope, it brings opportunities, to native Americans who want to better themselves, and they live in the urban areas.

☐ 1545

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from South Dakota.

(Mr. JOHNSON of South Dakota asked and was given permission to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of the Obey amendment.

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(By unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, in an entire State, the State of South Dakota, nine Indian reservations, it has become apparent to me the one successful strategy to combat poverty and break away from dependence of the Federal Government, in fact has been quality education. Eliminating the Office of Indian Education would have a profound negative impact in my State of South Dakota. We would lose over $2.6 million in formula and discretionary funds, 49 South Dakota school districts would be negatively impacted, and 17,800 native American children would lose educational opportunities. This is the one area where we should not be retreating.

Mr. Chairman, I again express my strong support for the amendment.

Mr. Chairman, I rise in support of the amendment before us proposed by the Representative from Wisconsin to restore funding for the Department of Education's Office of Indian Education, which has been targeted for elimination. Since 1972, the invaluable programs administered through the Office of Indian Education have helped over 1,200 school districts nationwide address the unique academic needs of millions of American Indian and Alaska Native children and adults. Mr. Chairman, 56 percent of the American Indian population in this country is age 24 or younger. Consequently, the need for improved educational programs and facilities, and for training the American Indian work force is pressing. I wish to use the remainder of my time to urge our continued bipartisan commitment to the Education Department's Office of Indian Education, and the hundreds of thousands of disadvantaged young people served annually by this Office.

American Indians have been, and continue to be, disproportionately affected by both poverty and low educational achievement. In 1990, over 36 percent of American Indian children ages 5–17 were living below the poverty level. The high school completion rate for Indian people aged 20 to 24 was 12.5 percent below the national average. American Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students. In 1994, the combined average score for Indian students on the scholastic achievement test was 65 points lower than the average for all students. These statistics reflect the continued neglect of America's under-served Indian population and are unacceptable.

By eliminating the Office of Indian Education, there is little hope of breaking the cycle of low educational achievement, and the unemployment and poverty that result from neglected academic potential. This Office, unlike any other, provides educational services that directly address the unique learning needs and styles of Indian students, with sensitivity to Native cultures, ultimately promoting higher academic achievement. Eliminating the Office would have a particularly profound impact on Indian education in my State of South Dakota. More than $2.6 million in formula and discretionary funds assisted American Indian children and adults in South Dakota in fiscal year 1994. Grants were made directly to 49 South Dakota school districts. The education of almost 17,000 of our American Indian children in South Dakota would be significantly affected if the programs administered by the Office were eliminated. In addition, if funding were no longer available, every South Dakota school currently receiving a grant would have to release at least one staff person, resulting in almost 200 teachers and aides no longer working in Indian education in the State. This past year, almost $300,000 went to tribal schools to support innovative approaches to Indian education and more than $350,000 supported student fellows in teacher training programs in colleges throughout our State. The loss of these discretionary programs will not only adversely affect potential recipients of teacher training and professional development, but will virtually cut off those tribal communities which benefit from students returning to education professions on reservations.

In terms of local empowerment, Native Americans remain at a distinct disadvantage. While the growth rate of native populations is accelerating rapidly, the nearly 2 million American Indians living in the United States in 1990 represented an increase of 39 percent over the 1980 total, American Indians and Alaska Natives still comprise less than 1 percent of the total U.S. population. With more than 500 American Indian tribes and Alaska Native villages, the population is also highly diverse in terms of culture and need. Small in numbers, isolated and diverse, this is a population that clearly needs and deserves our special attention.

There are strong historical and moral reasons for continued support of this program. In keeping with our special trust responsibility to sovereign Indian nations, we need to promote the self-determination and self-sufficiency of Indian communities. Education is absolutely vital to this effort. The elimination of the Office of Indian Education would violate the Government's commitment and responsibility to Indian nations and only slow the progress of self-sufficiency.

This question of eliminating the Indian education programs is not just about dollars and programs for a population in need. It is also about helping communities and cultures to survive.

Mr. RICHARDSON. Mr. Chairman, in conclusion, let us invest in people and children. R&D for fossil energy can be done by the private sector, but let us not stop this investment in kids, in programs, and education. I urge support for the Obey-Richardson-Clayton amendment.

Mr. Chairman, I also want to respond to charges that our amendment restores unnecessary bureaucracy. Only $3.8 million of last years $83 million appropriated for title IX funding was spent on the Office of Indian Education and the National Advisory Council on Indian Education.

What Mr. COBURN's amendment, should it be offered, does not do is provide funding for special programs for Indian children and programs for Indian adult education. This is wrong.

The CHAIRMAN. The Committee will rise informally in order to receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

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.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1548

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Committee resumed its sitting.

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

Mr. Chairman, as I look around this Chamber and as I think about the promises in January, the notion was to come here and to end business as usual, and that is in fact the intent of many of us in this Congress. Ofttimes it involves reaching across the aisle, listening to different arguments, and basing our support or our opposition not on previous partisan labels, but taking a look and carefully examining the problems one by one. That is why I am pleased to stand in strong support of this amendment.

Mr. Chairman, I represent a large portion of the Navajo Nation, that sovereign nation within the Sixth District of Arizona and reaching beyond the borders of Arizona to several other States. I am mindful of the fact that in our treaty obligations to the Navajo Nation, we have a variety of promises that were made well over a century ago.

Now, I stand here in support of this amendment not to criticize my friends on this side of the aisle, who believe we can look for other sources of funding, but, instead, to underline the importance of upholding these treaty obligations and looking to educate the children of the native American tribes, for it is a sacred obligation we have, and it is a proper role of the Federal Government to move in that regard.

So, for that reason, again, I stand in strong support of the amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentlemen from New Mexico and Wisconsin and myself. I want to make the distinction that while we are asking our colleagues to reexamine and recommit to restoring the $81 million for the Indian education program, I want us to understand that this is not duplicative of the program that is already there. This really has a distinct value in and above that, and it is supplementary and not duplicative. It means these are programs going to public schools to enable 92 percent of all Indians who live in this country to get additional supplemental education. It is an opportunity to make sure that those young people, who are falling through the cracks academically, have an opportunity to be competitive and do well.

Further, Mr. Chairman, I would think our colleagues would find it unacceptable that $81 million would get in the way of doing what we should be doing for the very first inhabitants of this country. Further, I think we would want to support education as being consistent with self-sufficiency. I see all of these reasons and others as to why we should want to restore this to its full amount, and not reduce it to a lesser amount than it is presently. Really, it should be increased. In the spirit of keeping the budget constraints, we are saying restore it to the $81 million.

So it really is a thoughtful amendment that recognizes under the constraints that all programs have to adjust. I would ask that my colleagues across both sides of the aisle understand, this is an opportunity really that we can say to the native Americans, that we do care about them, and that education is important.

Ms. FURSE. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in very strong support of this amendment. I think unfortunately we know very little about the whole issue of treaty keeping, and I want to congratulate my Republican colleague from Arizona, who understands that we have a sacred trust responsibility to keep treaties. These education funds are just a tiny little downpayment, shall we say, on the land that we enjoy, which we have in our trust because the Indian tribes signed treaties many years ago.

My colleague from North Carolina mentioned that 92 percent of Indian children are affected by this funding, and that is absolutely true. We are told it is duplicative, but in fact the Bureau of Indian Affairs schools do not meet more than 8 percent of the Indian children's educational needs.

We can indeed, and my colleague has spoken of that, change the poverty that has so impacted native Americans by making sure that we live up to our responsibility, our treaty responsibility, a treaty which we swore to uphold when we became Members of this body. We cannot abandon these native American children; we cannot abandon this opportunity.

Mr. Chairman, I support this amendment, and I congratulate the gentlewoman and her colleagues for having brought this amendment forward.

Mr. FATTAH. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, let me associate myself with the remarks of my colleagues on both sides of the aisle in favor of this very important amendment. I think that this legislation, absent the Obey amendment, would be morally bankrupt and fatally deficient for this Congress to pass. We have an absolute commitment, and we should always remind ourselves that no matter how expensive we may perceive education to be, ignorance costs more.

I come from the city of Philadelphia in Pennsylvania, and I just know that my constituents support fully this country's continuing commitment to Indian education. I hope that we would favorably approve the Obey amendment.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to commend the gentlewoman for offering this amendment to keep our commitment and our trust obligations, and to thank her and her colleagues, Mr. OBEY and Mr. RICHARDSON, for this amendment. I rise in support of it and hope the House will pass this amendment.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, this is an opportunity. Education is important. More important, it is an opportunity to say the American Indian children are important and they should be included in our commitment to all Americans.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close in 10 minutes, and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] will manage 5 minutes, and the gentleman from Ohio [Mr. REGULA] will manage 5 minutes.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, as the ranking member of the Subcommittee on Native Americans and Insular Affairs of the Committee on Resources, I want to express my strong support of the amendment offered by the gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Committee on Appropriations. The amendment simply restores the badly needed funds for education of American Indians and Alaskan Native children in public schools.

Mr. Chairman, I submit this is a downright tragedy that the Congress of the United States would take away money from our American Indian children's future to fund other programs like timber sales management.

Mr. Chairman, I also want to make it clear that funding for title IX is not duplicative of BIA directed funding. Title IX funding is for children in public schools, while BIA funding is for Indian children in BIA or tribally operated schools.

Mr. Chairman, as so eloquently stated in a letter by my good friend from Alaska and chairman of the House Committee on Resources, why do we continue to pick on those who simply cannot defend themselves, the children?

Mr. Chairman, I urge my colleagues to support the Obey amendment and restore the funds needed for the education of American native and Alaskan Native children.

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

Mr. Chairman, let us make it clear what is going to happen here. We will have a vote on the Obey amendment. I urge my colleagues to vote no on the Obey amendment because it takes the money out of fossil energy research. We have already cut that 10 percent. It impacts heavily on States like Ohio, California, Indiana, Illinois, New York, places where we are doing research. It takes money out of the Bureau of Mines. We have already cut them back. We just leave them enough to close out. If we take any more money, they cannot even do that. It takes money out of the Naval Petroleum Reserves. We have already cut that 20 percent. This is a function that generates $460 million a year in revenues.

I think that we need to foster energy security. We are not arguing about giving the money for the native American education programs. This gives about $153 per child to schools to have enrichment programs for Indian children. We agree on both sides that this needs to be done. The question is where to get the money.

We are going to have a Coburn amendment that is in title II, so it cannot be done immediately, but the Coburn amendment will do essentially the same thing, except it takes the money out of Forest Service administrative expenses. Because of the spend-out rate we only need to take $10 million from forest administration to provide the $52 million in the Coburn amendment to provide for the Indian education.

I think it is important that we provide the funds for Indian education, but I think it is also very important that we use the financing mechanism provided in the Coburn amendment.

Mr. Chairman, I would urge my colleagues to vote no on the Obey amendment, recognizing that you will get an opportunity shortly to vote yes on the Coburn amendment to take care of the Indian education, but the source of funding would be far less serious in its impact on the policies of the United States.

Again, ''no'' on Obey, and very shortly when we get into title II, we will be able to vote for the Indian education with the Coburn amendment.

Mr. Chairman, I urge my colleagues to vote ''no'' on the Obey amendment that is coming up for a vote immediately, knowing that you can vote ''yes'' on the Coburn amendment to accomplish the same objective.

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 noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 282, not voting 9, as follows:

[Roll No. 501]

AYES—143

Abercrombie	Gephardt	Owens
Andrews	Gibbons	Pallone
Baesler	Gonzalez	Pastor
Baldacci	Gutierrez	Payne (NJ)
Barcia	Harman	Pelosi
Barrett (WI)	Hastings (FL)	Peterson (MN)
Becerra	Hayworth	Pomeroy
Beilenson	Hinchey	Rangel
Bereuter	Hoyer	Reed
Berman	Jacobs	Richardson
Bishop	Jefferson	Rivers
Bonior	Johnson (SD)	Roemer
Brown (CA)	Johnson, E. B.	Rose
Brown (FL)	Johnston	Roth
Brown (OH)	Kaptur	Roybal-Allard
Bryant (TX)	Kennedy (MA)	Rush
Cardin	Kennedy (RI)	Sabo
Clay	Kennelly	Sanders
Clayton	Kildee	Sawyer
Clyburn	Kleczka	Schroeder
Coburn	Lantos	Schumer
Coleman	Levin	Scott
Collins (IL)	Lewis (GA)	Serrano
Conyers	Lofgren	Skaggs
de la Garza	Lowey	Slaughter
DeFazio	Luther	Spratt
DeLauro	Maloney	Stark
Dellums	Manton	Stokes
Deutsch	Markey	Studds
Dicks	Martinez	Stupak
Dingell	Matsui	Tejeda
Dixon	McDermott	Thompson
Durbin	McKinney	Thornton
Engel	McNulty	Thurman
Eshoo	Meehan	Torres
Evans	Meek	Towns
Farr	Menendez	Tucker
Fattah	Mfume	Velazquez
Fazio	Miller (CA)	Vento
Fields (LA)	Mineta	Waters
Filner	Minge	Watt (NC)
Flake	Mink	Waxman
Foglietta	Nadler	Williams
Ford	Neal	Woolsey
Frank (MA)	Oberstar	Wyden
Frost	Obey	Yates
Furse	Olver	Young (AK)
Gejdenson	Ortiz	

NOES—282

Allard	Coble	Funderburk
Archer	Collins (GA)	Gallegly
Armey	Combest	Ganske
Bachus	Condit	Gekas
Baker (CA)	Cooley	Geren
Baker (LA)	Costello	Gilchrest
Ballenger	Cox	Gillmor
Barr	Coyne	Gilman
Barrett (NE)	Cramer	Goodlatte
Bartlett	Crane	Goodling
Barton	Crapo	Gordon
Bass	Cremeans	Goss
Bateman	Cubin	Graham
Bentsen	Cunningham	Greenwood
Bevill	Danner	Gunderson
Bilbray	Davis	Gutknecht
Bilirakis	Deal	Hall (OH)
Bliley	DeLay	Hall (TX)
Blute	Diaz-Balart	Hamilton
Boehlert	Dickey	Hancock
Boehner	Doggett	Hansen
Bonilla	Dooley	Hastert
Borski	Doolittle	Hastings (WA)
Boucher	Dornan	Hayes
Brewster	Doyle	Hefley
Browder	Dreier	Heineman
Brownback	Duncan	Herger
Bryant (TN)	Dunn	Hilleary
Bunn	Edwards	Hilliard
Bunning	Ehlers	Hobson
Burr	Ehrlich	Hoekstra
Burton	Emerson	Hoke
Buyer	English	Holden
Callahan	Ensign	Horn
Calvert	Everett	Hostettler
Camp	Ewing	Houghton
Canady	Fawell	Hunter
Castle	Flanagan	Hutchinson
Chabot	Foley	Hyde
Chambliss	Forbes	Inglis
Chapman	Fowler	Istook
Chenoweth	Fox	Jackson-Lee
Christensen	Franks (CT)	Johnson (CT)
Chrysler	Franks (NJ)	Johnson, Sam
Clement	Frelinghuysen	Jones
Clinger	Frisa	Kanjorski
Kasich	Morella	Sisisky
Kelly	Murtha	Skeen
Kim	Myers	Skelton
King	Myrick	Smith (MI)
Kingston	Nethercutt	Smith (NJ)
Klink	Neumann	Smith (TX)
Klug	Ney	Smith (WA)
Knollenberg	Norwood	Solomon
Kolbe	Nussle	Souder
LaFalce	Orton	Spence
LaHood	Oxley	Stearns
Largent	Packard	Stenholm
Latham	Parker	Stockman
LaTourette	Paxon	Stump
Laughlin	Payne (VA)	Talent
Lazio	Peterson (FL)	Tanner
Leach	Petri	Tate
Lewis (CA)	Pickett	Taylor (MS)
Lewis (KY)	Pombo	Taylor (NC)
Lightfoot	Porter	Thomas
Lincoln	Portman	Thornberry
Linder	Poshard	Tiahrt
Lipinski	Pryce	Torkildsen
Livingston	Quillen	Torricelli
LoBiondo	Quinn	Traficant
Longley	Radanovich	Upton
Lucas	Rahall	Visclosky
Manzullo	Ramstad	Volkmer
Martini	Regula	Vucanovich
Mascara	Riggs	Waldholtz
McCarthy	Roberts	Walker
McCollum	Rogers	Walsh
McCrery	Rohrabacher	Wamp
McDade	Ros-Lehtinen	Ward
McHale	Roukema	Watts (OK)
McHugh	Royce	Weldon (FL)
McInnis	Salmon	Weldon (PA)
McIntosh	Sanford	Weller
McKeon	Saxton	White
Metcalf	Scarborough	Whitfield
Meyers	Schaefer	Wicker
Mica	Schiff	Wilson
Miller (FL)	Seastrand	Wise
Molinari	Sensenbrenner	Wolf
Mollohan	Shadegg	Wynn
Montgomery	Shaw	Young (FL)
Moorhead	Shays	Zeliff
Moran	Shuster	Zimmer

NOT VOTING—9

Ackerman	Fields (TX)	Moakley
Bono	Green	Reynolds
Collins (MI)	Hefner	Tauzin

☐ 1620

The Clerk announced the following pair: On this vote:

Mr. Moakley for, with Mr. Bono against.

Messrs. DAVIS, FRELINGHUYSEN, VOLKMER, and HILLIARD changed their vote from ''aye'' to ''no.''

Mr. YOUNG of Alaska and Mr. BERMAN 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. GALLEGLY

Mr. GALLEGLY. 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. GALLEGLY: Page 34, line 24, strike ''$69,232,000'' of which (1) $65,705,000 shall be'' and insert ''$52,405,000, to remain''.

Page 34, line 25, strike ''technical assistance'' and all that follows through ''controls, and'' on line 1 of page 35.

Page 35, strike lines 11 and 12 and insert: ''272): *Provided*''.

Page 35, line 25, strike ''funding:'' and all that follows through line 23 on page 36 and insert ''funding.''.

Mr. GALLEGLY. Mr. Chairman, I am offering this amendment as the chairman of the Subcommittee on Native American and Insular Affairs.

I am also offering this amendment with the support of the ranking member, the delegate from American Samoa, Mr. FALEOMAVAEGA.

My amendment, quite simply, would cut $16.8 million for funding of the obsolete Office of Territorial and International Affairs and its associated programs. The termination of this one Office will result in a 7-year savings of $120 million.

In the previous Congress, a number of my colleagues joined me in cosponsoring legislation to abolish the office which formerly administered islands with appointed Governors and High Commissioners. This should have taken effect last October when the United Nations terminated the U.S. administered trusteeship.

Earlier this year, Secretary Babbitt formally signaled that it was time to turn the lights out at the OTIA.

As a result of this the Native American and Insular Affairs Subcommittee conducted an extensive review and held hearings to reexamine existing policies affecting these island areas and also concluded that now was the time to terminate this Office. Subsequently, the subcommittee as well as the full Resources Committee passed H.R. 1332 with overwhelming bipartisan support. We expect to bring this legislation to the House floor very soon.

Finally, during our hearings, Gov. Roy L. Schneider of the Virgin Islands testified that ''abolishing the Office will save the Federal Government money and will not harm the territories.''

The bottom line here, my colleagues, is that we have an opportunity to end a program which was begun when Alaska and Hawaii were territories and save the taxpayer $17 million.

I want to express my appreciation to the chairman of the Interior Appropriations Subcommittee, my friend Mr. REGULA, for his willingness to work with me on this effort.

I urge my colleagues to support the amendment and to join in a substantive action to streamline the Federal Government, advance self-governance, and save taxpayer funds.

I urge passage of the amendment.

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

Mr. Chairman, the committee mark already poses a 22.5-percent reduction that is already in the bill for territorial programs. In addition, we have eliminated the Assistant Secretary for Territorial and International Affairs. The bill takes the first steps. These are additional steps being proposed by the gentleman from California [Mr. GALLEGLY].

I urge that we adopt the amendment. I think that the Territorial Office is an anachronism in this period. It saves a considerable amount of money. I think it would be an excellent amendment and an excellent thing for us to accept.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr YATES. Mr. Chairman, there are a number of questions that require answers. For example, we are told that in eliminating the territories' administrative fund, the Secretary of the Interior continues to be responsible for nearly $2 billion; the current Treasury balance is $310 million; that the future funding mandatory is $1,603,000,000. What happens to that money? Under his amendment, what would happen to that money? Can the gentleman answer my question, or can somebody on that side answer the question? The Secretary now has $2 billion belonging to the territories, for which he is responsible. There is $310 million in the current Treasury balance.

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

Mr. Chairman, I would like to ask the proponent of this amendment, what happens to the almost $2 billion which is now with the Secretary of the Interior, which he is holding in trust for the territories?

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

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

Mr. GALLEGLY. Mr. Chairman, I am happy to try to respond. We still have 25 people in the inspector general's office that are prepared to administer those funds. We no longer need the OTIA to continue to provide that service.

Mr. YATES. Mr. Chairman, do I understand the gentleman, then, to be saying that the administration of the territories will be moved to the inspector general's office?

Mr. GALLEGLY. Only for the purpose of auditing the funds.

Mr. YATES. Who will have the responsibility of supervising the territories, Mr. Chairman, until they have their freedom?

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

Mr. YATES. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, if I may respond, what the Secretary of the Interior has done is terminated the Office of Assistant Secretary of Territorial and Insular Affairs. In doing so, he is placing part of the responsibility to his Assistant Secretary for Budget and Planning. Within the Office of Budget and Planning, I am told that under the Deputy Assistant Secretary and further down the line there, he is going to establish an office which is called the director that is supposed to be keeping an eye, at least on behalf of the Secretary, on whatever is left to do with the territories.

What we are trying to do here, if I might respond to the gentleman, the Secretary of Interior made an announcement based on our hearing that he was going to terminate the entire Office of Territorial Affairs. I assume that he is going to do it directly under the auspices of his office and assistants.

Mr. YATES. Mr. Chairman, I would say to the gentleman, however, I do not know how this would correct that situation. In other words, what the gentleman has been saying is the Secretary of the Interior has just practically relieved himself of administering the territories.

Mr. GALLEGLY. If the gentleman will continue to yield, the only thing I would like to say is that we no longer have trust territories. What we do have are elected Governors, democratically elected Governors of these territories. We are absolutely convinced that the territories really should have the right, and we have the confidence that they have the ability to self-govern.

Mr. FALEOMAVAEGA. If the gentleman will continue to yield, to respond further to him, Mr. Chairman, the Federated States of Micronesia, the Republic of the Marshalls, and the Republic of Palau, are basically independent. Basically whatever funding Congress provides for them as part of the compact agreement is administered directly from the Secretary's office. I assume that it now falls in the responsibility of the Assistant Secretary of Planning and Budget.

□ 1630

Mr. YATES. The gentleman from American Samoa has just said the Secretary of the Interior has moved responsibility for the Territories to the Office of Planning and Budget.

Mr. FALEOMAVAEGA. That is correct.

Mr. YATES. Do I understand that your amendment will move supervision of the Territories, such as remains, from the Office of Planning and Budget in the Secretary of the Interior to the Office of the Inspector General?

Mr. GALLEGLY. No, it does not, I say to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Where does it go, then? If it is not to remain in the Office of Planning and Budget, who will have supervision?

Mr. GALLEGLY. If the gentleman would yield further, we are in a new era, I say to the gentleman from Illinois [Mr. YATES]. We no longer are operating the way we have for the last many years.

These Territories have elected Governors and legislators. They have the ability, and the time has come, as the Secretary has said, to allow them their own ability to self-govern. With the exception of the Northern Marianas, there is a Delegate to the House of Representatives, as is the case with the gentleman from American Samoa [Mr. FALEOMAVAEGA]. Every one of the Territories, with the exception of the Northern Marianas, has a Delegate in this body, and the Northern Marianas has a democratically elected governor.

Mr. YATES. I continue to be concerned about the administration of the funding. Even though they are now self-governing, what happens in the even that there is a significant financial loss?

Mr. GALLEGLY. As I said to the gentleman, they do have representation

here in this body in the form of Delegates and representation in the committee. I do not see that as a problem. The Secretary of the Interior himself says the time has come to turn out the lights, and I am using his quote.

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

Mr. Chairman, I rise today in strong support of Congressman GALLEGLY's amendment to title I of H.R. 1977, the Interior appropriations bill.

Mr. Chairman, earlier this year, the Committee on Resources had approved by voice vote an authorization bill (H.R. 1332) which will, among other things, delete the position of Assistant Secretary for Territorial and International Affairs, terminate funding for the Commonwealth of the Northern Mariana Islands, terminate funding for four territorial assistance programs, provide multiyear funding for the territory of American Samoa, and add procedural improvements for the relocation of the people of Rongelap. H.R. 1332 will save the U.S. Government in excess of $100 million over the next 7 years. Regrettably, the Appropriations Committee has chosen not to accept the approach adopted by the Resources Committee.

Earlier this year the Secretary of the Interior announced that he was going to close the Office of Territorial and International Affairs, within the Department of the Interior. Later, as the details became available, it became apparent that the administration wanted only to downgrade the office and reduce its size to approximately 25 people.

Given that the territory of American Samoa and the Commonwealth of the Northern Mariana Islands are the only territories in which OTIA is actively involved, and given the increased level of self-autonomy already provided to the territories, I submit that 25 people is much too large a staff for this office, and believe it should be terminated or cut substantially. While the four assistance programs contained in the President's budget and the appropriations bill have been useful in the past, the time has come to terminate these programs as well, and move forward in our relations with the territories.

Mr. Chairman, the Gallegly amendment is consistent with the budget resolution for fiscal year 1996 and consistent with the actions of the authorizing committee this year. In effect, the authorizing committee, and the full House are moving in one direction on these issues, while the Appropriations Committee is moving in another.

The Gallegly amendment cuts Federal spending, reduces Government bureaucracy, and moves the administration of the U.S. insular areas toward greater self-autonomy.

Chairman ELTON GALLEGLY and I have been working on an authorizing bill for the territories all year. Our approach has been approved by the Resources Committee, and will be a significant change in insular policy for our Government. This change has been a long time in coming, but the time has come.

Mr. Chairman, Congress' move toward reduced Federal spending is causing significant pain throughout our Government. I am pleased that insular policy is one area in which the authorizing committee has achieved substantial bipartisan agreement. Insular policy is not an area followed closely by most of us, but those of us who work in the area see this as a positive change, and I urge my colleagues to support the Gallegly amendment and conform the appropriations bill to the budget resolution and the action of the authorizing committee.

The CHAIRMAN pro tempore (Mr. GOODLATTE). The question is on the amendment offered by the gentleman from California [Mr. GALLEGLY].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VUCANOVICH: On page 33 line 17 strike ''67,145,000'' and in lieu thereof insert ''$75,145,000'' and on line 18 strike ''65,100,000'' and insert in lieu thereof ''$73,100,000''.

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, this amendment restores $8 million for the Pyramid Lake water rights settlement. Funds available from a previous amendment which reduced funding from the territorial assistance account is sufficient to offset this amendment.

This water rights settlement is very important to the constituents within my congressional district. The final payment for the Pyramid Lake settlement is due next year, at which time an agreement will be implemented to supply much-needed water to the Reno-Sparks area. It is my understanding that the committee intends to fully fund this program in time to consummate this important water rights agreement.

Mr. YATES. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, our side has no objection to this amendment.

Mrs. VUCANOVICH. I thank the gentleman.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have no objection. This is an obligation of the U.S. Government. We have freed up the funds to do it because we are on a very tight budget. We are pleased that we are able to accept the amendment.

Mrs. VUCANOVICH. I thank the chairman very much. I urge the acceptance of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The amendment was agreed to.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment, amendment No. 32 printed in the RECORD, and I ask unanimous consent that the amendment be modified as set forth in the amendment I have at the desk.

The CHAIRMAN. The Clerk will designate the amendment and report the modification.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: Page 5, line 15, strike ''$8,500,000'' and insert $14,750,000''.

Page 11, line 16, strike ''$14,100,000'' and insert ''$67,300,000''.

Page 17, line 21, strike ''$14,300,000'' and insert ''$84,550,000''.

Page 17, line 26, strike ''$1,500,000'' and insert ''$3,240,000''.

Page 47, line 23, strike ''$14,600,000'' and insert ''$65,310,000''.

Page 55, line 5, strike ''$384,504,000'' and insert ''$200,854,000''.

The Clerk read as follows:

Amendment, as modified, offered by Mr. MILLER of California: Page 5, line 15, strike ''$8,500,000'' and insert ''$14,750,000''.

Page 11, line 16, strike ''14,100,000'' and insert ''$67,300,000''.

Page 17, line 21, strike ''$14,300,000'' and insert ''$84,550,000''.

Page 17, line 26, strike ''$1,500,000'' and insert ''$3,240,000''.

Page 17, after line 26, insert the following:

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501–2514), $5,000,000.

Page 47, line 23, strike ''$14,600,000'' and insert ''$65,310,000''.

Page 55, line 5, strike ''$384,504,000'' and insert ''$195,854,000''.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. MILLER of California. Mr. Chairman, this amendment should be supported by all Members who care about our national parks, national wildlife refuges, national forests and public lands. This is an amendment that should be supported by those who care about our parks and outdoor recreation opportunities in our urban areas. No doubt about it, this amendment directly benefits people in every congressional district in this country.

The land and water conservation fund is one of the most popular and successful programs that our government has run. Funded by a portion of

the oil and gas revenues generated from leasing Federal lands on the Outer Continental Shelf, the land and water conservation fund helps to meet the increasingly heavy demand for hunting, fishing, and recreation areas, protects outstanding resources, and preserves the Nation's natural and historical heritage.

In addition to Federal land acquisitions, the fund provides for direct grants to States for parks, open space and outdoor recreational facilities. Since 1965, over 37,000 State and local grants have been awarded, totaling $3.2 billion. The States and localities have matched this amount dollar for dollar to acquire $2.3 million acres of park land and open space and to develop more than 24,000 recreation sites.

In fiscal 1996 there will be $11 billion in this trust fund, yet unappropriated for a lot of political reasons, but unfortunately the short fund, the recreational needs of this country.

My amendment would fund the Land and Water Conservation Program at the same levels that Congress appropriated in fiscal year 1995. In addition, my amendment provides for $5 million to fund the Urban Parks and Recreation Recovery Program. The current bill provides no funding for this program.

My amendment would provide an increase of $183 million over the $51 million which is provided in the bill as reported by the Committee on Appropriations.

The increased funds for land and water conservation provided in this amendment are offset by a corresponding $183 million reduction in the Department of Energy's fossil energy research and development fund.

It is true that the budget resolution which Congress has adopted calls for a 7-year freeze on Federal land acquisitions, but I would remind my colleagues that this House also had voted to abolish the Department of Energy, and yet the bill before us today would provide Department of Energy funding for fossil fuel research to the tune of $384 million. It is my understanding that this research appropriation greatly in excess of the $220 million level which the Committee on Science has authorized in H.R. 1816. By contrast, my amendment would bring the DOE spending within the Committee on Science limits by allowing $195 million for DOE's fossil research programs.

This amendment presents a very real question of priorities. In my view, the national wildlife refuges, the national forests, the public lands and the urban park areas outweigh the need for the excessive and above the level the Committee on Science recommends for spending on DOE research for coal, oil and gas, research which can and should be done by those industries without these Federal subsidies.

Finally, Mr. Chairman, I think the amendment ought to be considered in the context of the debate on the Endangered Species Act and the private property rights. Members recently have received a July 10 ''Dear Colleague'' on the recent ''Sweet Home'' Supreme Court decision on the Endangered Species Act. In that ''Dear Colleague,'' the gentleman from Alaska, the chairman of our committee, and five other Members state that if we are to have wildlife refuges and sanctuaries, we should go back to the right way of obtaining them, buy them or pay them for the use of the land for refuges.

We will debate the merits of the Endangered Species Act at length when that legislation is reported to the floor. But what we must understand, that Members cannot continue to claim that they think the right way to provide for these lands is to pay for those private properties, which it is, and then not provide the money to do so when these lands are so important to helping our urban areas, our suburban areas and our rural areas meet the demands for recreation and for public space and to meet the needs of both endangered species and habitat.

The Land and Water Conservation Fund has a priority list of lands that include bear habitat within the Kodiak National Refuge, the Upper Mississippi River National Wildlife Refuge in Minnesota, Wisconsin, Iowa, and Illinois; preserve the natural water flow patterns for the critical Everglades National Park in Florida; to promote the outdoor recreation of the Appalachian National Scenic Trail in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, and New York; to protect the historical integrity of the Gettysburg National Military Park in Pennsylvania; to enhance the scenic and natural values of the Santa Monica Mountains National Recreation Area in Los Angeles, the important national forests of the greater Yellowstone area in Montana; to help protect the salmon streams and the national forests in Oregon and Washington; and to provide resources to those urban areas who are trying to reclaim the recreational opportunities for their youth in cities throughout the country that are trying to bring back the streets, a very successful program where again local government has sought to participate far in excess of the moneys that are available, and without these moneys they simply will not be able to take care of those urban resources and to fully fund the backlog of acquisition and problems that we have.

We have people who are inholders who want to get rid of their private lands, who want the Government to buy those lands. We have management problems created in some cases by those, but there is no money. This is the great backlog that we continue to discuss in this Congress where we continue to add to it. Hopefully we will not continue to add to it in the new Congress, but we ought to start getting rid of it out of fairness to those landholders and those people who are concerned about the integrity of our natural resource system.

□ 1645

So those are the priorities. The Congress can choose, as this bill does, to force feed energy research in oil and gas and coal far beyond the recommendation of the Committee on Science, or we can take that excess force feeding of those moneys and apply them to very high-priority items throughout the entire country to protect and preserve the environment, to protect and preserve our national parks, to protect and preserve our national forests, and to expand and protect and preserve the recreational opportunities for our citizens in our inner cities and suburban communities and small towns across the country.

That is the choice that this amendment presents. It is neutrally funded. It costs no more money than to force feed this energy research. I would hope my colleagues would choose their local community that is requesting these funds. I would hope they would choose their local counties. I would hope they would choose their local States and the gems of the natural resource system of this country, the national parks, the national wilderness, and the national refuge system of the United States.

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

Mr. Chairman, so the Members understand the issue here clearly, this has an appeal, but let me say that the House-passed budget resolution that was adopted here some weeks ago, provided a 5-year moratorium on land acquisition, because when we buy land, we have to take care of it. If we buy land, it means more people, it means more of everything.

We are talking about trying to get to a balanced budget in this Nation in 7 years. We cannot get to a balanced budget by buying more than we can take care of. That is the reason the Committee on the Budget put a moratorium on land acquisition. This would scuttle that moratorium totally and go back to business as usual.

The statement was made that we are force feeding programs in energy research. Let me tell my colleagues again, we have cut back considerably, but we have contractual obligations. We have a number of projects in fossil energy research that have contracts with the private sector. The private sector is putting up anywhere from 50 to 75 percent of the money, which means that they believe that these will be successful.

I think it is a big mistake in terms of national policy to cut back any further on fossil energy research. We are going to downsize it. We are going to get down to the numbers of the authorizing committee, maybe not as quickly as they would but we are headed that way. But we have to recognize our contractual obligations. If we suddenly pull our part of it out, we are subject to lawsuits for failure to perform on contracts that we have made.

Let me also tell my colleagues that we did put in $50 million in an emergency fund for land acquisition. We recognize that there may be parcels of land that become available that we should take advantage of. So, we do have a cushion in the bill, in spite of the fact that the Committee on the Budget and the budget we passed called for a moratorium on land acquisition. The use of that money for land acquisition is subject to the reprogramming, so it has to come back, in effect, to the appropriate committees.

The reason we reduced land acquisition was to fund operations. The money that might have otherwise been spent on land acquisition is put into the operations of the parks. We actually increased the operation money in the parks over 1995.

We want to keep the parks open. We want to keep the forests open. As I said at the outset, these are must-do's. We must keep the facilities available to the public and therefore we have flat-funded them and used that money for the operations that we normally would have put in land acquisition, because we have a responsible number on fossil energy research.

I think what we have done represents a balance. It represents the will of the House as reflected in the budget adopted here. It takes care of operations, and I do not think we ought to tamper with it. These are nice to do. It would be nice to go out and buy more land. It would be nice to fund the UPARR Program, but we cannot do it all when we have a 10-percent cut and we can look forward to more next year. We need to avoid doing things that have substantial downstream costs or otherwise we cannot leave as a legacy for future generations a strong economy that would be generated by a balanced budget.

Mrs MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, on that point about not wanting to saddle the Federal Government with the maintenance cost for new acquisitions, I understand that motivation prompted the Committee on the Budget, of which I am a member, to put a freeze on the purchase.

But the fundamental principle of the land and water conservation fund, so far as I am acquainted with it, is that there are acquisitions made on a local level and that the maintenance and the care and the development of these lands are basically turned over to the counties and to the States for their assumption of that future responsibility. And all that the land and water conservation fund does is to provide the moneys for acquisition.

So, we are not transferring. By approving this amendment, we would not be transferring a future cost to the Federal Government; is that not true?

Mr. REGULA. Mr. Chairman, reclaiming my time, the gentlewoman from Hawaii is absolutely correct on the UPARR portion, but that is a small part of this amendment. A great bulk of what the gentleman from California [Mr. MILLER] proposes to take out of fossil energy research is going to land acquisition on the national parks and other land management agencies. A very small part of what his amendment would delete would go to the mission that the gentlewoman from Hawaii [Mrs. MINK] has described.

For that much of it, the gentlewoman is correct. But to put over $200 million in land acquisition, obviously, has to generate very substantial maintenance costs downstream for the U.S. Government and that is the reason the Committee on the Budget put a moratorium on additional land acquisition and we tried to respond to the House-passed budget.

(Mrs. MINK asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment of the gentleman from California [Mr. MILLER], because I feel that the set aside that we so wisely did in putting aside these oil exploration funds into this land and water conservation fund was for the future use and acquisition of these lands, which are the precious acquisitions for the entire country. It is not for one particular State of locale; it is acquisitions that go to the total assets of the United States.

So I rise in very strong support of this amendment and I hope that the Members will agree and I yield to the offeror of this amendment, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the gentlewoman from Hawaii [Mrs. MINK] raised the question, and the gentleman from Ohio [Mr. REGULA] raised the question, about maintenance costs. in many instances, the land that is in the backlog waiting to be acquired is held by private landowners in the middle of a national forest, on the edge of a national forest, or surrounded on two sides or three sides or four sides by a national forest.

These people want out. They are encumbered by the fact that the forest is there. The Forest Service or the Park Service or the Refuge Service would reduce their operational costs and administrative costs because of these inholdings. These people in many cases have been standing in line for years after year after year. We have heard about them.

And this committee is struggling. I do not doubt what they try to do every year. This committee has struggled to try to meet that demand. The gentleman from Alaska [Mr. YOUNG] and I have sat in our committee and continued to make sure that they never whittle the backlog down. the fact is, the backlog exists. I think that with the new Congress, the backlog is about to not be added to, if I hear what is going on in our committee correctly. But we owe it to those people who are waiting to have their lands purchased.

And there is money available, but there is not if we choose to use it in the Department of Energy fossil fuel research; again, which many of these companies can do on their own and have the availability to do.

It is a question of priorities. Let us understand that in many instances, this is about reducing administrative costs in Park Service units, in National Park Services, in wildlife refuge units. So, it is not all about that.

This would give, obviously, the Forest Service and the Committee on Appropriations the ability to set priorities, but let us get rid of some of this backlog. It is not fair to these people to just leave them hanging there as we have purchased all the land around them. I would hope that we would support the amendment.

Mrs. MINK of Hawaii. Mr. Chairman, if the gentleman would yield to a question from me, is not it true that this backlog that the gentleman speaks of are already acquisitions that the Congress has already acted upon to some extent? It is not as though we are coming in with a new acquisition, a new park idea or some new enhancement of our environment. These are items that have already been set down, but for a variety of reasons, the land and water conservation fund has not been tapped to do this purchase.

Mr. MILLER of California. Mr. Chairman, the gentlewoman is correct. Many of these properties are subject to congressional designation. Many these properties have a cloud on their title in one fashion or another because of what has taken place around them. And the question is do we start to whittle down that backlog?

Let us understand something here. There is $11 billion in the land and water conservation fund and the agreement was with the American people that we would allow oil drilling off of the coast of this country and we would use those resources to add to the great resource base of this country for recreation and for public use.

That promise was never kept; not by any Congress, not by any administration. It is a little bit of the kind of fraud that we have sometimes around the highway trust fund or the airport trust fund. We put the money in there and we say this is going to go for airport safety or this is going to go for improved highways. But then somehow this Congress starts dipping their fingers into this trust fund or one administration or the other wants to make the budget deficit smaller than it does.

Who are the victims? The victims are the people who paid for the gasoline that expected better roads and safer roads. The victims are the people who bought an airline ticket and expected safer airlines. The victims are the people who agreed to have this oil explored

off their coast and said that the trade-off will be that we will create this trust fund.

We have been robbing this trust fund for years. Now all we are suggesting is that we authorize them to spend some of the $11 billion. I do not think the Committee on Appropriations in the last few years has spent more than $100 million out of the trust fund for acquisition.

That is how you get a backlog. You lie to the American people. You lie to the American people. All of these things that are on this list for acquisition are because Members of Congress thought they were terribly important and voted to pass them. We ought to keep faith with the American people, faith with the budget process, and vote for the Miller amendment. It is a hell of a good deal.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Miller amendment to the Interior appropriations bill which would add $184 million for land acquisitions for preservation of our natural resources.

The Miller amendment attempts to restore the land and water conservation fund [LWCF] to fiscal year 1995 levels, through decreases in fossil energy research to authorized levels set forth by the Science Committee. There is $11.2 billion surplus in the Treasury for the LWCF. The Miller amendment appropriates a mere 2 percent of this surplus.

The LWCF has been essential to the conservation in perpetuity of lands for recreational use since 1965. Under LWCF, local communities and States have the opportunity, through the fund's 50/50 matching grants, to directly invest in parks and recreation in local areas. A modest Federal role in the LWCF provides States and local officials primary responsibility and flexibility for such land acquisition and development projects made possible by the fund.

The reduction in fiscal year 1996 appropriations out of the LWCF represents a serious threat to the promotion of America's national and historical heritage. My State acquired under LWCF Hakalau National Wildlife Refuge, the very first refuge for forest birds in the country and a vital part of Hawaii's battle against an endangered species crisis. Of the 128 bird species that originally nested in the Hawaiian Islands, 58 have disappeared and 32 are on the endangered species list.

Habitat for endangered waterbirds has been protected by the LWCF at the Kealia National Wildlife Refuge on the Island of Maui, which consists of 700 acres of wetlands.

The Fish and Wildlife Service, through the LWCF, has worked with a private landowner to secure the 164-acre James Campbell National Wildlife Refuge, which contains habitat supporting 35 species of birds making up the largest population of waterbirds in Hawaii.

The LWCF funded the Oahu Forest National Wildlife Refuge in the Koolau Mountain range, which is on its way to being the first actively managed habitat for Hawaiian endangered and indigenous tree snails, birds, bats, and plants.

The National Park Service has used the LWCF to augment Hawaii's two major national parks—Hawaii Volcanoes National Park on the Big Island and Haleakala National Park on the Island of Maui.

Since 1965, the LWCF has funded more than 37,000 projects with more than half of these projects invested in urban and suburban areas. To keep the fund at the level in H.R. 1977 would be to rob countless communities across the Nation of the ability to continue developing projects for which substantial sums have been invested, good faith commitments have been put into place with willing landowners, and timetables have been congressionally authorized.

I urge my colleagues to cast their votes in favor of the Miller amendment to restore funding for land and water conservation fund acquisitions for purposes of conservation.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I reluctantly, but enthusiastically, rise in opposition to the amendment of the gentleman from California [Mr. MILLER]. Much of what the gentleman said is true, but let us keep in mind that these properties that we were supposed to be purchasing were set off limits by another Congress.

In fact, if we look at the GAO report, which I requested with the gentleman from California [Mr. POMBO], that was reported in 1995, we purchased in 1993, through the agencies, a little over 203,000 acres of land. The Forest Service purchased 72,000; the LM 27,000; the Fish and Wildlife, 82,000; the National Park Service, 22,000.

What we have done in the past, and I will respectfully say, we have now hopefully addressed that issue with a commission that will look at our parks. We hope to come forth with another recommendation that we do not constantly create these units without proper scientific research and input.

Mr. Chairman, I happen to agree that there is $11 billion in the fund to buy these properties. We have not. We have used them. All administrations, including this one, have used these moneys to balance the budget, or other purposes than what they were collected for.

But more than that, we have stopped drilling off shore too. There is no drilling taking place in the United States, other than in the Mexican gulf. There is a little off of Alaska. There is none around the United States and I do not think anybody here is advocating that. None in Florida. I am not saying that.

What I am saying is that the gentleman from Ohio said that we did on this side, I am saying this for our Members, agreed to a budget target to balance it by a certain time.

So, Mr. Chairman, I am going to request, respectfully, we vote no on the gentleman's amendment, although much of his argument is correct as to how this has been misused. But I do believe if we want to reach that target, we should reject the amendment, support the chairman of the committee, and go forth with our business.

□ 1700

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

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

You know, over and over again we have heard Members of the 104th Congress speaking very vocally, obviously very enthusiastically, in favor of protecting private property rights, and I do the same myself.

But we have heard them say if you want to protect endangered species living on private lands, then buy the land. In fact, I got this interesting dear colleague letter from people on both sides of the aisle really saying the same thing. Well, this House has passed legislation requiring that the Federal Government purchases property at a landowners' request if the Government impacts its value more than 50 percent. But here we are, we have this bill which is just gutting the very account that would allow us to acquire land.

So I would say to Members who are concerned about private property rights, I would say let us put our money where our mouths are. There are numerous examples of property owners ready, willing to sell their land to the Federal Government so that we can protect fish and wildlife.

In Oregon, we have landowners along the Siletz and Nestucca Rivers who want to sell some of this region's most productive wetlands in order to provide habitat for bald eagles, snowy white plovers, and at-risk of salmon. That is great. We have a willing seller, a willing buyer, we have a good idea.

Farther north on the Columbia River, the endangered Columbia white-tailed deer is a shining example where you have a good management plan, you can take the animal off the endangered species list. We need a little more land to make sure that that habitat is there.

We have willing sellers. We need the money in this account to do that. Now, land acquisition, it seems to me, is a most cooperative, nonintrusive way to protect both the endangered species and private property rights.

At a time when divisiveness has paralyzed many resources issues, land acquisition provides us with that win-win solution that we are all looking for.

It is hypocritical to claim that you want to preserve the rights of private landowners or that you want to prevent species train wrecks, and then turn around and cut the funding for the land acquisition. If you colleagues support private property rights, and if you support the prevention of extinction of species, you have a great opportunity here.

Vote ''yes'' on the Miller amendment. It is a win-win situation.

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

Mr. Chairman and my colleagues, I rise in very strong support of the amendment by my colleague, the gentleman from California [Mr. MILLER].

I think it would be a very sad mistake for this new majority to miss an opportunity, and that opportunity is really to provide the preservation of some of our natural lands in this country.

You know, these bills that we are looking at provide, and this particular

legislation provides, opportunity to spend money on surveys and studies and administration. But, really, what do we leave the next generation?

I tell you that we cannot do anything that would be more lasting for the next generation than to invest this small amount of money on preservation of lands, many of them endangered, throughout the United States.

Let me speak from a personal standpoint. I and my family lived, and I grew up, in Miami, and I saw what happened to the Everglades there, how they became neglected and how we did not take the time to preserve that area.

I now have the opportunity to represent central Florida, a beautiful area that has natural bodies of water and hundreds of lakes, and that area is endangered. You know, we have the Ocala National Forest to the north. The State has preserved some land around the urban areas. This area is impacted by tremendous growth, and we have the opportunity to acquire some land in a Federal-State partnership, and that money is not available, and that is sad and that is tragic because the same thing I saw happen as I grew up as a young man now is taking hundreds of millions, billions, of dollars to restore the Everglades. And because we did not make the investment that we needed, we may never get another chance.

I have a photo of the area that I am talking about, the St. John's River, in my district, $15 million from the State, $15 million from the Federal. But we do not have a penny in this bill for land acquisition, and that is wrong, and it is wrong for this side of the aisle to reject this amendment. Because this should be a priority, and we will not get another chance to save these lands.

So I urge my colleagues to look at this. A lot of the things we say here will not make any difference, but something we do here will make a big difference, and that big difference is preserving this land and these natural preserves for the future.

We should be investing in that. I am one of the most fiscally conservative Members in the entire House of Representatives, according to voting records, so I come here speaking not to spend money idly, not to spend money on pork projects, but to spend and make an investment in the future so we can leave a legacy for our children.

So I strongly—I strongly advocate passage of this amendment.

I had an amendment in here just to add a few more dollars to this, and I commend the gentleman for adding the many more dollars that can be well spent and well expended in the national interest, in the public interest and in the interest of our children.

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

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

Mr. STUDDS. Mr. Chairman, I want to commend the gentleman's statement, and I say to him, he need not worry, as I am sure he knows, about putting his conservative credentials at risk. The proposition on behalf of which he speaks is the most profoundly conservative proposition that could possibly come before us. It is literally conservative. It is conservative; it is conserving those things of greatest value to us and future generations.

The gentleman speaks for the best heritage of his party. I hear Teddy Roosevelt and Gifford Pinchot in his voice, and I commend him.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. I want to thank the gentleman for yielding.

His State is exactly the kind of State that needs this acquisition because they are going through an incredible transition to try to hold onto one of the world's great resources, and to do so, they need the cooperation of farmers and cities and private landowners and homebuilders and others, and they have worked out a State plan. They have tried to patch this together so that they can protect the Florida Keys, they can protect the Everglades, and they can protect the economy in the northern end of that ecosystem.

But they need help in land acquisition because people are willing to help but, as so many have said on both sides of the aisle, they want to be paid. They cannot just give away their families' assets. But those assets, in some cases, in central Florida and elsewhere, are farm lands that are productive but they are key if we are going to save Florida Bay, the Keys, and this great ecosystem.

I really want to commend the gentleman and thank him.

Mr. MICA. I thank the gentleman for his leadership. I regret that I take this position. I know the committee and the chairman have done a great job.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

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

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

Mr. MICA. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, is the gentleman aware that we have funded the 1995 level on the south Florida ecosystem? We are very aware of the problems.

Mr. MICA. Yes. I do not speak, sir, to the south Florida ecosystem. I am talking about the ecosystem of the United States and the investment that we are making. These are so few dollars compared to the whole budget and to the money that is spent on studies and surveys and administration.

We will never get another chance, and what I would like to avoid is the mistakes that were made in south Florida that I saw as I grew up in south Florida. So again, I strongly urge my colleagues who talked about property rights, about preservation, about environment and being strong supporters, to come forward and to support this amendment.

And I regret that I take a position in opposition to you and the committee.

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

Mr. Chairman, for years this body has tried to purchase land when they had no money to buy it, and not only no money, they were in arrears of billions of dollars paying for land that they have already taken, and then they go ahead and try to buy more.

The last Congress, the same gentlemen that are arguing took 3½ million brand-new acres in the California desert plan. They took in Mojave about 1.4 million acres, in Death Valley, they took 1.5 million acres in Joshua Tree, totaling over 3.5 million acres. They did not have the money then to manage it, and then what happens is people go on this list. They say, ''Do not leave these people in this position.''

Well, when you try to buy land and you do not have the money in the first place, not only in our Congress but for the last 20 years, and you go billions of dollars in the hole and then you take people on that list and you do not let them improve their property, you do not let them do certain things to it and the value goes down and then you come in and say, ''Now, we want to give you fair market value, which is probably 10 percent on your buck,'' that is wrong.

Even in the California desert plan, they are coming up with odd ways to keep people out of it by not even letting them use the current roads that access the California desert.

You say it is wrong to leave these people in there. Well, look who put them in there in the first place. You need to be able to pay for the land that we have. Over 50 percent of California is owned already by the Federal Government, and we are billions of dollars in just the operations.

The chairman is trying to put the money in the operations to manage the systems that we have that are also in arrears.

We need to take a look at what is fairness and access. Yes, there are needs for the environment, and there are certain areas, we have got an area in Carmel Valley I would love to be able to purchase. As a matter of fact, the builders will sell it to us. We do not have the money to do it. I would love to. But we are so many billions of dollars behind, I am going to have hard trouble finding it. It would be a good area because it connects all the things that you want to in endangered species. It gives corridors, it gives areas where we can protect those things.

I would love to help work with you to get the dollars for it, but we do not have it, and if we keep doing this and we keep taking governmental land and

making new land and not being able to pay for it, that is wrong, too, by putting private property rights at risk, and that is why most of us are against this.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. I say to the gentleman, you know, you brought up the California desert. That was already Federal land. We changed the management structure from BLM to the National Park Service.

Mr. CUNNINGHAM. There are 3.5 million acres of brand-new land in that. The total was about 7 million acres.

Mr. MILLER of California. No, no. Those are public lands already owned by the United States.

Let me say this is not unique.

Mr. CUNNINGHAM. What about Catellus?

Mr. MILLER of California. This backlog, Catellus, is not in it. This backlog is not unique to the Democrats, because the majority on our Committee on Resources just reported out a $5 million new national park. I mean if we are really serious about no backlog and whittling down the backlog, let us whittle down the backlog. Let us not add to this. This is money the taxpayers have deposited in a trust fund that they believe that was going to be utilized to take care of whatever that valuable piece of property you described or some other ecosystem of the United States.

Mr. CUNNINGHAM. There are lands, I would say to the gentleman from California, that I would love to work with the gentleman on, especially in our jewel State of California, that I think we can still say that cannot be used, that we would not be violating those private property rights.

I think the chairman has done a good job in acquiescing to the point that we need to support the current systems that we have and maintain the operations.

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

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. MICA. One of the things that concerns me is that we do not have funds available for land acquisition for Florida, for example, or for the situation that you have described. How would you propose that we get those funds? I share all of your concerns.

Mr. CUNNINGHAM. The first thing, I would not give $5 billion to the former Soviet Union when they are building submarines. I would not give money to Haiti that can sit there for the next years, and we are spending billions of dollars there. We are looking into Somalia. We are going to spend billions of dollars there. There are a lot of areas this Congress could do it. We are not doing it. I think the chairman, with the limited resources he has, has done a good job.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. MILLER].

As I was listening to the debate on this, obviously I think a lot of people are talking by one another with records to what the gentleman from California [Mr. MILLER] is proposing.

What he is proposing is to try to keep the commitments that we have made with regards to purchasing lands that are already mostly and already have been designated by this Congress, and these are lands obviously within parks, within the forests, within other areas which are very sensitive, which generally, in fact, of course, when the land management agencies, whether it is Fish and Wildlife Service or any of the others that are to be extended some extra dollars under this or given such authority, it is a willing-seller, willing-buyer basis.

□ 1715

And I just wanted to point out that these are already decisions that have been made, so, the gentleman from California, when these lands are available in Carmel, or wherever we are talking about that are sensitive lands, this is the opportunity to do it. We have set aside this fund. We set aside over $1 billion a year from land water conservation moneys and historic preservation, and it comes out of the resources that were pumping the oil out, that we are using up our natural resources, and the commitment that has been made is that we would take those dollars and put them back into building a legacy for the future, for the next generation, in terms of these special lands that have been designated by Congress.

And the fact of the matter is that we are not, we are not, keeping that commitment. Those dollars are being taken out of the offshore oil and gas reserves and expended in other ways. We tried to do that to insulate it from the type of decisions that we are dealing with when we are dealing with human investment programs and foreign aid programs so that we could have that particular program be inviolate. Today we are $11 billion behind in terms of that fund that is available until expended, so that is where we are at, and we are not going to catch up with it, we are not going to deal with this important legacy, with these commitments.

I can think of parks in my own State that have been designated some 25 years ago which still have inholdings. We have willing sellers, willing buyers, and they are waiting. They are waiting for the Federal Congress, for us, to appropriate the money so that they can begin to negotiate and to purchase these particular inholdings. We have people literally from Alaska to Florida, from California to New York, that basically these commitments have been made, and these parks exist, and it is very complicated.

I say to the gentleman, You talk about administrative costs. You try to administer something when you have lands within that are not public lands within these parks, willing sellers. You are gravely complicating the costs of administering those particular lands under those circumstances.

So the Miller amendment would take this money out of other accounts and provide it so that the States would be able. Here is a very good program where the States have cooperated in partnership, where urban areas would receive a small amount of money and where the Federal Government, our forests, our parks, our Fish and Wildlife Service areas, and the BLM which is buying sensitive riparian lands in their areas so that they have the water to go with the lands, are on a willing seller, willing buyer basis purchasing these particular sites so that we could, in fact, have a meaningful program and protect the legacy of the next generation.

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

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman mentioned that we had commitments. Commitments in what way? Do we have contracts with landowners, or is the gentleman just simply saying these are within the boundaries of the parks or forests as the case might be?

Mr. VENTO. Reclaiming my time, of course they are within the boundaries of places like the Voyageurs where people have lands, of course, because they are within parks. We do not want them to develop it. They are in abeyance. They are holding it. We are building in controversy here. We are, as the gentleman knows, obviously causing greater problems.

As the gentleman from Florida [Mr. MICA] has mentioned, he has seen in Florida the type of problems that have envolved where we made special commitments to the purchase, and nothing is more important than the all right purchases in an honest way.

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

Mr. VENTO. I yield to the gentleman from Florida.

Mr. MICA. In fact, would not the gentleman view this as a pro-property-rights amendment because we have told so many people out there that we are going to pay for their land, and, if we deprive them of the right to use that land, that is fact that this is a pro-property-rights amendment, that the questions of access, the questions of takings and other issues that have been raised here—would not the gentleman say that they are in fact false issues because we are talking about whether or not we have any funds to acquire these lands?

Mr. VENTO. I think the gentleman makes a very, very good point. I think the reason we have the issue of takings, the limitation on land is aggravated greatly by the fact the Federal Government——

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VETO. Mr. Chairman, just to conclude, I think that the reason we have the problems in terms of the Federal Government and its contact with landowners, whether it is in Alaska or other places, is because we are not keeping our commitments with regards to these sensitive lands and these programs. It has led to the types of problems that we have seen in the sort of solutions that are very—are not workable but nevertheless are being advanced simply on an off-and-on emotional basis, so I hope today—I think we should be able to come together, and put the dollars up there where the commitments have been made to honor basically the contracts we made when we designated these lands, and to help in the efficiency and proper administration, whether it is parks or other public lands. Giving these dollars to the Federal Government under the conditions and strictures that have been in place, the Committee on Appropriations has to approve each one of these particular purposes. I say to my colleagues, ''You have got absolute control over this in terms of the reporting requirements which many of us would object to, but that is the case, so I think you can rest assured that these dollars will be spent well. I think we should trust our States and work in a cooperative and a collaborative manner with them on these programs which we have made commitments to rather than pulling the rug out from under them which this bill does today without the Miller amendment.''

Vote for the Miller amendment.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] will be recognized for 5 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding this time to me, and it is quite entertaining to listen to this debate and the poor-mouthing that is going on about the poor people, the poor Federal Government, that has not been able to purchase land. I think that the facts may surprise a few people.

Out of 650 million acres that the Federal Government currently owns, 35 million acres have been bought in the last 20 years, 35 million acres.

Now the gentleman from Florida [Mr. MICA] talks about Florida and areas that he would like to protect in Florida, and granted they may be areas that need to be protected and maybe should be bought and set aside as a preserve, or a wildlife habitat, or a wilderness area for that matter, but in looking through the GAO report, the Federal Government owns 4 million acres in the State of Florida already.

Now is all this 4 million acres land that the Federal Government should own, or maybe should some of it be sold so some money could be gathered up to purchase the land?

I think that it is extremely important that we realize that the Federal Government is adding land every year, not just purchasing land every year, but we are authorizing them to purchase more.

It was brought up by the gentleman from California [Mr. MILLER] that we approved a new park recently which I did not happen to agree and think was that great an idea. I think that maybe we ought to look at all the parks we have right now and decide whether or not they are all that we have.

But we have 650 million acres of Federal land. There is absolutely no reason why we cannot sell off some of that Federal land to purchase some of these sensitive environmental areas, some of these areas that would be ideal endangered-species habitat or wilderness areas.

As the gentleman knows, in my State, 50 percent of which the Federal Government owns, we have enough Federal land. We would be willing to sell some of our land to purchase some sensitive areas.

I think that we have to really look at what we are talking about doing here instead of continuing to add more and more Federal lands.

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

Mr. Chairman, just to get this all totally in focus I say to my colleagues, ''If you voted for the budget resolution, it had a moratorium on land acquisition so you should be against this amendment.''

We have already cut fossil energy research. This really decimates it. I say to my colleagues, ''If you don't care about our energy future, or our energy independence, or our national security, then you're not going to worry, but I think it is important. We have to balance out the needs.''

The reason we are not buying a lot more land is that we do not have enough money to take care of what we have, and, therefore, I think it does not make a lot of sense to buy additional land. We could generate revenues with offshore drilling in California and Florida, but I suspect that the proponents here that would like to buy more land and have more money are opposed to offshore drilling.

I would also point out when we did the rescission we found millions of dollars that have been appropriated that have not yet been spent.

One last thing:

We provide in the bill that the agencies can do land exchanges with private for public to adjust the boundaries, and that offers them an opportunity to get lands that are needed without spending more money or without taking on additional responsibilities.

I believe we have a very responsible approach in this bill. I would strongly urge my colleagues to vote against this amendment. We do not want to decimate fossil energy research. We do not want to buy more land. Already more than 38 percent of America is owned by the Federal Government, and we should use these lands for productive purposes. We have great lands that we need to enhance and operate effectively, and to take on more responsibility makes it impossible to get to the kind of deficit lowering that we want to see in the future.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Well, Mr. Chairman, the fact is that we already take in the money from the offshore oil and gas. Opening up more would not get us the money because it is being diverted to some other place. I know we talk about what was in the budget resolution. The budget resolution abolishes the Department of Energy, abolished it. That is where this money is being taken from, is from the Department of Energy. The question is we have had a lot of these paper promises in terms of delivering the money. As far as the Federal Government is concerned, we have given away 200 million acres of land in the last 30 years. We have given it away, and that is fine. That is appropriate in terms of many of the laws we have, so there is nothing wrong with that in terms of what we purchase. We are buying the sensitive riparian areas, the areas that have the endangered species, trying to round out the ownership for the parks, the BLM, so that we, in fact, can avoid the types of conflicts and reduce the administrative costs, and we need to have a funding account here with these dollars for reasonable land purchases which are approved by the chairman of the appropriations subcommittee, and I know they have done good work in the past and they will do it in the future. We can count on them to properly screen and filter these purchases. Vote for the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I want my colleagues to understand we have a several-hundred-million-acre backlog here, and this money is greatly needed. We are not doing the job now.

Now by the way, these are private landholders who are trying to strike agreements, and some of them have waited a very long time, and they will expect that their Government is going to follow through on its commitments. The money that the gentleman proposes to put back in will only bring us

up to a level where we still have a several-hundred-billion-acre backlog, but at least it will not get worse.

For the good of habitat in this country, for the good of wild lands in this country, for the good of wild rivers in this country, and for the good of private land holders who want to help and expect the Federal Government to keep the agreements that have been made with them please support this amendment.

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

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 3 minutes.

Mr. MILLER of California. Mr. Chairman and members of the Committee, this is about priorities. This budget resolution froze land acquisition. It also abolished the Department of Energy. One of the reasons it abolished the Department of Energy, I suspect, was we have already put $8 billion into this fossil fuel research, and we have gotten bupkiss out of it. We have gotten a huge debt out of it. Here is one of the wealthiest industries in the world who makes huge financial decisions about research, about exploration, about development and the hundreds of billions of dollars, and we are telling ourselves we believe in the marketplace, so to speak, but they are only $200 million of taxpayers' moneys away from a breakthrough. They could not do it on the first 8 billion, and actually it is far more than that. That is just the last 5 or 6 years, $200 million.

So, I say to my colleagues, ''Choose the priority. You can choose land acquisition and protection for the national parks and the wildlife refuges, or you can choose to force-feed $200 million more than the Committee on Science tells you that they are prepared to see this organization spend, and this adds to the $8 billion you have tried to force-feed in terms of energy development.''

Now, you said abolish the Department of Energy. But apparently when it is gone, the subsidy to these corporate clients will continue to be left.

□ 1730

So this is about priorities, this is about stark choices, and this is about decisions. When your constituents ask you why don't you run the government like a business, it is because you are feeding business $200 million they do not need, do not want, and do not find in their priorities. If this was a priority, they would be spending money on it. They are out in deep waters in the Gulf, they are in Russia, they are in the Middle East, they are in Kazakhstan, they are in China, and they are in Vietnam. And we are, like fools, sitting here saying, ''Oh, will you do some energy research in the United States of America?''

Let's choose the ecosystem of America. Let's choose the national parks. Let's choose the refuges, let's choose our urban park land, the families and recreation and the 300 million visitor days that will take place this summer, as we sit here and debate, by people who have chosen our national parks, chosen our seashores, chosen our refuges, chosen our national forests. Give them a hand. Give them a hand. Exxon, Chevron, Shell, Phillips, these boys, they will figure it out themselves. They always have. Vote for the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER], as modified.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 11, as follows:

[Roll No 502]

AYES—170

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bishop
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gutierrez
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jacobs
Jefferson
Johnson (SD)
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Williams
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—253

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Ford
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Miller (FL)
Molinari
Mollohan
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Coleman
Collins (MI)
Fields (TX)
Green
Greenwood
Hefner
Moakley
Montgomery
Reynolds
Tauzin

□ 1755

The clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Bono against.

Messrs. HORN, TAYLOR of Mississippi, BENTSEN, and Ms. JACKSON-

LEE changed their vote from ''aye'' to ''no.''

Messrs. GILMAN, DE LA GARZA, and PETERSON of Florida, Mrs. KELLY, and Messrs. FOX of Pennsylvania, SAWYER, ZELIFF, BRYANT of Texas, and LONGLEY changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NEUMANN

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

The CHAIRMAN. pro tempore (Mr. BARRETT of Nebraska). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUMANN: Page 12, strike lines 4 through 8.

Page 12, strike lines 21 through 25.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, the gentleman from California feels very strongly about this. He is willing to agree to 30 minutes, 15 minutes on each side, if that is agreeable.

Mr. REGULA. Mr. Chairman, I withdraw my unanimous consent request.

Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN. The Chair will state his understanding of this request. The time for debate on the pending amendment and all amendments thereto shall be limited to 30 minutes, equally divided and controlled by the gentleman from Wisconsin [Mr. NEUMANN] and the gentleman from Washington [Mr. DICKS].

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

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. NEUMANN] will be recognized for 15 minutes, and the gentleman from Washington [Mr. DICKS] will be recognized for 15 minutes.

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

□ 1800

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

Mr. Chairman, I want to thank the gentleman from Texas [Mr. STENHOLM] for joining me as a cosponsor in this bill. We have bipartisan support for this bill.

Mr. Chairman, our Nation stands $4.8 trillion in debt. We will overdraw our national checkbook this year alone by over $200 billion. Our children and our grandchildren are counting on us to stop spending money that we do not have. We must start prioritizing ourspending habits. This amendment would cancel the expenditure of $800,000 of taxpayer money to be spent on elephants, tigers, and rhinoceroses. I care about wildlife and I sure do not want to see elephants, tigers, or the rhinos become extinct.

The Neumann-Stenholm amendment would not mean that elephants, tigers, or rhinos would become extinct. In fact, the African elephant fund has collected over $4.5 million since 1991 in private contributions. The taxpayers of the United States have added $3.7 million since that time. This amendment simply turns off the use of Federal tax dollars for this purpose. These programs and activities are properly left for private foundations, not to be paid for by the U.S. taxpayers.

Some people here in Washington would have us believe that $800,000 is not worth worrying about. Let me respond. I understand it take $1 per day to keep a starving child alive in some of these same foreign countries. That means we could use these same tax dollars to keep 2,100 starving children alive, rather than spend the money to preserve tigers, elephants, and rhinos.

We have told our senior citizens that Medicare is broke, and it is. The fact of the matter is that by the year 2002 the Medicare system does not have enough money to pay its bills. We have told them there is no extra money to put into the system. I would like to know how we are going to explain this sort of an expenditure to those same senior citizens.

Our Nation is counting on this new Congress to solve the financial problems facing our country today. This is just one small step in restoring fiscal responsibility so as to preserve this great Nation of ours. I urge the passage of this amendment.

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

Mr. DICKS. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from California [Mr. BEILENSON] who has been one of the most knowledgeable Members of this institution on these very important programs. I strongly support these programs, as he does.

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

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

Mr. Chairman, I rise in strong opposition to the Stenholm-Neumann amendment, which would eliminate all funding for the African Elephant Conservation Fund and for the rhinoceros and tiger Conservation Fund.

Mr. Chairman, I also want to say at the outset that I hope we have not reached the point around here where every good and useful thing that we have ever done, or every program, no matter how successful and useful, is automatically suspect, and automatically subject to being eliminated just because it costs some money, even if it is a very, very small amount of money, such as in the case we are discussing here today.

These two programs, tiny as they are, hold the best hope, perhaps our only hope, of saving from extinction three of the world's most venerated creatures. The decision by Congress to eliminate these programs could have terrible consequences that we would never have the chance to reverse.

The amendments being offered, despite the fact that the bill already cuts the elephant fund to $600,000, half the money of this year's appropriation, only half the amount requested by the administration, it also cuts the rhino and tiger fund by $200,000, half the amount required by the administration, so along with virtually everything else in this bill, because of budget constraints, these programs are already being cut by 50 percent with the committee bill.

For the very minor amount of savings that would be gained by this amendment, a total of $800,000, its enactment would deal a potentially catastrophic blow to our efforts to save three species of animals that are on the brink of extinction, and would harm as well many other species which benefit from these programs.

There are fewer than 11,000 rhinoceroses left in the wild today. There are fewer than 6,000 tigers left in the wild today. The numbers of these two creatures have declined rapidly in recent years because of the demand for their parts and the poachers who supply that demand. There may well be no rhinoceroses at all, no tigers at all, left on the face of the earth in the next few years' time, except perhaps for a few in the zoos, and they will not last very much beyond a few additional years.

Mr. Chairman, I personally, and I hope the Members also, find that inexpressibly sad and potentially tragic. I believe that our modest efforts to save these species are well worth the mere $800,000 that we are arguing over here tonight. Although all tiger subspecies and all rhinoceros species have been listed as endangered for many years, the prohibition on trade of these animals has not been well enforced in some countries where their parts are believed by man to have medicinal value. Because of the strong cultural belief in the rhinoceros' and tiger's curative powers, it has been an extremely difficult and complex task to eliminate trade in these species.

However, as the plight of the tiger and rhino has grown increasingly serious, so too has our response. Last year the President imposed trade sanctions on wildlife products from Taiwan, which was the first time the United States has ever opposed such sanctions for trade in the Endangered Species Act. Those sanctions were lifted recently in recognition of the progress Taiwan has made in combatting trade in endangered species, but the situation still requires close monitoring

In tandem with that effort, toward the end of last year Congress authorized the rhinoceros and tiger Conservation Fund. We knew from our successful experience in slowing the decline of the African elephant that we could stop the decline of rhinos and tigers by providing assistance to other countries that they need to conserve these animals. The fund would provide grants to foreign governments and nonprofit groups that develop rhino and tiger conservation projects. In addition, private donations could be accepted and used for approved projects.

This is an example, Mr. Chairman, with the rhinoceros there has been some success in efforts to form new herds from scattered individual rhinos and remaining members of herds that have been decimated. If they are brought together in suitable habitat with greatly increased security, in time, group bonds form and a new herd can be established. Unfortunately, rhinos all live in developing nations, which simply do not have the resources to undertake this kind of preservation effort on a sufficiently large scale to ensure the recovery of the species.

Mr. Chairman, we have had a decent amount of experience with such programs. Mr. Chairman, we have had a decent amount of experience with these programs, because the rhinoceros and tiger fund is modeled on the successful African Elephant Conservation Fund that has been in existence since 1989, and is the other program which would be eliminated entirely by this amendment.

The gentleman from Texas [Mr. FIELDS], who unfortunately cannot be here today because of a death in the family, the gentleman from Massachusetts [Mr. STUDDS], and I, concerned by the catastrophic decline of the African elephant whose numbers plummeted from 1.5 million to about 400,000 just in the decade of the 1980's, were the co-authors of that bill, which President Reagan signed into law about 6 years ago.

Under that program, with a relatively modest amount of funding, less than $1.2 million a year, the United States has supported 55 projects in 15 African countries, many of which are extremely poor and desperately need the scientific and antipoaching assistance that we and other nations have to offer to help them manage their elephant populations. In fact, the elephant program has been perhaps the most successful effort ever undertaken anywhere in the world to ensure the preservation of a species in its native habitat.

Because of our leadership and contributions to the international coordinating group, every range country in Africa now has a short-term and a long-term conservation plan and we are all actively engaged together in efforts to implement that plan. Elephant populations now have been stabilized for the first time in recent memory, in the last 6 years, at about 400,000, the level they were at the end of the 1980's.

In addition, the elephant fund helps protect other species as well, because elephants play an enormous role in the ecosystems they inhabit, take up an enormous amount of space and area. Anything we could do to conserve them conserves other species who live in those same spaces.

Most importantly and finally, Mr. Chairman, our efforts have served as a catalyst in generating major contributions and technical assistance from nongovernmental organizations, from other donor nations such as Japan and several western European nations.

Mr. Chairman, in conclusion, I believe, and I hope Members do too, it would be unspeakably tragic if three of the most wondrous and beloved creatures on earth, creatures we have always thought of as part of our world, were no longer in existence. The tragedy would be greatly compounded if in the years to come our children and grandchildren, looking back at this time, saw that one major reason these creatures were no longer part of their world was because back in 1995, the Congress of the greatest, most powerful, and wealthiest Nation of the world refused to spend a mere $800,000 to help to try to save them.

I know it is not a lot of money, I know it is easy to make fun of such a program, I think it is terribly important what we are embarked on here. We are not asking a lot of help. It is being cut by one-half anyway. I urge my colleagues to defeat this amendment and do what the people of this country, if you were to ask them, would want us to do: help preserve these magnificent creatures.

Mr. NEUMANN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House of Representatives, and perhaps one of the finest people in the United States of America.

Mr. DICKS. Mr. Chairman, I would be delighted to yield an additional 2 minutes to the gentleman from Georgia, the Speaker, if he would so choose.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4 minutes.

Mr. GINGRICH. Mr. Chairman, let me just say that I very much appreciate the graciousness with which my colleague, the gentleman from Wisconsin, yielded time to me.

Mr. Chairman, this is an amendment which means well, but I think does wrong. This is a very small amount of money, but it is symbolically very important, and symbolically important in part for the signal it sends to people, particularly in Africa and Asia, about whether or not the United States is prepared to reach out and be helpful.

I want to confess up front, from a Republican standpoint I have some concern for elephants, but as a person, and maybe this is because of my own physique, I have a particular affection for rhinoceroses. I happened to have helped the Atlanta zoo get two rhinos. I do not want anyone on this side of the aisle to start making all the obvious comparisons.

However, I will say that when we think about the gesture we are making, and this has already been modified by the subcommittee in a way which I thought was very helpful in moving toward raising private sector funds and in making sure that we had to get involvement from the private sector, but I think that for this tiny amount of money, we are helping maintain an effort on behalf of some large mammals, all of which are severely threatened and all of which could disappear, literally be gone, unable to ever again find them in the wild. Frankly, we are learning more and more about just how difficult it is to reintroduce large animals, because they do not learn the habits in zoos of being capable of survival.

Therefore, I would simply say to all my friends, we have done a lot to cut spending this year. I am eager to get to a balanced budget. Most of us have actually voted for a massive cut in overall spending. We have proven we are committed to fiscal conservatism. This is a very tiny, very good series of programs which are not only important for ourselves, but which I believe send a signal; and I will tell all of the Members, when we look at some of these countries that are very poor, and they have suppressed poaching, and they have suppressed that, if you look at the value of a rhinoceros horn and you are a poor villager in southern Africa, look at the value of an elephant tusk, look at the value of a tiger skin, and look at countries which have voluntarily imposed on their own local people economic deprivation in order to sustain these species so that our children and our grandchildren can have a chance to see some of the most magnificent animals in the modern era; and then to say that we are going to allow them to disappear, and join that dinosaur skull I have in my office and be extinct, for $800,000 total, it just seems to me that there are lots of places to find savings.

We have found vastly more savings, I would say, with the help of the gentleman from Wisconsin, we have found more savings from the legislative branch, we are finding savings every week in the executive branch, and we will continue to work to find places to cut, but I would urge all of the Members, if this comes to a recorded vote, to join together in sending a signal to these poor countries in Africa and Asia, that this is a project they ought to have courage to stay with, that we want to stay with them in making it possible, and then some day, 20 or 30 years from now, if the rhinoceros still survives in the wild and the tiger still survives in the wild and the elephant still survives in the wild, you can feel like, hey, this was a nice thing to do for the human race.

Frankly, I think it is the kind of thing that, occasionally we ought to

just stop; we do not have to cut mindlessly just because we want to get to a balanced budget.

Mr. NEUMANN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would just like to add two things to what the Speaker says. First, I have the greatest respect for the Speaker of the House of Representatives. I would like to agree with him that this is clearly a symbolic vote, and that it clearly does send a message to the people of the United States of America as well as to foreign countries.

This is a question about whether we are going to cut back on programs or zero programs out. We have made the efforts to cut back on this program, I concur. The question now is whether we are going to go ahead and zero out programs, as opposed to just cut them back.

□ 1815

The Republican Party has talked a lot about zeroing out programs, and I would concur that this is a symbolic vote. I would also add that passing this amendment is not designed to terminate the programs to preserve elephants, rhinoceroses or tigers. It is simply an effort to say that the United States tax dollar should not be used for that purpose. We in this Nation need to reach the point where Government does not keep doing for others what others ought to be doing for themselves.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the Neumann-Stenholm amendment to H.R. 1977, the Interior appropriations bill for fiscal year 1996. First, I would be remiss if I did not commend the gentleman from Wisconsin for taking the lead on this issue. He is serious about deficit reduction and I am pleased to be a part of this small effort with him.

Our amendment is simple; it is about budget priorities. Our Nation currently has a $4.8 trillion debt. Medicare, Medicaid, education, agriculture, and many other important programs are being forced to make painful cuts due to a significant reduction in their funding. Yet this bill proposes sending nearly $1 million to Africa and other countries for preservation of elephants, tigers, and rhinoceroses.

The folks in my district tell me it is time that the Federal Government set reasonable budget priorities for their hard-earned tax dollars. While the preservation of exotic animals is a worthy goal, which I support wholeheartedly, I do not believe that sending $800,000 to Africa for this purpose meets the test of a reasonable budget priority.

I certainly do not oppose the common sense protection of endangered species. Many species have been saved and some are even flourishing now due to protection of their habitats. Our amendment will not mark the end of financial support for the African elephant, rhinoceroses or tigers. Over the past 5 years, outside groups have donated money for preservation of these species and their habitats totaling over $4.5 million.

Due to our current budgetary crisis, we are being forced to cut many, many good programs. The issue is not whether it is a good idea to preserve the habitats of elephants, rhinoceroses, and tigers in Africa and other countries. The issue is whether this is a current budget priority on which to spend American tax dollars. In this case, there is obviously significant interest and willingness to help from outside groups—they have done and are doing a great job of raising money for this purpose. To the extent possible, I believe we should encourage the private sector to provide funding for these types of projects. As a matter of fact, if those who are busy lobbying against this amendment spent the same amount of time, energy and money on fundraising—everyone would win.

Interestingly, the Federal Government does not currently compensate U.S. landowners whose use of their property is restricted due to the inhabitation of an endangered species. By law, these landowners cannot disturb an endangered species habitat even if it is on their private property. Therefore, the financial cost of protecting a domestic endangered species often falls on everyday U.S. citizens. Yet, at the same time, we send American tax dollars to foreign countries for the purpose of protecting an endangered species and its habitat. This simply does not make sense.

The Neumann-Stenholm amendment makes good sense. I urge my colleagues to support this fiscally responsible amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, just very quickly, I have a great deal of respect for the gentleman from Texas [Mr. STENHOLM] and the gentleman from Wisconsin [Mr. NEUMANN], but I have to disagree with them strongly on this issue and certainly agree with what the Speaker said.

The gentleman from Wisconsin mentioned children and the gentleman from Texas mentioned education. I cannot think of anything that is more important in a sense, in an overall sense for children and education, than trying to preserve the species. If anybody, and I am sure many of you have, have ever taken your children to a zoo to see elephants or rhinoceroses, the type of pleasure children get out of seeing those species, so many of the programs that children watch on TV, whether it be cartoons or educational programs, have elephants, rhinoceros and tigers. There is really a great thrill that children get in seeing the species, the animals themselves, as well as seeing the representations on TV.

I think the bottom line here is that these species are seriously threatened. A small amount of tax dollars will only help these nonprofit associations raise money. For the small amount of money we are talking about here, I think it is wisely intended, and we should oppose this amendment.

Mr. NEUMANN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding me the time.

Mr. Chairman, the Speaker was very eloquent in opposing this amendment, and I would only add an ''amen'' to what he had to say. The request we received from the President was for $1.6 million and it was well-justified. However, in putting our bill together, we recognized we had to cut back as much as possible. So we cut the President's request in half, and that is what is in the bill today.

There has been an enormous decline in the rhino population, the tiger population, the elephant population. Many of us can remember as children first learning about these species in reading the National Geographic, and we want our children and our grandchildren and great-grandchildren to likewise have the experience of knowing about these kind of animals.

We spent last year $69 million here in the United States on endangered species. The rhinos and the tigers and the elephants are more than just the Africans' possessions; they belong to all of us. They are part of our heritage and part of our natural cultural experience. We go to the zoos, we take our children to the zoos, our grandchildren, to see these animals. If they were to become extinct, it would be a tragedy for all of the people of the world.

These countries are poor. They do not have the resources. Of course, as was mentioned, the sale of the rhino horns and other things are an attractive thing for poachers. The way we have structure this, it requires a 2-to-1 match from the private sector. We provide $1, we get $2 from the private sector. Generous people, all over the United States, who care, are contributing.

I would urge my colleagues to vote against this. This is a wonderful investment. When you think we spend $69 million on endangered species, and here we are talking about a mere $800,000 which will be multiplied many times over by the countries where these animals are indigenous by the private sector contributors. I cannot say as eloquently as the Speaker how important this is for the preservation of these species.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I think everyone in this room knows what HIV is, and that

it leads to AIDS. HIV is human immunodeficiency virus.

It has just been discovered by a gentleman from Maryland that cats, cats in the wild, have FIV, that is feline immunodeficiency virus. They got it about 200 million years ago and through the course of time they have developed a resistance to FIV. Cats some time ago gave it to monkeys, SIV, simian immunodeficiency virus, and they gave it to humans. If we lose the wild cats in the wild, we will not have any sense of understanding about how they were able to balance HIV with not getting AIDS.

It is important, I think, for us to have some sense of preservation for these wild animals. I urge a ''no'' vote on this particular amendment. If we want to understand the nature of nature and preserve the quality of life for people, let's contribute just a few dollars which will add up to big bucks later.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. BREWSTER].

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

Mr. BREWSTER. Mr. Chairman, I rise in opposition today to the Stenholm-Neumann amendment eliminating funding for the Rhino and Tiger Protection Act.

This funding was secured last year as a result of efforts by Congressman JACK FIELDS and several members of the Congressional Sportsmen's Caucus. This funding is vitally important to the international efforts to rehabilitate the populations of these two species of animals.

I believe the question we are facing today goes much deeper than whether or not the U.S. should fund efforts to protect a foreign species. The question we are facing today is whether or not the United States should force unfunded mandates on other governments.

Until last year, the United States had mandated Rhino and Tiger management principles to countries in Africa without providing funding for those mandates. While we are at it, I might as well mention what those mandates are.

As a result of domestic laws such as the Endangered Species Act, the United States has unilaterally dictated to African countries what management principle they can or cannot use. Controlled sport hunting in many countries is the best and/or only way of producing revenues for the management of their domestic wildlife. We have told these countries that they cannot use hunting, which is a scientifically proven and successful wildlife management tool. Because of our unilateral threats, these countries have no way to fund their wildlife management without our support.

We have no more right to send an unfunded mandate to a foreign country than we do in sending an unfunded mandate to the State of Oklahoma or the city of Chicago.

Vote no against the Neumann-Stenholm amendment.

Mr. NEUMANN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

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

Mr. ANDREWS. Mr. Chairman, I thank my friend the gentleman from Wisconsin for yielding me the time.

Mr. Chairman, I rise in support of the amendment proposed by my friends the gentlemen from Wisconsin and Texas. I do not doubt for one moment the importance of wildlife management and preservation. I do not doubt for one moment the sincerity of the commitment of the Members who oppose this amendment. But I do not doubt for one moment that a huge majority of our constituents if asked to review our priorities in this case would want us to vote for the Neumann-Stenholm amendment.

The test that I think Members ought to use here, Mr. Chairman, is what I call the supermarket checkout line test. If this Saturday, Mr. Chairman, a Member were home in his or her own district and had to stand in the supermarket checkout line on Saturday morning and look one of their neighbors in the eye and explain to them why they had voted to spend their tax money on this program at a time when we are considering ways to spend less on reading teachers in the public schools, on the acquisition of public lands, on public health research in this country, I do not think there are many of us, Mr. Chairman, who could do that.

There is sincerity in this program, but there is not priority. It is a relatively small number, but it is a relatively big principle.

I urge my colleagues to support the Neumann-Stenholm amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I want to take this opportunity to associate myself with the gentleman's remarks. I think he has hit the nail right on the head, if not the rhino, that this is not a priority, particularly when we have cut back so dramatically on open land in our own State and our own Nation. I thank the gentleman for his comments.

Mr. ANDREWS. I thank my friend the gentlewoman from New Jersey, and I urge a ''yes'' vote on the amendment.

Mr. NEUMANN. Mr. Chairman, I reserve the right to close. Do I have the right to close?

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] as a representative of the committee has the right to close.

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

The CHAIRMAN. The gentleman from Wisconsin [Mr. NEUMANN] is recognized for 2 minutes.

Mr. NEUMANN. Mr. Chairman, I would just like to reiterate that this is somewhat of a symbolic vote, a message to the people of the United States that we are serious about changing the spending practices here. No one that I have talked to in this questions the importance of maintaining and preserving endangered species, preserving rhinos, elephants and tigers. No one is questioning that whatsoever. What is being questioned here is whether U.S. tax dollars should be used for that purpose or whether private funding should be doing that. Our children and our grandchildren are counting on this Congress to change the practices of the past, to zero out programs that we can no longer spend money on. If we had the money to spend on this program, it might be a fine program. We do not. Our checkbook is overdrawn. It is time we stopped spending money in this country that we do not have.

I would just close with a statement to reiterate, that it is time that the people in this Congress start sending a loud and clear message to the people of this country that the U.S. Government cannot keep doing for others what others ought to be doing for themselves.

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

□ 1830

Mr. DICKS. Mr. Chairman, I would just say, again, I think the Speaker hit the right tone this evening. This is a very modest amount of money to help preserve the African elephant, the rhinoceros and the tiger. The gentleman from California [Mr. BEILENSON] I think, made a very impassioned plea.

I would urge the gentleman from Wisconsin [Mr. NEUMANN], I would hope in deference to the speaker, that he would withdraw his amendment. But if not, I would hope we could have a voice vote, vote this amendment down and follow the wise counsel of both the gentleman from California [Mr. BEILENSON] and the Speaker.

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. NEUMANN].

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

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Mr. STENHOLN. Mr. Chairman, I withdraw my point of no quorum.

The CHAIRMAN. The Chair announced that pursuant to clause 2, rule XXIII, he will reduce to a minimum of five minutes the period of time within which a vote by electronic device if ordered, will be taken on the pending question following the quorum call.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that we not have a quorum call and we go immediately to a recorded vote.

The CHAIRMAN. The Chair has already announced the absence of a quorum.

The Chairman announced that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. STENHOLM] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 289, not voting 13, as follows:

[Roll No. 503]

AYES—132

Allard
Andrews
Armey
Baker (CA)
Barton
Browder
Brownback
Bryant (TN)
Bunning
Burr
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Condit
Cooley
Costello
Cramer
Crane
Crapo
Cubin
Danner
Dickey
Doyle
Duncan
Dunn
Emerson
Ewing
Fields (LA)
Ford
Franks (NJ)
Funderburk
Ganske
Graham
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Johnson, Sam
Jones
Kasich
Kennedy (MA)
Kennedy (RI)
King
Klink
Klug
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Lincoln
Lipinski
LoBiondo
Lucas
Manzullo
Martini
Mascara
McHale
McHugh
McInnis
McIntosh
McNulty
Metcalf
Mfume
Minge
Montgomery
Myrick
Nethercutt
Neumann
Norwood
Parker
Payne (NJ)
Payne (VA)
Petri
Pickett
Poshard
Quinn
Radanovich
Ramstad
Riggs
Roemer
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Stearns
Stenholm
Stockman
Stump
Tanner
Tate
Taylor (MS)
Thornberry
Thurman
Tiahrt
Traficant
Watt (NC)
Weldon (FL)
White
Young (FL)
Zimmer

NOES—289

Abercrombie
Ackerman
Archer
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burton
Buyer
Callahan
Calvert
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Conyers
Cox
Coyne
Cremeans
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefley
Hinchey
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennelly
Kildee
Kim
Kingston
Kleczka
Knollenberg
LaFalce
Lantos
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McKeon
McKinney
Meehan
Meek
Menendez
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Pelosi
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Skeen
Slaughter
Smith (TX)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Talent
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—13

Bono
Collins (MI)
Fields (TX)
Fowler
Green
Greenwood
Hefner
Martinez
Moakley
Reynolds
Solomon
Tauzin
Volkmer

☐ 1856

Ms. HARMAN, Ms. PELOSI, and Mr. HOKE changed their vote from ''aye'' to ''no.''

Messrs. ZIMMER, STUMP, EWING, CRAMER, HERGER, SALMON, SANFORD, STEARNS, and Ms. DUNN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Chairman, on rollcall No. 503, I was absent due to the death of a friend.

Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. UNDERWOOD

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UNDERWOOD: 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''.

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, may I inquire, if I might, about the possibility of a unanimous consent agreement? Would the gentleman be willing to limit the time on this to 10 minutes on a side?

Mr. YATES. If the gentleman will yield, until we hear from the leadership, we are not going to agree.

Mr. OBEY. Mr. Chairman, will the gentleman yield to me to explain to the membership what the situation is?

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

The CHAIRMAN. The gentleman from Guam [Mr. UNDERWOOD] controls the time. He has an amendment pending before the body. The gentleman from Guam has 5 minutes.

Mr. OBEY. Mr. Chairman, could I ask the gentleman from Guam [Mr. UNDERWOOD], with the understanding that he would be given 1 additional minute of time, if he would yield to me so I could respond to the gentleman from Arizona [Mr. KOLBE] in a constructive way?

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

The CHAIRMAN. Without objection, the gentleman from Guam [Mr. UNDERWOOD] has 1 additional minute.

There was no objection.

Mr. OBEY. Mr. Chairman, I think Members should simply understand there are discussions going on right now between the leadership on both sides of the aisle to try to find some way to get out of here at a reasonable time tonight. We have been asked, until those discussions are over, if we could just continue going in the regular order to keep things as calm as possible, and I would hope that shortly we could get an agreement on time for the remainder of the title.

Mr. KOLBE. If the gentleman from Guam would yield to me to respond,

and I would certainly ask unanimous consent for time if he needs more time, would the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I understand those discussions are going on. I was just trying to expedite what I thought was an amendment we did not need to spend an awful lot of time on, so we could continue moving on.

Mr. OBEY. So as not to inflame people's tempers on arguments over time limits at this point.

The CHAIRMAN. The gentleman from Guam [Mr. UNDERWOOD] is recognized for the remainder of his time.

Mr. UNDERWOOD. Mr. Chairman, I present this amendment. It is designed to reprogram funds to reimburse the government of Guam for expenditures on behalf of immigrants from three newly created independent nations in 1986.

By way of background, three countries were created out of the former trust territory of the Pacific Islands, and the United States negotiated a treaty with each government, allowing unrestricted immigration to the United States.

In 1986, three new nations were created out of the trust territory of the Pacific Islands, and unrestricted in-migration was allowed into the United States. These are the only countries of the world that have that right, and by virtue of Guam's proximity, most of the immigration has been to the island of Guam, so that today approximately 6 percent of our population is composed of these immigrants.

At the same time that these nations were created out of congressional action in recolonizing the trust territory, Mr. Chairman, an obligation was made to the people of Guam that any educational and social costs attendant to this in-migration would be paid for. In the course of over 8 years some $70 million has been expended by the government of Guam on behalf of these immigrants, and to date only $2½ million has been spent. My amendment requests $4½ million, and this is in accordance with an administration request earlier this year. It is bipartisan in nature, and it is supported by the chairman of the Subcommittee on Insular Affairs and Native Americans.

□ 1900

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

Mr. UNDERWOOD. I yield to the gentleman from California [Mr. GALLEGLY].

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

Mr. GALLEGLY. Mr. Chairman, the gentleman from Guam [Mr. UNDERWOOD] is correct. As the chairman of the subcommittee, I stand in strong support of the gentleman's amendment. It is fair.

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

Mr. UNDERWOOD. I yield to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I rise to support Mr. Underwood's amendment to provide Guam with immigration impact assistance.

This amendment would provide $4.58 million to assist Guam in meeting the demands of new immigrants to have settled in Guam. I understand the amendment is within the budgetary caps, and seeks to carry out a program authorized by Public Law 99–239 the act which set forth the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands.

Given our recognition of these States formally in 1986, it makes sense for them to take part in determining the priorities for federally funded programs. Accordingly, I urge support for Mr. UNDERWOOD's amendment.

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

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

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

Mr. MINETA. Mr. Chairman, I rise in strong support of the Underwood amendment and urge my colleagues to join me in voting to uphold the commitment of the Federal Government to the citizens of Guam.

In adopting the 1986 Compact of Free Association with the Federated States of Micronesia, the Republic of the Marshall islands, and the Republic of Palau, the Federal Government made a promise that Guam would be reimbursed for the costs associated with unrestricted immigration from the Freely Associated States.

Unfortunately, that promise was not kept until last year when the Congress appropriated $2.5 million for fiscal year 1995. Having just begun to live up to our promises, we should not back out now.

Mr. Chairman, we have all too often overlooked our responsibilities and our promises to the peoples of our Pacific Islands Territories.

By adopting the amendment offered by the gentleman from Guam, we can take a small step toward reversing that record.

It is a step well worth taking.

I urge my colleagues to join me in voting ''aye'' on the Underwood amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources.

Mr. MILLER of California. Mr. Chairman, I want to strongly support this amendment offered by the gentleman from Guam [Mr. UNDERWOOD] and again tell the House that this is neutral. He has taken the money that we have saved by closing—a portion of the money from OTIA, and it is a very important amendment, badly needed, and I hope the House will support it.

Mr. UNDERWOOD. Mr. Chairman, I would like to clarify this amendment takes advantage of savings made earlier by the amendment offered by the gentleman from California [Mr. GALLEGLY] in which the Office of Territorial and International Affairs was closed and in which technical assistance money is reprogrammed from other territories. I have the full support of all the Territorial Delegates. I have the full support of all the Territorial Governments on this issue.

Mr. Chairman, it is important to understand that this is really the quintessential unfunded mandate. What we have here is a series of unrestricted immigration. It is important to understand that there are only three countries in the world where its citizens can come into the country without a passport, without a visa, and they can come into any area and work without any restrictions whatsoever, and this happens in the case of Guam.

In order to make the comparison, in the past 8 years we have had 8,000 immigrants come into Guam. This represents approximately 6 percent of our total population. In comparison to the United States this would approximate 15 million people.

I urge support of this. I say to my colleagues, If you are interested in sending a message about unfunded mandates, if you're interested in sending a message about meeting failed Federal commitments on local communities, this is a good way to make that statement.

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

Mr. Chairman, I will not take the entire 5 minutes, but I will rise in support of this amendment. We have previously with the Gallegly amendment made a reduction in some of the funding so that the dollars are available for this purpose, and as has been pointed out, there has been a commitment that has been made to fund in this compact this aid. This has been an informal agreement that has been made through the years between the Territory, and the administration, and this Congress, and for that reason I do support the funding.

I would, however, note that in doing this we do use all the remaining dollars from the amendment that was struck and that this puts us right at our total allocation.

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

Mr. KOLBE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am perfectly willing on the part of our side to accept this amendment if the gentleman is willing to accept it, and I would urge the committee to accept this amendment.

Mr. KOLBE. Mr. Chairman, I would urge support of the amendment.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of Congressman UNDERWOOD's amendment to reallocate funding to the Government of Guam to compensate the financial burden placed on the local government by actions of the Federal Government.

In 1986, by public law the Congress adopted the Compact of Free Association between the United States and the Governments of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. This compact exempts citizens of the freely associated states from meeting certain U.S. passport, visa, and work permit requirements, and allows them to reside, work, and attend school in the United States and its territories. Guam and the other territories were not involved in these discussions.

Because Guam is the closest United States soil to the Freely Associated States, many indigent citizens of these states have migrated to Guam, and the Government of Guam has been required to expend in excess of $70 million to provide for the educational and social services of these people. While the United States Government has agreed in principle to assist the Government of Guam with these expenses, to date, only $2.5 million has ever been appropriated.

In fiscal year 1996, the administration proposed $4.5 million for this purpose, but the Appropriations Committee did not include that amount in its bill. As the gentleman from Guam has been saying since he came to Washington, this is a $70 million unfunded mandate. An unfunded mandate we can easily correct with the savings approved in the Gallegly amendment. In effect this is simply a reallocation of a portion of these funds, and the bill will remain below the subcommittee's 602(b) allocation.

I urge my colleagues to provide the funding for this prior U.S. commitment and vote in favor of the Underwood amendment.

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

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

Mr. ABERCROMBIE. Mr. Chairman, I speak in favor of the amendment, and the remarks of the Delegates from Guam and American Samoa would be as my own.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Guam [Mr. UNDERWOOD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. 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. HUTCHINSON: Amendment No. 54: On page 16, line 25, delete $37,934,000 and insert $34,434,000.

Mr. HUTCHINSON. Mr. Chairman, I commend the work that the committee has done. I think it is an excellent Interior appropriation bill. I think this amendment is important.

Mr. Chairman, the amendment that I am offering today is based on the principle that the Government, especially in this time of severe budget constraints, should not and cannot financially support every interest group, particularly those which have demonstrated the clear ability to be self-sufficient.

My amendment would eliminate the Federal subsidy for the National Trust for Historic Preservation and save the taxpayers $3.5 million.

Now let me emphasize that my intention is not to abolish the Trust or the many good programs that they carry out—but to remove a totally unnecessary Federal subsidy.

The Trust is a congressionally chartered organization established by an act of Congress in 1949. Its original primary mission was to preserve buildings, sites, and objects of historical significance, but since this time, the Trust has acquired 18 such historic properties. But today, the Trust only allocates about 20 percent of their annual $33 million budget to this primary mission. In fact, Mr. Chairman, the Trust has adopted significant administrative barriers which substantially preclude them from carrying out their primary mission. The Trust does not accept new properties unless they are fully endowed to cover all future operating expenses.

The other 80 percent of their budget, according to their 1949 charter, goes to ''facilitate public participation in the preservation of historic sites, buildings and objects.''

Now apparently, my colleagues, under this category lobbying expenses of over three-quarters of a million dollars is included, lobbying expenses on things like this publication put out by the National Historic Trust lobbying against the free enterprise system, what most of us believe in. They have claimed that they do not engage in lobbying, at least that they do not use Federal expenditures for that, but it is used at least to utilize their private funds in order to lobby State legislatures, local and Federal level. In one case they sent bulletins to all their Virginia members urging them to write their State senators, write their delegates, to oppose pending legislation. They even provided sample letters as to what should be said. They have lobbied repeatedly against the free enterprise system and have waged a virtual war on the mass retailing industry.

Also under this category falls litigation expenses for the Trust. In recent years, the Trust litigation department has had a budget of $700,000. In the last 5 years, the Trust has entered over 30 lawsuits against the Federal Government. They have entered suits against the FAA, State Department, Army Corps—and even the Justice Department and Interior Department, which by law sit on their board of trustees.

The Trust has also managed to come up with $233,000 annually to pay the salary of the organization president.

I ask my colleagues, ''Does an organization that pays almost a quarter of a million dollars for their president need a Federal subsidy?''

Six positions at the Trust paid salaries in excess of $100,000 in fiscal year 1994 for a total of $773,482—50 percent of this was charged to the Federal appropriation. In fiscal year 1995, there are five positions paid in excess of $100,000 and $333,362 is being charged to the Federal appropriation.

How do we justify a Federal subsidy for an organization that can afford this?

The bottom line here is that the Government cannot afford to subsidize groups with a proven track record of being able to support themselves. Over the last 5 years, revenues have exceeded Trust expenses every year and have contributed to the Trust developing a lucrative portfolio of assets which now exceeds $50 million. The private funding base, which already constitutes over 80 percent of the funding for the Trust, would only need to be slightly expanded to cover any shortfall.

In November, the elections demonstrated that the American people are clearly disillusioned with the direction the country is taking. We need to restore faith in our Government by honoring our commitment to the American people to reduce unnecessary spending.

Now, Mr. Chairman, I say to my colleagues, You're going to hear that the issue is the mainstream program. It is not. It is not. How can cutting $3½ million out of the budget of over $33 million possibly endanger or jeopardize that program? It jeopardizes litigation, lobbying, entertainment, and high salaries.

My colleagues will hear that the issue is historic preservation. It is not. It is not historic preservation, it is not mainstream, it is whether we can afford to subsidize well-endowed organizations.

Mr. Chairman, let us return the Trust to the same status that it enjoyed for nearly 20 years when it existed without the benefit of an annual Federal subsidy in realization that we must restrict Federal expenditures to our country's most essential needs. I urge support for the Hutchinson amendment.

Ms. MCCARTHY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. Chairman, the National Trust is an American success story. In over 1,000 communities across this great Nation it has worked to help revitalize our downtowns, our Main Streets, and throughout the land since 1980, Mr. Chairman, it has been a very real positive effort in 39 of our States, creating

over 23,000 new businesses, over 85,000 new jobs, over 33,000 building rehabilitation projects, and $3.6 billion in new investment and actual physical improvements. Every dollar spent by a local Main Street organization leverages over $25 from other sources.

Mr. Chairman, the committee chose to reduce the appropriation by one-half and to phase out Federal involvement. This amendment would abruptly end one of America's success stories.

□ 1915

It is untimely to do so in such a success story. I, who do support efforts for fiscal responsibility and balancing our budget, do not want to encourage that membership to abandon our downtowns, to abandon our local communities. I urge my colleagues to oppose this amendment.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. McCARTHY. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I just want to associate myself with the gentlewoman's remarks, and to thank her, because I think that we are picking up on a single issue over here which may have been in fact nothing more than a mistake, and trying to jeopardize the entire program for the Historic Trust. In fact, as the gentlewoman has pointed out, this has been a program that has been used and leveraged in our communities to save in many cases decaying parts of our community, which has brought new investments to our community, and has also preserved the Historic Trust of this Nation, the assets of this Nation, which we want to bring into the future for our children and grandchildren. I want to thank the gentlewoman for her support in opposition to this amendment.

Ms. McCARTHY. Mr. Chairman, reclaiming my time, it is another good example of a local and Federal partnership, and again where those dollars leveraged have been a great boon to the communities. So I do urge defeat of the amendment.

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

Mr. Chairman, with some reluctance I rise to oppose the Hutchison amendment. This was thoroughly debated in the committee, as well as a lot of discussion in the subcommittee. As has already been pointed out, we have made a very substantial reduction in the amount of funding for the National Trust for Historic Preservation. We have essentially reduced it 50 percent, from the $7 million that was there, to $3.5 million, and we have indicated our intention to reduce that funding to zero in the year after this. We have suggested there would be no funding in fiscal year 1997.

But, as with several of the agencies and programs that I think that the Republican majority has been talking about eliminating, we do recognize that there are many valuable things that are done here, and that we need to give some time for the changes to get made and for them to find alternatives to continue to do the work, which I think most of us would support, or at least many of the things that the National Trust for Historic Preservation does.

Let me just mention a couple. There are very few Members of this body that have not been touched one way or another by the Main Street program. I have had it operate in several of my communities. It has done a lot, I think, to restore and revitalize some historic downtowns in some smaller communities in my district. The Trust makes grants and loans in case after case that help for this kind of program for the Main Street program.

The Federal funds help to leverage the private local dollars, and the grant funds also enable the National Trust to support the historic preservation work of local communities, helping preservation groups to obtain needed technical assistance.

Mr. Chairman, the point of all of this is I believe this is a function which we can turn over to the private sector, but I do think we need to give it another year to do that. I think the reduction of 50 percent, with the clear understanding that we are not going to fund it in the years beyond that, is appropriate. This was the decision of the committee, the full committee, and that is the reason that I would oppose this and urge my colleagues to oppose this.

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

Mr. KOLBE. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I have a couple of questions. One is, does the gentleman approve of the fact that the Trust has filed over 30 lawsuits against various agencies of the Federal Government in the last 5 years, and, if that is the case, and it is, that in fact the cost to the Federal Government and the American taxpayer is not just the $3.5 million Federal subsidy, but all of the litigation costs that we have to pay in order to defend the Federal agencies they are suing?

Mr. KOLBE. Reclaiming my time, without commenting on the specifics of the litigation because I am not familiar with each of them, my answer to that would be no. What we seek to do by this reduction of 50 percent and terminating it in the second year is to give it an orderly time to phase out what I just mentioned are, I think, the worthwhile parts of this program, to retain that.

Mr. HUTCHINSON. If the gentleman will yield further, would it not follow that if the $3.5 million which we are subsidizing the Trust could be achieved by reducing a few executive salaries that exceed $233,000, if by reducing the expenditures on lobbying and entertainment and catering, which exceed three-quarters of a million dollars, and this lobby sheet has been passed out all afternoon out front, would it not make a lot more sense for the reductions in those kind of expenditures to pick up the $3.5 million subsidy, and in fact there would be no loss at all in the programs or worthwhile efforts of the Trust?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I would certainly trust that in a 50 percent reduction, that the National Trust for Historic Preservation would indeed be looking for those kinds of reductions, to reduce those things first. We have had considerable discussion in our subcommittee about this. We have also had considerable discussion with the leadership of the National Trust, and expressed our deep concern about the salaries that have been paid.

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

Mr. KOLBE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, in response to Mr. HUTCHINSON's question, is it not true that the Historic Trust is working to reform itself from within already, and they have offered a plan to somewhat go private and change the way they are doing business, and in that regard they are moving towards what Mr. HUTCHINSON wants, but probably not at the speed he wants, but they are not sitting there trying to preserve status quo?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the comment that the gentleman has made. The National Trust has, indeed, even before our subcommittee's action, had started work on a 5-year plan for eliminating Federal funding, and what we are doing is insisting we are going to speed it up slightly, and that it will be done in the course of 2 years. I think that is a rather considerable change, and I think it is an orderly way to eliminate the Federal funding for the National Trust.

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

Mr. Chairman, I oppose the amendment. The proposal by the gentleman from Arkansas is unwise, and it is unwarranted. I rise in opposition to the Hutchinson amendment and offer my support for the National Trust for Historic Preservation.

Since the Trust was chartered by this Congress in 1949, the Federal money allocated to the Trust has been effectively used as seed money and has nearly quadrupled through private donations. These funds help to finance a series of programs aimed at teaching communities revitalization and economic growth through preservation. These programs have proven to be tremendously successful, creating thousands of new jobs and businesses, and financing restoration and renovation projects in distressed communities throughout the country.

An excellent example of this work that the Trust has done would be found in the city of Northampton, Massachusetts, where the First Church of Northampton have duly received assistance. It has helped not only to support efforts to support the church, but also to

repair the stonework, to repair the roof, and to make the 117-year-old building fully accessible to the public.

In addition to being a place of worship, the church also houses several community groups and serves meals to the homeless and the needy. Now, thanks to the assistance offered by the Trust, the First Church can continue its contributions to the community in a sturdier and more accessible building.

The National Trust for Preservation is an example of a Federal program that works, and eliminating or curtailing its funding would be a terrible mistake. This program should not be eliminated; it should be imitated. Our country needs more cost effective programs like the National Trust for Historic Preservation.

Mr. Chairman, I urge my colleagues to oppose this proposal.

Anthony Lewis of the New York Times has said that we are rapidly becoming a nation without a memory. The Trust does not allow that to happen. Just as importantly, let me say this, if I can: I served as mayor of a good sized city, the 95th largest city in America, Springfield, MA. I fought with the preservationists time and again. You know what? They took me to court time and again, but at the end of the day their achievements far outweighed their shortcomings.

It is working. The Main Street program has restored thousands of homes across this country. It has renewed neighborhoods that were lifeless. It has brought Main Street, America back to viability.

Just as importantly, a great Republican initiative at the time, the historic tax credit, allowed people to use the Tax Code to rebuild Main Streets across this country. New England today has a complex that has changed in large measure due to the work of the National Trust for Historic Preservation.

It would be shortsighted tonight to go beyond what the committee has recommended. Let the Trust alone. It has succeeded. There are times when I have disagreed with it, but overwhelmingly, its work has been effective and successful.

Mr. Chairman, I hope that we will oppose the gentleman's amendment.

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

Mr. Chairman, I would like to support the amendment of the gentleman from Arkansas [Mr. HUTCHINSON]. I think it is long overdue. I think why should we be paying taxpayer funds to support lawsuits being filed against the Federal Government, or any government, for that matter. It just does not make sense.

This Trust is a successful organization, obviously, by the size of its budget, by the fact that 80 percent of its funds come from non-Federal sources. We are in an era where we are trying to bring down our deficit. This is a small but symbolic cut, but I think it is important to send this kind of a message.

This organization can stand on its own. I do not know why we would want to support or subsidize, if you will, an organization adding to the congestion of the courts, adding to the costs imposed upon individuals and businesses and families by bringing lawsuits against them.

I do not know why we would want to support an organization that has an extensive lobbying component. Obviously, if they are capable of funding that kind of a thing with 80 percent of non-Federal funds, they ought to just get off the Federal dole, get out of the trough. That time has ended. We have got some serious priorities to fund, and this ought to be one of the things that we certainly could cut.

By the way, I would just observe that when the president of this organization makes more than the President of the United States that would suggest to me that this organization can stand on its own.

Mr. Chairman, I think the gentleman from Arkansas [Mr. HUTCHINSON] has a great amendment, and I strongly urge its adoption.

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

Mr. Chairman, I rarely am on the opposite side of issues with my friend the gentleman from Arkansas [Mr. TIM HUTCHINSON]. He is a great budget watchdog, a super friend of the taxpayers, but this time I find myself going against him. And yet I can say this, that you can vote against the Hutchinson amendment and still be a friend of the taxpayers, because as the committee has reported this bill, it still is in the 602(b) allocation which will move us to a balanced budget. This bill is a bill that is a cut and a reduction bill. Indeed, this program alone has been reduced by 50 percent.

I heard the gentleman from California speaking up on the peanuts. Let me tell you about farm programs and why people from the agriculture communities should listen to this. What we are doing on the Committee on Agriculture is we are saying to our farmer friends, change status quo. Your farm subsidy may be a good investment, there may be a reason for it, but we need to change status quo. The Committee on Agriculture is responding that way.

Well, these folks are doing the same way with historic preservation. They have taken a 50 percent cut, and they have come up with their own plan to reform themselves. In addition to that, keep in mind this is not a frivolous program. They have a statutory obligation under the National Historic Preservation Act. They are doing things which the Federal Government has mandated by law. If we do not like that law, we should change it. We cannot do that on an appropriations bill.

Keep in mind this: the previous speaker said we are forgetting our national heritage. One thing we are not doing though is forgetting our tourism. Tourism in 30 states is the top first, second, or third highest industry, the big top three economic industries there are.

In my district, Savannah, Georgia, one of the leading tourism centers of Georgia, people come because it is the largest historic preservation community or landmark community in the country. Brunswick, Georgia, has come a long way in the last five years because of the Main Street program

These are economic investments. They are not things that are just preserving a building just because it is nice or aesthetically pleasing. This group works closely when a new building is proposed in an historic area. When there is a renovation that is going to take place in an historic area, where there is economic changes or growth in an historic area, they work with the community, with the local officials, with the planning boards, and so forth. This group is important to your community.

I would say this: I reluctantly hate to oppose the gentleman from Arkansas [Mr. HUTCHINSON], but you can oppose the Hutchinson amendment and still support a balanced budget, because the bill, as reported, does that.

□ 1930

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

Mr. KINGSTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I commend the gentleman and agree with his statement.

I, furthermore, think that the litigation that has brought is often sometimes necessary. It is the cutting edge of trying to define what the property rights are, what the covenants are, how we are going to proceed with this. And that differs in all 50 states. Frankly, we get by with very little dollars in the Historic Preservation Act.

The state historic preservation offices have little money coming from the Federal Government. We try to set national standards with regards to that so that fabric is consistent nationally.

They have done a very good job in this particular program. If you want to change it, fine. But give them a chance to do it. They have leveraged. They have completed their statutory mission. They are doing it today. Obviously, the fundraising and other activities they do, even the lobbying is set out there separately.

I worked very hard with them on, for instance, the establishment of a coin so that they could issue the Civil War coin. They stated their dollars and accurately, and part of these fundraising and other efforts obviously spill over into that. They are allocating it properly. I think they have done a good job. You have cut them deeply. I do not think we ought to eliminate it. This would be a real mistake.

Mr. KINGSTON. Mr. Chairman, the gentleman is correct. Let me ask the

gentleman one more question: Are there any other programs that you know of offhand in this Interior bill that are cut 50 percent?

Mr. VENTO. Well, there are some that are eliminated. I think that is a mistake. In cutting this, you are really forcing change at a rapid pace. We ought to give them an opportunity to survive so that we can fulfill the essential mission that we envision and that we all share in terms of cultural resource preservation.

Mr. KINGSTON. Mr. Chairman, 50 percent is a very significant cut.

Mr. HOUGHTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is too bad that we really have to spend all this time on this particular amendment. I just do not know why we are even discussing this. This has such tremendous leverage. It had such impact. We have so many things to do in this Congress. To eat up time this way discussing something like this, I think it is too bad. But the reason I do stand up here, because I think it is important and it has got leverage.

Let me make sort of an autobiographical comment. I come from a small town. That town was dying. That town was resuscitated principally because of a grant from the National Trust for Historic Preservation.

That grant alone contributed at a minimum of $100 in private funds to that $1 that was given here. That is far in excess of many of the small-time programs. But that is what it was.

Main Street USA is struggling. The soul of a community is in downtown, small town America. This helps. There is no other fund like it.

I strongly oppose this particular amendment.

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

Mr. HOUGHTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in strong support of what the gentleman has just said. I come from a community, Tacoma, in the State of Washington. And we did about the same thing. We restored a theater, the Pantages Theater, also our main train station in the community, Union Station, into a Federal courthouse. And I must tell you, it has done more to restore the spirit of that community and that downtown area. It has created jobs and it has made the city look a lot better.

This idea that somehow these partnerships between the Federal Government where we put in a very small amount of money and the private sector puts in a lot of money and a lot of good things happen because of it, that somehow that is wrong, I think that is ridiculous.

I applaud the gentleman for his statement, and I hope the House will remember, we have cut this program by 50 percent. We have listened to the people and said, we are going to move this budget down. We had to do it. We had to cut more in this bill than I wanted to cut. But to say in one year we are going to take it from 7 million to zero, I think is just ridiculous. I hope that we will all vote down this not-well-thought out amendment.

Mr. HOUGHTON. Mr. Chairman, I would just like to say this, you take the coldest, hardest financial analyst or investment analyst and you say, you give me $1 and I will create $100 for you, it is not a bad return on your money.

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

Mr. Chairman, I understand the concerns of the gentleman from New York and the gentleman from Washington. But this agency, this organization, let us put it that way, it is a public/private organization because it receives public funds, got and raised its own fund for years, for years. They did not need Federal funds. They operated very well, like we have come to this Congress to try to make happen. They do not need this money.

Frankly, most of the people that belong to the National Trust for Historic Preservation are rich enough to write checks for the amount of money we are quibbling over here and take care of it and leverage it all they want to.

The point is, if we cannot do this, what are we going to do?

Mr. Chairman, I rise in very strong support of the amendment to eliminate the Federal subsidy for the National Trust for Historic Preservation. I offered the very same amendment during consideration of the fiscal year 1994 Interior Appropriations bill several years ago.

I'd like to commend the chairman of the Interior subcommittee for recognizing the questionable nature of the Federal subsidy for the Trust by cutting the appropriation in half and directing the Trust to figure out how to make up these funds in the private sector, as they won't be receiving any Federal funds next year. The question is, do we want to sink another $3.5 million into this program—I submit that the American taxpayers do not.

The Trust was chartered by the Congress in 1949 to protect buildings, sites and objects significant in American history, but not suitable for inclusion in Federal trusteeship. However, only 20 percent of the Trust's budget goes toward administration of their 18 historic properties and the Trust does not accept any new properties unless they come fully endowed to cover all future operating costs.

The other 80 percent of their budget is allocated to activities which facilitate public participation in the preservation of historic sites, buildings and objects. These activities include extensive lobbying, regularly suing the Federal Government, organizing opposition to private property rights and what they call the greatest opponent to historic preservation, superstore sprawl.

These efforts are not activities taxpayers expect to be underwriting. Moreover, the Trust could do this work without tax dollars. The Trust has an extensive fundraising ability as well as dues paying members. Its budget has increased in the last 6 years and its portfolios of assets exceeds $67 million. If this Congress can't find the intestinal fortitude to save tax dollars from being spent on a program which doesn't need it, I have serious doubts about our ability to ever balance the Federal budget.

I'm sure we're going to hear loud wails from opponents of this amendment about how the loss of Federal funds will threaten the Mainstreet program or other true preservation activities of the Trust. Such cries—no doubt prompted by lobbying from employees of the Trust—are simply an effort to allow the Trust to continue its elitist activities and to avoid prioritizing spending.

Let's look at how the Trust allocates its spending:

It pays its president a salary of over $233,000;

Six positions at the Trust paid salaries in excess of $100,000 in fiscal year 1994 charging $385,000 of it to the Federal appropriation—in fiscal year 1995, five positions paid in excess of $100,000 and $333,000 is being charged to the American taxpayers;

In 1993, the Trust spent $884,000 for lobbying, entertainment and catering;

In 1991, the Trust spent over $700,000 on its legal department, which has entered over 30 cases against the Federal Government in the last 5 years.

The Trust also organizes numerous workshops and seminars. Perhaps the workshop that included the Eco Tour of the Boston Park Plaza hotel enabling participants to see an environmentally sound hotel that integrates environmental action into all daily decision making it an activity that could be cut out.

Likewise, perhaps organizing international trips such as the Red Sea Passage tour to Egypt and Jordan, described in the Trust materials as travel with fewer than 95 passengers aboard the splendid Regina Renaissance could be minimized.

Trust efforts like the Mainstreet program should be a top priority for the Trust. It is widely supported and good work is done through the program. To suggest that this would be the first to go if the Trust's budget is a couple million dollars less than this year is absurd. It's a matter of setting priorities and surely I've described many actives in which the Trust is involved that could be cut back or eliminated.

Day after day, we hear cries over the future of our children, of people who rely on Federal welfare and others in need and everyone asks the question, ''where can we cut funding so these people don't get hurt.'' Well, this is a great place to start.

The Trust serves as a slush fund for the most wealthy and elite members in

every community to oppose development that offends their aesthetic tastes. A recent article critical of the Trust's efforts to prevent what they call public enemy number one—superstore sprawl—stated, WalMarts and similar stores may not be as quaint as Georgetown shops but they usually offer consumers more for less.

If in these days of fiscal crisis we can't face a program like the Trust and recognize that it's a luxury for a few, not a necessity for many, and discipline ourselves to put the money elsewhere, I fear for our ability to make the far tougher choices we have ahead of us.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong opposition to this amendment. The gentleman points out that the Trust has gone out and raised at least 80 percent of the money itself. I think the American people would be very pleased if they knew that every dollar that we have invested in the Main Street organization has been leveraged by $24.46 of from other sources.

Now, what does the National Trust do? One of the major programs and one of the reasons I have always supported it is because of the Main Street program. What does it do? It works with communities to demonstrate how historic preservation can stipulate community revitalization and economic development. The National Trust, national Main Street program helps revive neglected and abandoned downtown commercial districts by providing local groups with organization, design, economic restructuring and marketing assistance.

Since 1980, Main Street has been active in over 1,000 communities in 39 States, creating over 23,000 new businesses, over 85,000 new jobs, over 33,000 building rehabilitation projects, and $3.6 billion in new investment and actual physical improvements.

Now, I think, again, what is wrong with the Federal Government saying that as a nation we care about historic preservation and that we have certain historic buildings that we would like to see preserved? I think the American taxpayers would be pleased that they are making a small contribution to this very important effort.

I hope that we will remember now that the committee, run by the gentleman from Ohio [Mr. REGULA], our distinguished chairman, made a significant reduction in this program and that we are going to end it in a year. This is one group that came in and said we can be phased out over a period of time. But to come here now and breach the committee's action I think would be unwise.

So I urge that all of us on both sides of the aisle resoundingly defeat an amendment aimed at, I think, undermining historic preservation in this country, which the Trust has been at the forefront of and this Congress has supported ever since the creation of the Trust.

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

Mr. Chairman, I will be brief. I was not going to speak, but I rise in strong but reluctant opposition to the amendment by the gentleman from Arkansas [Mr. HUTCHINSON] and also the gentleman from Texas [Mr. DELAY]. Let me tell you why.

One, the committee has cut them by 50 percent already. Secondly, they have a plan to go private. Third is the good that the Trust has done on Main Street programs throughout the country. In the town of Winchester in my congressional district, the city of Winchester changed hands 72 times in the Civil War, 72 times. The Trust has been involved, and they have saved Civil War battlefields. The battle of Cedar Creek, which is the only battle in the Civil War that the North and South won the battle the same day, in the morning of the battle, the South won. After they finished winning, they stopped. Then Sheridan came down and then came back and attacked the South and they lost. There at Belle Grove at the Battle of Cedar Creek they have saved. They have done so many other things.

The Civil War battlefields, Montpelier, you go on and on. I think the committee has a reasonable thing. They cut them 50 percent. They are out of business federally next year. But to pull the rug out now I think would be a mistake. I strongly urge Members to vote ''no'' on the Hutchinson amendment.

□ 1945

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

Mr. Chairman, I will be brief. I would like to engage in a question with the author of this amendment. First, let it be said, I am a strong supporter of historical preservation. I think it is a good activity at the local level. I think as long as we protect private property rights, it is an appropriate level for local governments to be engaged in.

With regard to the Main Street program, Mr. Chairman, I would ask the author, is it his intention that this $3 million cut in any way reduces funds available for that program?

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

Mr. MCINTOSH. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. I appreciate the question, Mr. Chairman. I would say to the gentleman that I also am a strong, strong supporter of the Main Street program. It affects 17 cities in the State of Arkansas, and it does a wonderful job and I fully support that. I would hope that the Trust would prioritize their funds so that program is not touched. We are talking about less than 10 percent of their operating budget.

Mr. Chairman, I would hope that what we would jeopardize would be things like $700,000 for the legal department of $700,000 for lobbying, entertainment, and catering, that those would be the things that would be cut instead of good quality programs that are helping our cities like the Main Street program.

Mr. MCINTOSH. My vote on this, Mr. Chairman, and I think the issue here is whether we should have government-funded, taxpayer-funded lobbying. As I walked into the Chamber earlier today, I was handed a sheet of paper that urged me to vote against this amendment, because one of the valuable things that the National Trust did was lobby with taxpayer dollars.

I disagree with that in principal, Mr. Chairman. I think it is wrong. I plan at a future date to have legislative activity to make it illegal for government grantees to be able to lobby government.

However, at this point, Mr. Chairman, I think the appropriate thing to do would be to support the amendment, to send a message that we do not want taxpayer-funded lobbying.

Mr. DICKS. Mr. Chairman, will the gentleman yield.

Mr. MCINTOSH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman should know, I think he does know, that it is illegal to use government-provided funds for any lobbying. It has been in this bill for years. Maybe they used some private sector money, but the money they get from the Federal Government cannot be used for lobbying. Therefore, if the gentleman is going to vote no on that basis, he is making a big mistake.

Mr. MCINTOSH. Let me say, Mr. Chairman, I am aware that there are restrictions on the use of government funds to lobby. They are inadequate. They do not work. They clearly do not work when the supporters of this institution tell me that I should vote for $3 million to them so they can continue to engage in lobbying. I think it is wrong. We do not need taxpayer lobbying.

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

Mr. MCINTOSH. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I would ask the gentleman, is it not true that money is fungible; that the money coming into this organization from the Federal Government can be allocated based upon their needs as they take in other money from private sources? If they need additional funds for lobbying, they can take that from the private sector and use this money for legitimate purposes, so therefore the result of our funding them is to effectuate their ability to lobby the government?

Mr. MCINTOSH. Yes, that is correct, especially on the overhead costs, it is very easy to have government funds be fungible.

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

Mr. MCINTOSH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, that would hold true for anyone that got any Federal dollars, even tax expenditures, that they may use those dollars actually for lobbying. Therefore, we probably should not have any type of funds going to any private person that exercises First Amendment rights. Is that the position of the gentleman from Indiana?

Mr. MCINTOSH. Reclaiming my time, Mr. Chairman, I do not believe when you fail to tax somebody that you are giving them money. What you are doing is letting them keep their own money, so there is a fundamental difference there.

Mr. VENTO. I am talking about with regard to grants.

Mr. MCINTOSH. Let me say in closing, Mr. Chairman, I support this amendment.

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

Mr. Chairman, I will be brief. I reluctantly rise in support of this amendment. I for many years was a Member of the National Trust for Historic Preservation. I joined it at Montpelier in Virginia. I strongly support their efforts to acquire historic properties like Montpelier and Belle Grove, and their efforts to support battlefields and other historic treasures in this country.

However, the role and the scope of the National Trust for Historic Preservation, unfortunately, in recent years, has taken a new direction that we can no longer as a Congress publicly fund, because the effect is to have money spent by the Federal Government to support litigation all over this country, to support lobbying efforts in this Congress, to affect rights of local governments and State governments, to affect private property owners' rights.

We have seen an example of it right in my State of Virginia in the past few years. The effort on the part of the National Trust for Historic Preservation to control land use planning in the entire northern Piedmont area of Virginia, 8,000 square miles, because they were opposed to the Disney project, is a tragic broadening of the scope of that organization. They should not be involved in that type of thing. If they choose to be involved, they should do so without the support of the Congress.

Mr. Chairman, when they go around the country filing lawsuits, as they intended to do in that case, and supporting lobbying efforts and other efforts, contrary to the interests of the people of the State of Virginia, certainly of the government of the State of Virginia, that is entirely wrong.

While I will continue to support their efforts to acquire historic properties, Mr. Chairman, and I think that is a very worthwhile goal, they, I think, have stepped over the line when they attempt to use their organization and the funds of the organization to inject themselves in massive land use planning issues that should be left to the discretion of State and local governments. I strongly support this amendment.

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

Mr. GOODLATTE. I yield to the gentleman from Washington.

Mr. DICKS. Does the gentleman think we should do away with the Historic Trust, Mr. Chairman?

Mr. GOODLATTE. I think the National Trust for Historic Preservation should make a choice. They should either make the decision that they are going to simply be involved in preserving individual historic properties, in which case there may be an argument to be made for Federal funds, or they should do what they are doing now, but do it only with private support, and not with the support of direct taxpayer subsidies.

Mr. DICKS. If the gentleman will continue to yield, I would suggest that we created the National Historic Trust, we told them to go out and preserve these important properties around the country which have historic heritage. Now we are saying ''We are not going to give you any money.'' Is that not an unfunded mandate?

Mr. GOODLATTE. I would say to the gentleman, it is not an unfunded mandate. It is because they have changed the scope and mission of the organization when they have in recent years expanded beyond their original purpose, which was to acquire and protect individual properties, which I think is a fine idea, and have instead gone into the effort of trying to control development.

In this case, their efforts in Virginia were to say that we should not allow a development like Disney in the entire northern Virginia Piedmont, 8,000 square miles. There may be reasons not to support that, but those reasons should be left to the people of Virginia, and not to an organization funded with taxpayer dollars.

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

Mr. GOODLATTE. I yield to the gentleman from Minnesota.

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

I would ask, is it not essentially one of the ways of protecting these resources that we have charged them to in fact go into the courts, to implement the laws, to educate about the laws that are passed by the Commonwealth of Virginia, or by the State of Minnesota, or by the national government?

Mr. GOODLATTE. The people of the State of Virginia, through their elected representatives, have the right to decide this issue. We in the Federal Government should not be funding a rogue organization that is going to go in and offer a contrary view to the rights of the people of Virginia, or any other State that faces this type of effort on the part of the Federal Government to fund land use planning contrary to the interests of people at the local or the State level. That is my position.

Mr. VENTO. If the gentleman will yield, was it not consistent with the laws of Virginia, the zoning codes and so forth, that they were trying to implement, educate, and to facilitate the process in terms of the goal of preserving this precious resource?

Mr. GOODLATTE. Reclaiming my time, Mr. Chairman, the Federal Government does not need to get involved in promoting and supporting the laws of the State of Virginia. The people of Virginia are perfectly capable of doing that on their own. When it is correct to historically preserve property, they should do so, and when it is not, they should not.

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

Mr. Chairman, very briefly, we have group after group come up to us and say, ''Do not cut my program.'' The National Trust has said they can live with the cut if it is phased in. We finally have a group that is saying ''We will raise the money privately. Just do not take it all away from us at once. Do it on a phase-in basis.'' The bill before us is a phase-in. The gentleman's amendment seeks to eliminate funding all at once.

I rise in opposition to the amendment. I support historic preservation. I ask all my colleagues to support historic preservation and vote ''no'' on the amendment.

Mr. Chairman, I rise in opposition to the Hutchinson amendment to eliminate the National Trust for Historic Preservation.

The National Trust was chartered by Congress in 1940, and its mission was significantly expanded by the National Historic Preservation Act in 1966. Last year the National Trust received approximately $7 million in federal funding. The National Trust has initiated many successful programs that leverage private sector investment in preservation projects at a very impressive rate.

Since 1980, the National Trust's Main Street program, which helps revive neglected and abandoned downtown commercial districts by providing local groups with organization, design, economic restructuring and marketing assistance, has been active in over 1,000 communities in 39 states, helping create over 26,000 new businesses, over 100,000 new jobs, and over $5 billion in new investment. Every federal dollar spent through a Main Street program leverages over $25.00 from other sources.

In Massachusetts, the Main Street program has been very successful. Forty-four communities in Massachusetts, including Beverly, Haverhill and Peabody, have participated, resulting in over $66 million in cumulative reinvestment.

There are few federal programs as successful in leveraging private sector investment than the National Trust and its Main Street program. In light of this, $3.5 million—a fifty-percent reduction from last year—is a modest amount of funding.

The National Trust for Historic Preservation is expanding its outreach to enable it to rely solely on private dollars. Elimination of the National Trust's appropriation today would jeopardize these privatization plans and will destroy its ability to carry out its congressionally mandated functions. In addition, eliminating these funds will cripple the National Trust's efforts to replace the current federal appropriation with private dollars.

Mr. Chairman, I urge my colleagues to vote ''no'' on the Hutchinson amendment and preserve our Historic Trust.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 281, not voting 24, as follows:

[Roll No. 504]

AYES—129

Allard	Ewing	Ney
Archer	Fawell	Nussle
Armey	Flanagan	Oxley
Baker (CA)	Franks (CT)	Petri
Ballenger	Funderburk	Pombo
Bartlett	Gekas	Porter
Barton	Goodlatte	Portman
Bilbray	Goodling	Ramstad
Bilirakis	Gutknecht	Roberts
Boehner	Hancock	Rohrabacher
Bonilla	Hansen	Roth
Brownback	Hastert	Royce
Bryant (TN)	Hastings (WA)	Salmon
Bunning	Hayworth	Saxton
Burr	Herger	Seastrand
Burton	Hilleary	Sensenbrenner
Camp	Hoekstra	Shadegg
Canady	Hostettler	Shays
Chabot	Hunter	Shuster
Chambliss	Hutchinson	Smith (MI)
Chenoweth	Hyde	Smith (WA)
Christensen	Inglis	Solomon
Chrysler	Istook	Souder
Coble	Johnson, Sam	Stearns
Coburn	Jones	Stockman
Collins (GA)	Kasich	Stump
Combest	Kim	Talent
Condit	Klug	Tate
Cooley	Largent	Taylor (MS)
Cox	Latham	Thomas
Crane	Lewis (KY)	Thornberry
Crapo	Linder	Tiahrt
Cremeans	Lipinski	Upton
Cubin	Manzullo	Visclosky
Cunningham	McCollum	Vucanovich
Danner	McInnis	Waldholtz
DeLay	McIntosh	Walker
Dickey	McKeon	Wamp
Doolittle	McNulty	Weldon (FL)
Dornan	Metcalf	Weller
Dreier	Moorhead	White
Duncan	Myrick	Young (FL)
Everett	Neumann	Zeliff

NOES—281

Abercrombie	Bishop	Calvert
Ackerman	Bliley	Cardin
Andrews	Blute	Castle
Bachus	Boehlert	Chapman
Baesler	Bonior	Clay
Barcia	Borski	Clayton
Barr	Boucher	Clement
Barrett (NE)	Brewster	Clinger
Barrett (WI)	Browder	Clyburn
Bass	Brown (CA)	Coleman
Bateman	Brown (FL)	Collins (IL)
Beilenson	Brown (OH)	Conyers
Bentsen	Bryant (TX)	Costello
Bereuter	Bunn	Coyne
Berman	Buyer	Cramer
Bevill	Callahan	Davis
de la Garza	Johnson, E. B.	Payne (VA)
Deal	Johnston	Pelosi
DeFazio	Kanjorski	Peterson (FL)
DeLauro	Kaptur	Peterson (MN)
Dellums	Kelly	Pickett
Deutsch	Kennedy (MA)	Pomeroy
Diaz-Balart	Kennedy (RI)	Poshard
Dicks	Kennelly	Pryce
Dingell	Kildee	Quillen
Dixon	King	Quinn
Doggett	Kingston	Radanovich
Dooley	Kleczka	Rahall
Doyle	Klink	Rangel
Dunn	Knollenberg	Reed
Durbin	Kolbe	Regula
Edwards	LaFalce	Riggs
Ehlers	LaHood	Rivers
Ehrlich	Lantos	Roemer
Emerson	LaTourette	Rogers
Engel	Laughlin	Ros-Lehtinen
English	Lazio	Rose
Ensign	Leach	Roukema
Eshoo	Levin	Roybal-Allard
Evans	Lewis (CA)	Rush
Farr	Lewis (GA)	Sabo
Fattah	Lightfoot	Sanders
Fazio	Lincoln	Sanford
Fields (LA)	Livingston	Sawyer
Filner	LoBiondo	Schaefer
Flake	Lofgren	Schiff
Foglietta	Longley	Schroeder
Foley	Lowey	Schumer
Forbes	Lucas	Scott
Ford	Luther	Serrano
Fowler	Maloney	Shaw
Fox	Manton	Sisisky
Frank (MA)	Markey	Skaggs
Franks (NJ)	Martini	Skeen
Frelinghuysen	Mascara	Skelton
Frisa	Matsui	Slaughter
Frost	McCarthy	Smith (NJ)
Furse	McDade	Spence
Gallegly	McDermott	Spratt
Ganske	McHale	Stark
Gejdenson	McHugh	Stenholm
Gephardt	McKinney	Stokes
Geren	Meehan	Studds
Gibbons	Meek	Stupak
Gilchrest	Menendez	Tanner
Gillmor	Meyers	Taylor (NC)
Gilman	Mfume	Tejeda
Gonzalez	Mica	Thompson
Gordon	Miller (CA)	Thornton
Goss	Miller (FL)	Thurman
Graham	Mineta	Torkildsen
Gunderson	Minge	Torricelli
Gutierrez	Mink	Towns
Hall (OH)	Molinari	Traficant
Hall (TX)	Mollohan	Tucker
Hamilton	Montgomery	Vento
Harman	Moran	Walsh
Hastings (FL)	Morella	Waters
Hayes	Murtha	Watt (NC)
Hefley	Myers	Waxman
Heineman	Nadler	Weldon (PA)
Hilliard	Neal	Whitfield
Hinchey	Nethercutt	Wicker
Hobson	Norwood	Williams
Hoke	Oberstar	Wilson
Holden	Obey	Wise
Horn	Olver	Wolf
Houghton	Ortiz	Woolsey
Hoyer	Orton	Wyden
Jackson-Lee	Owens	Wynn
Jacobs	Packard	Yates
Jefferson	Pallone	Young (AK)
Johnson (CT)	Paxon	Zimmer
Johnson (SD)	Payne (NJ)	

NOT VOTING—24

Baker (LA)	Hefner	Scarborough
Baldacci	Martinez	Smith (TX)
Becerra	McCrery	Tauzin
Bono	Moakley	Torres
Collins (MI)	Parker	Velazquez
Fields (TX)	Pastor	Volkmer
Green	Reynolds	Ward
Greenwood	Richardson	Watts (OK)

□ 2103

The Clerk announced the following pair:

On this vote:

Mr. Bono for, with Mr. Richardson against.

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

Messrs. METCALF, PORTMAN, and PORTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I struck the last word so that I could try to make the Members of the House aware of what at least some of us have been trying to do to get people out of here at a reasonable time and to set reasonable time limits on this bill.

About 6:30, I was informed by representatives of the majority side that they would like to reach a time agreement on this bill and what was suggested to me is that we try to reach agreement to limit title I and all remaining amendments, finish that by roughly 9 o'clock this evening, go home, work over the weekend to set reasonable time limits for the remainder of the bill, and stick to those time limits when we come back.

So, after some negotiation, I agreed to that suggestion.

□ 2015

I was informed that at a higher level on that side of the aisle that offer was not acceptable and that, in fact, the intention was to keep us here regardless of what we did until about midnight tonight. I do not think honestly that most Members on either side of the aisle think that that is the rational thing to do. Everybody is tired, and it is well if we are making decisions when we are reasonably fresh, and I think we are also much kinder to each other when we are.

So we then went into negotiations to try to find some way to limit time. I then suggested to the majority leader that because I had been told that we had major amendments such as NEA, National Endowment for the Arts, the Humanities, the weatherization amendment, two major amendments on energy program funding, the Strategic Petroleum Reserve, another one on Indian education to replace the one that I offered, the best estimate was probably about 4½ to 5 hours of debate left if we got lucky. There were 20 amendments pending to that title. That is what I was told, that people expected to be offered. So they thought if we limited that to 4½ hours and then took the votes, that would be reasonable length of time.

There were then about 12 or 13 still alive possible amendments to the remainder of the bill. We thought we could compress that to maybe 2 hours in total.

So what I offered was a suggestion that we finish title I, get out of here by 9:30, by that time, and then set a time limit under which we would finish all remaining debate on Monday to title II, stack the votes so that they would occur immediately on Tuesday morning, finish the 2 hours of debate on Tuesday morning on the remainder of

the bill and get through at a reasonable hour.

I respect the desire of the majority leader to try to do it somewhat faster, but I do not know how, and so we offered that motion. It was considered for roughly an hour. Then an offer was made, which I think was represented as coming from the majority leader, to finish title I and they go to the NEA tonight. That would still mean we would be here until midnight tonight. I do not think that is reasonable.

I do think I am willing to do almost anything to get reasonable time limits on this bill, and if the majority would like, I would even be willing to take up immediately the Stearns amendment on NEA, and have a vote on that, if you want, 10 minutes' debate on each side, vote on that baby, and go home for this evening with the same kind of time limits that we have been talking about for the remainder of the bill. I do not know if they are perfect. But at least they end this bill and get us on to the next one.

So that is what I have tried to offer in good faith. I do not want to see Members stuck here until midnight tonight for no reasonable purpose when, without time agreements, we are going to continue to be debating title I all night.

So at the end of these remarks. I am going make a unanimous-consent request to see if we can reach that agreement, and I would hope that we can get this done so that we can get this finished in a reasonably bipartisan fashion, and that is all I am trying to do.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding.

When he was talking about this, and I did not get up earlier, the next amendment is an amendment that affects my district nonetheless, and I am very concerned about that.

But I have no problem whatsoever with some kind of a limitation on time. But I would hope that that would come in the context of our working reasonably together, and I would also hope that it would, beyond this amendment, take us to the point where maybe we could close down reasonably early.

Mr. OBEY. I would like to do the same thing. I have been advised that probably on that amendment it would probably take about 15 minutes a side. I do not know if that is true or not. I am willing to settle on any time limit on that amendment that we could agree on.

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

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

Mr. REGULA. At this moment I guess I am the higher level. I have been looking around.

But anyway, I would like to make a suggestion to the gentleman. We have four amendments left in title I. People have missed their airplanes.

If we could take these one at a time and get time limits, the gentleman from California [Mr. FAZIO], the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from Vermont [Mr. SANDERS], and the gentlewoman from Idaho [Mrs. CHENOWETH], are what we show as being left in title I. If we could get time limits as we go like, for example, perhaps a half hour, whatever, I would like to reserve for our side on time limits, and I think, with a little bit of effort, we can get through these four. We will be finished with title I so when we come back we start on a new title.

Otherwise, if we do not finish title I, we are going to have another 20 amendments on Monday.

Mr. OBEY. That is what I had offered, but I was told by the majority leader he would prefer to see to it that we dealt with NEA tonight. I am trying to accommodate that request.

The unanimous consent request that I would make would be, unless you suggest just to title I, I would suggest we do NEA tonight, if that is what the majority leader wants, do the Stearns amendment, and come back to title I first thing Monday. I am trying to be reasonably responsive to what I thought the majority leader wanted.

Mr. REGULA. If the gentleman will yield, I think if it is agreeable, I would like to go ahead and try to finish these four amendments in title I, get a time limit on each one as we go along. We will get them as short as possible, and hopefully then we can finish up title I.

Mr. OBEY. Then let me simply stop my remarks and let me make the unanimous-consent request if I could.

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

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

Mr. YATES. Mr. Chairman, I want to find out from the gentleman from Ohio [Mr. REGULA] as to whether if we do finish title I, that he would be agreeable to considering title II, not tonight, but on another day.

Mr. OBEY. If I could reclaim my time, I think I will be able to answer that question by the nature of the unanimous consent request that I make.

Mr. Chairman, I ask unanimous consent that debate on all remaining amendments to title II be finished, including votes, by 9:30.

Mr. REGULA. Reserving the right to object, Mr. Chairman, I do not think this is fair to the Members who have an interest in these amendments and, therefore, I have to object to that request.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, I ask unanimous consent, trying to respond to the majority leader's interests, and I do not want to imply that he has agreed to it, he has not, but I think it is a reasonable proposal, I ask unanimous consent that we proceed to the Stearns amendment, debate on NEA, debate that for 10 minutes on each side, have a vote, adjourn for the evening, and when we return, agree to a time limit for title II on Monday of 5 hours of debate, with the votes to be taken the next day followed by the discussion on the remainder of the bill to be limited to 2 hours with whatever time is required for rollcall.

The CHAIRMAN. The request for adjournment and votes to be postponed to the next day has to be made in the House.

Would the gentleman care to restate his unanimous consent request?

Mr. OBEY. Mr. Chairman, let me simply state that I would, or my intention would be to deal with the Stearns amendment tonight for 10 minutes apiece, take the vote, and then adjourn for the evening, and when we go into the full House, I would make the motion with respect to the remaining consideration of the bill.

The CHAIRMAN. The gentleman should confine his request to the Stearns amendment.

Mr. OBEY. Then I ask unanimous consent that the gentleman from Florida be permitted to offer the amendment, notwithstanding title II of the bill is not yet considered as read and without prejudice to further amendments to title I of the bill.

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

Mr. REGULA. I object.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, I move the committee do now rise.

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

The question was taken; and the Chairman announced that the noes 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 168, noes 233, not voting 33, as follows:

[Roll No. 505]

AYES—168

Abercrombie	Collins (IL)	Flake
Ackerman	Condit	Foglietta
Andrews	Conyers	Frank (MA)
Baesler	Coyne	Frost
Barcia	Danner	Furse
Barrett (WI)	de la Garza	Gejdenson
Beilenson	DeLauro	Gephardt
Bentsen	Dellums	Gibbons
Berman	Deutsch	Gonzalez
Bevill	Dicks	Gutierrez
Bishop	Dingell	Hall (OH)
Bonior	Dixon	Hamilton
Borski	Doggett	Harman
Boucher	Dooley	Hastings (FL)
Browder	Doyle	Hayes
Brown (CA)	Durbin	Hefley
Brown (FL)	Edwards	Hilliard
Brown (OH)	Engel	Hinchey
Bryant (TX)	Eshoo	Holden
Cardin	Evans	Hoyer
Clay	Farr	Jackson-Lee
Clayton	Fattah	Jefferson
Clement	Fazio	Johnson (SD)
Clyburn	Fields (LA)	Johnson, E. B.
Coleman	Filner	Johnston

Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rangel
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Tucker
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
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
Luther
Manzullo
Martini
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Baker (LA)
Baldacci
Becerra
Bono
Clinger
Collins (MI)
Costello
Fields (TX)
Gallegly
Green
Greenwood
Hefner
Johnson, Sam
LaFalce
Lipinski
McCrery
Moakley
Moran
Neumann
Parker
Pastor
Reynolds
Richardson
Roukema
Scarborough
Smith (TX)
Tauzin
Torres
Velazquez
Volkmer
Ward
Watts (OK)
Williams

☐ 2044

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. REGULA. Mr. Chairman, if it is in order, I ask unanimous consent that we have 30 minutes, 15 minutes for each side, to debate the amendment to be offered by the gentleman from California [Mr. FAZIO] and any amendments thereto.

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, can we reach an understanding that this will be the last amendment of the evening?

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

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

Mr. REGULA. No, Mr. Chairman, I am not in a position to make that agreement.

Mr. OBEY. Then I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

☐ 2045

Mr. REGULA. Mr. Chairman, at this point, we will just go ahead with the bill and take whatever the next amendment is.

Mr. OBEY. Mr. Chairman, I move that the committee do now rise.

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

The question was taken; and the Chairman announced that the noes 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 161, noes 233, not voting 40, as follows:

[Roll No. 506]

AYES—161

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rangel
Reed
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
Thurman
Torricelli
Towns
Tucker
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
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 (CT)
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
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon

Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—40

Baker (LA)
Baldacci
Barr
Bateman
Becerra
Berman
Bliley
Bono
Chapman
Chenoweth
Coble
Collins (MI)
Costello
Fields (TX)
Gallegly
Geren
Green
Greenwood
Hefner
Johnson, Sam
LaFalce
Lipinski
McCrery
Moakley
Moran
Myers
Neumann
Parker
Pryce
Reynolds
Richardson
Scarborough
Smith (TX)
Tauzin
Torres
Velazquez
Volkmer
Ward
Watts (OK)
Williams

□ 2104

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I move to limit debate on title I and all amendments thereto to 90 minutes not including vote time.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a privileged motion. I move that the Committee rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. Chairman, what is at issue here, in my view, is whether or not this House is going to be able to conduct its business at reasonable times in public view or whether we are going to be reduced to making virtually every major decision in subcommittees and on the floor at near midnight, with minimal public attention and minimal public understanding and minimum attention.

Mr. Chairman, the motion that was just offered by the distinguished gentleman from Ohio is virtually identical to the proposition which I first made to the majority leader 2½ hours ago. The only thing that has prevented us from being out of here and all of title I finished by now, because our request was to be finished with title I by 9:00, the only thing that has prevented that has been willfulness, in my view. And I am simply suggesting that it makes no sense whatsoever to be doing at midnight what we could have done at 7:00 or 8:00 in the evening.

I would simply make the additional point that the motion that I made then was made after a request to provide limitations was offered by those on the majority side of the aisle. So what I am been trying to do for the last 2½ hours is to get done what majority Members of this House have asked me to help get done. I do not think that is unreasonable.

Mr. REGULA. Mr. Chairman, I oppose the motion.

I was not a party to the earlier negotiations. The gentleman from Illinois [Mr. YATES] and I discussed a possible agreement here that we would finish title I with time limits on the amendments that remain.

The gentleman from Wisconsin [Mr. OBEY] did not agree with that. Frankly, at this point, let us do the people's business. That is what we are elected to be here for.

Mr. Chairman, I move the previous question on the motion.

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

The question was taken; and the Chairman announced that the noes 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 162, noes 236, not voting 36, as follows:

[Roll No. 507]

AYES—162

Abercrombie
Ackerman
Andrews
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cramer
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rangel
Reed
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—236

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
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
Luther
Manzullo
Martini
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—36

Baker (LA)
Baldacci
Barr
Bateman
Bono
Collins (MI)
Costello
Fields (TX)
Gallegly
Green
Greenwood
Hayes
Hefner
LaFalce
Lipinski
McCrery
Moakley
Moran
Myers
Neumann
Parker
Payne (VA)
Pryce
Reynolds
Richardson
Scarborough
Shuster
Smith (TX)
Tauzin
Taylor (MS)

Volkmer	Watts (OK)	Yates
Ward	Williams	Zeliff

☐ 2127

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

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman will state the motion.

Mr. OBEY. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the Chairman announced that the noes 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 150, noes 249, not voting 35, as follows:

[Roll No. 508]

AYES—150

Abercrombie	Gejdenson	Obey
Andrews	Gephardt	Ortiz
Barcia	Gibbons	Orton
Barrett (WI)	Gonzalez	Owens
Becerra	Gutierrez	Pallone
Berman	Harman	Pastor
Bevill	Hastings (FL)	Payne (NJ)
Bishop	Hayes	Payne (VA)
Bonior	Hilliard	Pelosi
Borski	Hinchey	Peterson (FL)
Boucher	Holden	Pickett
Browder	Hoyer	Pomeroy
Brown (CA)	Jackson-Lee	Poshard
Brown (FL)	Jefferson	Rangel
Brown (OH)	Johnson (SD)	Reed
Bryant (TX)	Johnson, E. B.	Roybal-Allard
Cardin	Johnston	Rush
Chapman	Kanjorski	Sabo
Clay	Kaptur	Sawyer
Clayton	Kennedy (MA)	Schroeder
Clyburn	Kennedy (RI)	Schumer
Coleman	Kennelly	Serrano
Collins (IL)	Kildee	Sisisky
Conyers	Kleczka	Skaggs
Coyne	Klink	Slaughter
de la Garza	Lantos	Spratt
DeLauro	Levin	Stark
Dellums	Lewis (GA)	Stenholm
Deutsch	Lowey	Stokes
Dicks	Maloney	Studds
Dingell	Manton	Stupak
Dixon	Markey	Tanner
Doggett	Mascara	Taylor (MS)
Doyle	Matsui	Tejeda
Durbin	McDermott	Thompson
Edwards	McHale	Thurman
Engel	McKinney	Torres
Eshoo	McNulty	Torricelli
Evans	Meehan	Tucker
Farr	Meek	Velazquez
Fattah	Menendez	Vento
Fazio	Miller (CA)	Visclosky
Fields (LA)	Mineta	Waters
Filner	Mink	Watt (NC)
Flake	Mollohan	Waxman
Foglietta	Montgomery	Wilson
Ford	Murtha	Wise
Frank (MA)	Nadler	Woolsey
Frost	Neal	Wyden
Furse	Oberstar	Wynn

NOES—249

Allard	Bartlett	Blute
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Beilenson	Bonilla
Baesler	Bentsen	Brewster
Baker (CA)	Bereuter	Brownback
Ballenger	Bilbray	Bryant (TN)
Barr	Bilirakis	Bunn
Barrett (NE)	Bliley	Bunning
Burr	Hancock	Oxley
Burton	Hansen	Packard
Buyer	Hastert	Paxon
Callahan	Hastings (WA)	Peterson (MN)
Calvert	Hayworth	Petri
Camp	Hefley	Pombo
Canady	Heineman	Porter
Castle	Herger	Portman
Chabot	Hilleary	Quillen
Chambliss	Hobson	Quinn
Chenoweth	Hoekstra	Radanovich
Christensen	Hoke	Rahall
Chrysler	Horn	Ramstad
Clement	Hostettler	Regula
Clinger	Houghton	Riggs
Coble	Hunter	Rivers
Coburn	Hutchinson	Roberts
Collins (GA)	Hyde	Roemer
Combest	Inglis	Rogers
Condit	Istook	Rohrabacher
Cooley	Jacobs	Ros-Lehtinen
Cox	Johnson (CT)	Rose
Cramer	Johnson, Sam	Roth
Crane	Jones	Roukema
Crapo	Kasich	Royce
Cremeans	Kelly	Salmon
Cubin	Kim	Sanders
Cunningham	King	Sanford
Danner	Kingston	Saxton
Davis	Klug	Schaefer
Deal	Knollenberg	Schiff
DeFazio	Kolbe	Scott
DeLay	LaHood	Seastrand
Diaz-Balart	Largent	Sensenbrenner
Dickey	Latham	Shadegg
Dooley	LaTourette	Shaw
Doolittle	Laughlin	Shays
Dornan	Lazio	Skeen
Dreier	Leach	Skelton
Duncan	Lewis (CA)	Smith (MI)
Dunn	Lewis (KY)	Smith (NJ)
Ehlers	Lightfoot	Smith (WA)
Ehrlich	Lincoln	Solomon
Emerson	Linder	Souder
English	Livingston	Spence
Ensign	LoBiondo	Stearns
Everett	Lofgren	Stockman
Ewing	Longley	Stump
Fawell	Lucas	Talent
Flanagan	Luther	Tate
Foley	Manzullo	Taylor (NC)
Forbes	Martini	Thomas
Fowler	McCarthy	Thornberry
Fox	McCollum	Thornton
Franks (CT)	McDade	Tiahrt
Franks (NJ)	McHugh	Torkildsen
Frelinghuysen	McInnis	Towns
Frisa	McIntosh	Traficant
Funderburk	McKeon	Upton
Ganske	Metcalf	Vucanovich
Gekas	Meyers	Waldholtz
Geren	Mfume	Walker
Gilchrest	Mica	Walsh
Gillmor	Miller (FL)	Wamp
Gilman	Minge	Weldon (FL)
Goodlatte	Molinari	Weldon (PA)
Gordon	Moorhead	White
Goss	Morella	Whitfield
Graham	Myers	Wicker
Gunderson	Myrick	Wolf
Gutknecht	Nethercutt	Young (AK)
Hall (OH)	Ney	Young (FL)
Hall (TX)	Norwood	Zeliff
Hamilton	Nussle	Zimmer

NOT VOTING—35

Ackerman	Hefner	Richardson
Baker (LA)	LaFalce	Scarborough
Baldacci	Lipinski	Shuster
Bateman	Martinez	Smith (TX)
Bono	McCrery	Tauzin
Collins (MI)	Moakley	Volkmer
Costello	Moran	Ward
Fields (TX)	Neumann	Watts (OK)
Gallegly	Olver	Weller
Goodling	Parker	Williams
Green	Pryce	Yates
Greenwood	Reynolds	

☐ 2146

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I withdraw my pending motion.

Mr. Chairman, I move to limit debate on title I and all amendments thereto to 60 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Ohio [Mr. REGULA].

The motion was agreed to.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment, amendment No. 12, printed in the RECORD on July 11.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FAZIO of California: Page 2, line 11, strike ''$570,017,000'' and insert ''$569,417,000''.

Page 2, line 12, strike ''of which'' and all that follows through '', and'' on line 17.

Page 3, line 4, strike ''$570,017,000'' and insert ''$569,417,000''.

Page 16, line 5, strike ''$1,088,249,000'' and insert ''$1,088,849,000''.

Page 16, line 9, strike '', and'' and all that follows through ''serve'' on line 12.

Mr. FAZIO of California. Mr. Chairman, this does not need to be a lengthy debate, because I think it is a rather simple question that the Members need to decide here today.

This amendment, which is budget neutral, would reverse what I believe is a back-door effort to gut the provisions of the California Desert Protection Act. As all the Members who served in the last Congress know, that act took us at least 3 weeks to pass this House of Representatives. It was the culmination of some 8 years of hearings and consideration in every Congress, during the last 4. It was finally signed into law by the President during the last Congress after a tremendous outpouring of political support in California, in the desert and nationally.

Major changes were made in the bill on the House floor to address a number of concerns of landowners and outdoor enthusiasts. We dealt with problems and needs of the gunners and off-road vehicle people, we dealt with the needs of grazers and miners who had long used the area. And when the House acted, it did so with an overwhelming vote of 298 to 128, including the support of 45, as a matter of fact, with two conversions, 47 Republicans who served in the last Congress. The Senate passed it by an over 2-to-1 majority.

Now we have an attempt here, probably in a 10- or 15-minute debate, in a very brief debate after a tremendous struggle that took place in the last Congress. We are being asked, I believe inappropriately, to use a process which does not provide for due deliberation in committee to, frankly, make a mockery of the intense efforts this Congress made to accommodate this wide variety of views with many, many amendments. An amendment was offered by my good friend and colleague, who represents much of the area that is at

issue here. It was offered at his suggestion in the Committee on Natural Resources. The subcommittee acted contrary to, I think, its chairman's position to move from the National Park Service to the Bureau of Land Management all the funding that had been provided to implement the national park reserve as a result of this legislation just enacted.

The kicker is only $1 remains to implement the multiple-use plan that was agreed to by all of us. My good colleague and friend, the gentleman from California [Mr. LEWIS], is making us, including many of those who supported it in the past, to flipflop and to take a new tack after not even a year has passed since the enactment of the legislation.

So my amendment would simply restore the bill to its original form. I know that the gentleman from Ohio [Mr. REGULA] has proposed a very strong bill for the National Park Service generally. I want to support his mark, the mark that he would really like to provide for those across the country.

I think if my friend, the gentleman from California [Mr. LEWIS], wants to act to change the law we just enacted, we really ought to move legislation through the Committee on Natural Resources. I am sure the gentleman from Alaska [Mr. YOUNG] would be quick to accommodate him with hearings and a markup because I know he agrees with my friend's view of the Mojave preserve.

But by interfering with the Park Service operation of the Mojave national reserve, we are causing problems, adding to problems that I know the gentleman from California [Mr. LEWIS] wants to avoid. The National Park Service has done an effect statement discussing the impact of these changes. Let me quote from it. It says, ''While the funding has been transferred, the national preserve is still, in fact, a unit of the national park system. Implementation of the act requires new activities such as survey and installation of boundary signs, preparation of wilderness maps for 69 new areas, law enforcement patrols and surveillance and resource protection of these areas.''

So by limiting the funds to just a dollar, the Park Service cannot adequately carry out these roles. They have two people at any one time, at most, on duty. They have already closed down two meth labs. This is an area that deserves attention.

I think the owners of the 4,500 mining claims located in the preserve would be particularly alarmed. The Park Service says to them without funding, mining plans of operations will not be processed, validity determinations will not be made and environmental reviews will not occur.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(At the request of Mr. DICKS and by unanimous consent, Mr. FAZIO of California was allowed to proceed for 2 additional minutes.)

Mr. FAZIO of California. Mr. Chairman, the Mining in the Parks Act, which requires plans of operation to be prepared prior to mining activity, will still be in effect for the national preserve. We simply will be doing nothing to put any of this into effect.

Now, let me say I think there has been a mood change in the area as well. The San Bernardino board of supervisors, which originally opposed the preserve, is now enthusiastic about winning full funding for it, having noted that tourist visits in the area have increased dramatically since the preserve was established. The Chambers of Commerce of nearby Barstow, Baker and Newberry Springs have recently expressed their support for the Mojave national preserve. Local officials want to give this law a chance to work. We in Congress need to do the same.

In short, we should support Chairman Regula's mark. We should support the 8 years of careful crafting that went into establishing the preserve. We should not be using appropriations, I think, as an improper tool to reverse this law we only so recently have enacted.

In light of all the changes we made to accommodate all the critics, legitimate critics of all types who had an input on this bill, in light of the tremendous investment people on all sides of this issue have made, I urge support for this amendment, and I urge restoration of the law, and I urge all of my colleagues, particularly those who stood for this before in the prior Congress, to reiterate their support and not create any question about their dedication to desert protection in California.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I certainly hope it is the last word, Mr. Chairman.

Mr. Chairman and my colleagues, I do not intend to take a lot of time, and I certainly want to join my friend, the gentleman from California [Mr. FAZIO], in expressing our sensitivity about keeping you here this late regarding this matter. It is an item that happens to affect the districts of five Members from California. As this amendment applies, however, it is almost entirely in my own district, a district in which you can put five eastern States in just the desert that we are talking about.

The gentleman from California [Mr. FAZIO] is correct in saying that last year we had a very, very extended debate and, as a result of that debate, some very unusual things occurred. The chairman of the Natural Resources Committee last year brought a bill to the floor, did a very fine job representing the Senate sponsor of that bill, but there were many aspects of the bill that were not supported by those people who represented the territory affected, and as a result of that, on 10 different occasions the House, in a bipartisan way, chose to change that legislation, overrode the committee and, indeed, reflected the will of the people who live in and work in the territory involved.

There was one element of the bill that was a very significant controversy, and that swirls around this amendment and problem this evening. That element involves the East Mojave, which originally was to be designated as a park, and as the gentleman from California [Mr. FAZIO] suggested, we changed it so it could be more like a multiple-use area. The Park Service was given responsibility to deal with the East Mojave National Preserve, and that is when the problem began. We were very interested to see what they would do with that preserve because it is an area, some of which is very beautiful and very parklike, but most of which has no parklike quality.

The Park Service immediately asked the agency to transfer $600,000 from the Bureau of Land Management, the multiple-use agency, so they could have $600,000 to run this preserve. Almost overnight, they were putting up no-trespassing signs, ''Do not drive your vehicle past this point.'' Roadways that had been used for decades by people, by families, by people who live there, suddenly were no longer roadways. They were called ways, and they were not open to vehicular traffic.

The public that lives in the area is reacting very intently. So an amendment was made that essentially said, ''Hey, wait a minute, Park Service, before you go forward, maybe the real multiple-use agency, the BLM, ought to have that money, most of it, until we can see what your plan really is.'' So an amendment came forth in the subcommittee that took almost all of the $600,000 and gave it to the Bureau of Land Management, a public agency for multiple use of public lands, and left a dollar in the Park Service so that what we could have some basis for negotiations.

As a result of that, all of those people who the gentleman from California [Mr. FAZIO] suggested from the area thought perhaps they should work with them on the preserve have changed any position they might have considered regarding supporting the Park Service's work. The bipartisan Congressional Sportsmen's Caucus opposes the change the gentleman from California [Mr. FAZIO] is suggesting. All of the Members who represent the area, the people who actually were elected from the district, oppose the amendment offered by the gentleman from California [Mr. FAZIO]. State Assemblyman Keith Olberg, from the territory, opposes the change. The chairman of the San Bernardino County Board of Supervisors, Marsha Turoci, the person the gentleman from California [Mr. FAZIO] suggested in the past was supporting the Park Service, now says they should not go forward from here. We need to insist that we see their plan first. Let the Bureau of Land Management in the meantime go forward. The Needles

Chamber of Commerce, the East Mojave Properties Owners Association, the National Cattlemen's Association, hunter and wildlife conservation groups are opposed to allowing the Park Service to go forward without a plan, at least for the people who live there, who understand it, and who love it the most.

Now, ladies and gentlemen, I would not do this to your district. There is not any question that there is a very small group of elitists who would like to tell the people in the desert in California how best this land should be managed.

Indeed, there are portions of it that are park quality. We have recommended in the past that be put into a park, not a preserve, and let the Park Service run it, but in this case, absolutely, there is to question that the extremists are having their way in terms of the ways this place is being run. There is no need for this. The battle will go on forever unless we insist that the Park Service have a plan first.

I urge you to help me with my district and vote ''no'' on the Fazio amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

□ 2200

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

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, we do not need to prolong this too much. I think we all appreciate and understand the difficulty of getting a new national park off the ground, and there is no question there is some problems that would need to be addressed——

Mr. LEWIS of California. This is not in a national park.

Mr. FAZIO of California. I understand, but it is a preserve, and it is under the park system, and I do not think there is any question that the Park Service needs to reach out to the gentleman and to deal with the gentleman on the issues of concern to his constituents. I think it is fair to say that people really want to put this behind them, though, and I know what the gentleman is attempting to do, and that is to get the attention of the Department of Interior and people who need to accommodate the local concerns. I think the gentleman has done that, I think he has accomplished it, and I would only hope that he would sit down with Roger Kennedy and others, and sort out the differences, and see whether we can move to in the first 6 months of operation—some solutions at this site.

Mr. LEWIS of California. In the spirit of that I say to the gentleman, Mr. FAZIO, I appreciate what you've said. I've attempted to communicate with the Park Service. They have been nonresponsive. Let me say that indeed if we make this change, if it goes forward from here, a dollar for the Park Service, $599,000 for the multiple-use agency, the Bureau of Land management, I know they'll be talking to me between now and the time we go to conference, and that's exactly what the House ought to do. If this House last year had believed—could imagine the Park Service would do this to my district, they would have thrown this idea out. I mean it is almost ridiculous, but we shouldn't prolong the evening, Mr. FAZIO. We have really said all there is to say, and I appreciate your cooperation. I just wish you lived down there in San Bernardino County with me.

Mr. FAZIO of California. Well, some day maybe we will have that great privilege, but at the moment I just want to tell the gentleman that Roger Kennedy has written to the gentleman, and he has indicated his desire to meet with the gentleman, and I really think it is appropriate for that meeting to take place. I am sure it will regardless of what happens this evening, but I do hope that Members will stay the course and follow through with their commitment made last year, and I am certain the gentleman has gotten their attention.

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

Mr. Chairman, I would urge that we support the Fazio amendment, and I would like to, in discussing the Fazio amendment, make a suggestion that might get us out of here a lot earlier.

Mr. Chairman, the agreement we are now operating under is virtually the same agreement that I offered to the majority leader at 6:30 this evening. At the time, since it was first suggested to me by representatives of the majority party that we ought to try to get a time limit on title I, we constructed a time limit that was agreed to by Members of both parties on the committee. But, when I then walked over to the majority side of the aisle, I was informed by the majority leader that it was not acceptable. Basically the time limit that had been worked out on both sides at the committee level was that we should finish all amendments to title I, including the votes, by 9 or 9:30 this evening. The majority leader then informed me that regardless of how much progress we made on title I, Mr. Chairman, he wanted the House to stay in session until midnight and expressed great frustration that Members were offering so many amendments.

Mr. Chairman, I share that frustration. But I did not ask for a totally open rule. The majority leader happens to believe in it, and it is his privilege.

I then suggested, Mr. Chairman, to the majority leader that I would be willing not only to agree to a time limit on title I, but on time limits for the entire bill. I was asked what my estimate was of the time that would be required to do that.

Mr. Chairman, I told the majority leader that after consulting staff on both sides of the aisle that I was told that their best estimate of the time needed to complete the 20 expected amendments of title II was somewhere between 4½ and 5½ hours depending on what happened in the forestry issue and the arts issue. I suggested we ought to get a time agreement of that amount or any other number that could be agreed to and that, if that kept us into an hour which would be too late on Monday night, that we then stack the votes and have them occur immediately Tuesday morning, and then we try to compress the 12 expected remaining amendments in title III to 2 hours. That is a lot of compression. And that way we could get out of here in what I thought would be the fastest possible way.

The gentleman from Texas [Mr. ARMEY] suggested that he would like to think about that. About an hour later I was told that he did not find that acceptable but that he wanted to finish title I and then go on to consider the arts issue. I suggested that we either finish title I or go, if that was the preference of the majority party, go immediately to the arts issue, and in fact I offered a motion to—I offered a unanimous-consent request to complete title I and then go home. That was objected to. I then offered a unanimous-consent request to proceed to the Stearns amendment, which it was my understanding the majority party wanted to deal with tonight, and then go home and consider the title I items on Monday. That was again objected to.

Mr. Chairman, we are now going to get to about where I was asking that we get to at 9 or 9:30 by about 11 or midnight. I regret that we were not able to reach a bipartisan agreement because I honestly believe, if we have any chance of completing our appropriations bills, we need to have cooperation of Members on both sides of the aisle, not just that at leadership level, but the rank-and-file level, because there are lots of people who want to offer lots of amendments to lots of coming appropriation bills, and I do not think we want to be here until 1 or 2 o'clock every night. I do not think we do our best work then.

So it seems to me that we have to establish some kind of trust and some kind of willingness to work with each other to help facilitate the majority leader's own schedule. That is all I am trying to do, and I say to my colleagues, If you don't believe it, I invite you to ask any Member of the majority side on the Appropriations Committee, Ask them what I've tried to do on all the bills before us up to this time.

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

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin have 30 additional seconds.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

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

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

Mr. OBEY. Mr. Chairman, all I am trying to do, if you would have the good grace to let me do it, is to suggest that I do not see any constructive purpose to be served by further delay, and so what I am trying to inform the House, unless I am forced to change my mind, is that I have the right every 5 minutes, if I want, to offer another motion to rise.

Mr. Chairman, this is why I do not think it is good to meet this late, because Members do not often act in their own interests.

All I am trying to say is that I do not intend to offer any other motions to rise this evening. I would ask only two things: that we complete action on the pending amendments as quickly as possible and that the majority leader take into consideration the right of this House to consider every important issue we deal with under the most optimum conditions possible, and that means, I believe, not considering important legislation at 12, 1, and 2 o'clock in the morning, be it in subcommittee or on the floor.

I offer my colleagues my intention to try to cooperate in that, but the majority leader must have some realistic understanding of the time realities which neither the minority on the Committee on Appropriations nor the majority have any power to overcome. If the majority leader wants to insist that every single appropriation bill have totally open rules, then we must accept the logical consequences of that when some 70 amendments are filed. Most are filed on the majority side of the aisle, and it just seems to me it makes no sense to want time requirements that leave Members no time to debate the amendments which the majority leader himself has insisted be made in order.

So with that statement I will simply indicate I am not going to offer any more motions tonight, and I would hope over the weekend we can reach a reasonable understanding on this so that we can deal with these issues in a rational way. That is all I have been trying to do all evening long.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

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

RECORDED VOTE

Mr. FAZIO of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 227, not voting 33, as follows:

[Roll No. 509]

AYES—174

Abercrombie	Gibbons	Nadler
Andrews	Gilchrest	Neal
Baesler	Gilman	Oberstar
Barrett (WI)	Gonzalez	Obey
Becerra	Gordon	Olver
Beilenson	Gutierrez	Owens
Bentsen	Hall (OH)	Pallone
Bereuter	Hamilton	Pastor
Berman	Harman	Payne (NJ)
Bevill	Hastings (FL)	Pelosi
Bishop	Hilliard	Peterson (FL)
Boehlert	Hinchey	Pomeroy
Bonior	Holden	Porter
Borski	Horn	Portman
Browder	Hoyer	Poshard
Brown (CA)	Jackson-Lee	Rahall
Brown (FL)	Jacobs	Ramstad
Brown (OH)	Johnson (SD)	Rangel
Bryant (TX)	Johnson, E. B.	Reed
Cardin	Johnston	Regula
Chapman	Kanjorski	Rivers
Clay	Kaptur	Roemer
Clayton	Kelly	Roybal-Allard
Clement	Kennedy (MA)	Rush
Clyburn	Kennedy (RI)	Sabo
Coleman	Kennelly	Sanders
Collins (IL)	Kildee	Sanford
Conyers	Kleczka	Sawyer
Coyne	Klink	Schroeder
Cramer	Lantos	Schumer
DeFazio	Lazio	Scott
DeLauro	Levin	Serrano
Dellums	Lewis (GA)	Shays
Deutsch	LoBiondo	Skaggs
Dicks	Lofgren	Skelton
Dingell	Lowey	Slaughter
Dixon	Luther	Spratt
Doggett	Maloney	Stark
Dooley	Manton	Stokes
Doyle	Markey	Studds
Durbin	Martini	Thompson
Engel	Mascara	Thornton
Eshoo	Matsui	Thurman
Evans	McCarthy	Torkildsen
Farr	McDermott	Torres
Fattah	McHale	Torricelli
Fazio	McKinney	Towns
Fields (LA)	McNulty	Tucker
Filner	Meehan	Velazquez
Flake	Meek	Vento
Foglietta	Menendez	Waters
Forbes	Meyers	Watt (NC)
Frank (MA)	Mfume	Waxman
Franks (CT)	Miller (CA)	Wise
Frost	Mineta	Woolsey
Furse	Mink	Wyden
Gejdenson	Morella	Wynn
Gephardt	Murtha	Zimmer

NOES—227

Allard	Christensen	Flanagan
Archer	Chrysler	Foley
Armey	Clinger	Fowler
Bachus	Coble	Fox
Baker (CA)	Coburn	Franks (NJ)
Ballenger	Collins (GA)	Frelinghuysen
Barcia	Combest	Frisa
Barr	Condit	Funderburk
Barrett (NE)	Cooley	Ganske
Bartlett	Cox	Gekas
Barton	Crane	Geren
Bass	Crapo	Gillmor
Bateman	Cremeans	Goodlatte
Bilbray	Cubin	Goodling
Bilirakis	Cunningham	Goss
Bliley	Danner	Graham
Blute	Davis	Gunderson
Boehner	de la Garza	Gutknecht
Bonilla	Deal	Hall (TX)
Boucher	DeLay	Hancock
Brewster	Diaz-Balart	Hansen
Brownback	Dickey	Hastert
Bryant (TN)	Doolittle	Hastings (WA)
Bunn	Dornan	Hayes
Bunning	Dreier	Hayworth
Burr	Duncan	Hefley
Burton	Dunn	Heineman
Buyer	Edwards	Herger
Callahan	Ehlers	Hilleary
Calvert	Ehrlich	Hobson
Camp	Emerson	Hoekstra
Canady	English	Hoke
Castle	Ensign	Hostettler
Chabot	Everett	Houghton
Chambliss	Ewing	Hunter
Chenoweth	Fawell	Hutchinson
Hyde	Mollohan	Smith (MI)
Inglis	Montgomery	Smith (NJ)
Istook	Moorhead	Smith (WA)
Jefferson	Myers	Solomon
Johnson (CT)	Myrick	Souder
Johnson, Sam	Nethercutt	Spence
Jones	Ney	Stearns
Kasich	Norwood	Stenholm
Kim	Nussle	Stockman
King	Ortiz	Stump
Kingston	Orton	Stupak
Klug	Oxley	Talent
Knollenberg	Packard	Tanner
Kolbe	Paxon	Tate
LaHood	Payne (VA)	Taylor (MS)
Largent	Peterson (MN)	Taylor (NC)
Latham	Petri	Tejeda
LaTourette	Pickett	Thomas
Laughlin	Pombo	Thornberry
Leach	Quillen	Tiahrt
Lewis (CA)	Quinn	Traficant
Lewis (KY)	Radanovich	Upton
Lightfoot	Riggs	Visclosky
Lincoln	Roberts	Vucanovich
Linder	Rogers	Waldholtz
Livingston	Rohrabacher	Walker
Longley	Ros-Lehtinen	Walsh
Lucas	Roth	Wamp
Manzullo	Roukema	Weldon (FL)
McCollum	Royce	Weldon (PA)
McDade	Salmon	Weller
McHugh	Saxton	White
McInnis	Schaefer	Whitfield
McIntosh	Schiff	Wicker
McKeon	Seastrand	Wilson
Metcalf	Sensenbrenner	Wolf
Mica	Shadegg	Young (AK)
Miller (FL)	Shaw	Young (FL)
Minge	Sisisky	Zeliff
Molinari	Skeen	

NOT VOTING—33

Ackerman	Hefner	Richardson
Baker (LA)	LaFalce	Rose
Baldacci	Lipinski	Scarborough
Bono	Martinez	Shuster
Collins (MI)	McCrery	Smith (TX)
Costello	Moakley	Tauzin
Fields (TX)	Moran	Volkmer
Ford	Neumann	Ward
Gallegly	Parker	Watts (OK)
Green	Pryce	Williams
Greenwood	Reynolds	Yates

☐ 2228

The Clerk announced the following pair:

On this vote:

Mr. Richardson for, with Mr. Neumann against.

Mr. Moakley for, with Mr. Bono against.

Messrs. BROWN of California, LAZIO of New York, GILCHREST, GONZALEZ, HOYER, and MARTINI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair will announce that under the agreement, there are 38 minutes remaining for debate on the amendments.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Alaska:

On page 13, beginning on line 10, strike ''113 passenger motor vehicles, of which 59 are for police-type use and 88 are for replacement only'' and insert instead ''54 passenger motor vehicles, none of which are for police-type use''.

On page 14, beginning on line 3, strike ''*Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*'' and insert instead ''*Provided*''.

On page 9, line 22, insert ''(less $885,000)'' before '', to remain''.

On page 27, line 23, insert ''(plus $851,000)'' before '', to which''.

Mr. YOUNG of Alaska (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 Alaska?

There was no objection.

□ 2230

Mr. YOUNG of Alaska. Mr. Chairman, I will not take a great deal of time. This is a very simple amendment.

What my amendment does, very frankly, is to strike the funding for 59 new vehicles for the United States Fish and Wildlife Service for police activities and two airplanes for the Fish and Wildlife Service. It is my strong feeling that these are not needed at this time, and, in fact, these monies should be transferred, and that is what my amendment does, to the BIA.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment on this side, and concur in it.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am prepared to accept this amendment, but the gentleman from Massachusetts [Mr. STUDDS] has a question.

Mr. STUDDS. Mr. Chairman, if the gentleman will yield, would the gentleman explain why he strikes the proviso that the Fish and Wildlife Service may accept donated aircraft?

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, there are two things: The Fish and Wildlife Service now has an exorbitant amount of aircraft that they provide, and I would not like to get into the subject totally tonight.

In my State alone we have over 110 aircraft. There are plenty of aircraft to be chartered out, and my argument all along has been every time they acquired aircraft, if it is from the military or any other place, it takes tax dollars to maintain and operate those aircraft, in direct competition with aircraft that are available for contract. I can go to Alaska, and I hope you have a chance, the gentleman has been to Alaska, and we can go on the turbogoose, we can go into everything but a big jet.

I am saying it is time we get out of this business. I am not striking the aircraft that they have now, but the two aircraft they have requested, I am saying no more. Until they can come to me and justify that aircraft, they can show what the need is, I do not think we ought to be having any more aircraft for them.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me make certain that I understand this amendment. The gentleman is striking the ability for the agency to receive aircraft, two of them.

Mr. YOUNG of Alaska. Two new ones. And I am also striking the 113 passenger vehicles, the 54 remaining for them, the 59 for police work I am striking, because they never justified the use of those vehicles, and I am transferring that money to the BIA.

Mr. OBEY. These are enforcement vehicles that have been requested by the agency?

Mr. YOUNG of Alaska. Apparently they were requested by the agency, but I do not believe they have been justified, and I really will tell you sincerely, kind sir, that one of our biggest problems, they request these vehicles, they have not shown where they are going to be used; I am letting them purchase the 54, but not the 113.

Mr. OBEY. Could I ask what testimony the committee has taken that indicates that these are not needed?

Mr. YOUNG of Alaska. Well, I am not on the committee, and, very frankly, I just know I am on the authorizing committee, and we are going to review the Fish and Wildlife Service and all of the other agencies that come before my committee. I have not had time to do that, that is all. We will do it. If they can justify it, we will go forth at a later date.

By the way, we will have time as it goes to the Senate and goes to conference, the gentleman from Washington and the gentleman from Ohio, if they are in fact needed and can be justified, that can be handled at a later date. But, frankly, I am concerned that the money is being spent by these agencies when they could be spent in other areas. Now, that is what I am saying here.

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

Mr. Chairman, I am very dubious about accepting this amendment at this point. And the reason I say that is because, as you know, in many regions of the country, I know the West is one, I know certainly in my own State, there are a number of organizations, malicious and otherwise, who simply do not like the idea that Federal agencies are purchasing or receiving additional equipment which can be used in law enforcement. I really do not believe that their judgments ought to supersede the judgments of agencies who we charge with the responsibility to enforce the law.

I respect people's rights to join any organization they want, but frankly, I am suspicious of many of the forces in this society who are so suspicious of law enforcement officials, whether they be Federal or State officials, that I do not believe that we should be making a decision like this, especially at this late hour. So I do not like to do it.

Mr. REGULA. Mr. Chairman, would the gentleman yield?

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

Mr. REGULA. Mr. Chairman, I have been assured by the gentleman from Alaska that he will hold a hearing on this issue prior to the conference on this bill, and if the evidence would indicate that these aircraft are important to law enforcement, I think we can deal with it in the conference committee.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for that assurance, but let me be very blunt. I know there are a lot of militia organizations around this country that do not like to see these agencies get additional equipment that can be used in law enforcement. I must confess that I am extremely concerned that this may be another one of those cases.

So under those circumstances, I do not believe we ought to accept the amendment, and I am going to feel required to push this to a rollcall vote.

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

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

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding, and I think we really ought to understand whether any of these land management agencies have vast responsibilities. We represent and have had in the past a tremendous amount of testimony on illegal drugs entering the country. And very often we have found that the various land management agencies are absolutely key to in fact working with the law enforcement agencies, whether it is the DEA or whether it is the local law enforcement agencies.

Some agencies, as a matter of fact, these land management agencies, have exclusive jurisdiction in some of the remote areas in terms of law enforcement, in terms of enforcement of activities in those lands. The gentleman from Alaska represents a state that has a number of areas that maintains exclusive jurisdiction. I know this just deals with the Fish and Wildlife Service, but the fact of the matter is it is an issue that has brought implications.

We have repeatedly asked for hearings on topics in fact dealing with the problems and the threats to such law enforcement agencies in this instance. And if we are going to take away from them the very tools that they need to do that job, I would have significant concerns about such an amendment.

I just think that the fact is that on an arbitrary basis, coming up here with no testimony from the agency, obviously this was put forth, was looked at by the committee. I have heard no testimony that suggests that they do not need this. I mean without aircraft in Alaska, you do not really get around. You really cannot do your job in that particular instance. We know that there is a greater and greater problem, and many of the problems, frankly, many of the problems, frankly, relate to the fact that in terms of not having and having inadequate personnel on

the ground for any of these land management agencies, including the Fish and Wildlife Service. So often they delegate and collaborate and work with other agencies or State agencies. But if they do not have the tools and the resources, we are simply lining them up for failure in terms of these particular issues, and I understand the good faith the gentleman brings this amendment forward with, but I think it has rather significant ramifications, and I think the gentleman from Wisconsin has picked up on it, and I thank the gentleman for yielding.

Mr. OBEY. Mr. Chairman, I thank the gentleman, and I say that I will feel required to push this to a rollcall vote.

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

I think we have had the assurance of the chairman of the Natural Resources Committee that there will be a hearing on this. This bill does not take effect until October 1. We will have a conference committee in September. If the hearing indicates that there is a need, I have been assured by the gentleman that we can deal with that in conference and ensure that there is adequate equipment.

I think the point is accurate; it is not just getting a donation of an airplane. Again, it is the operating costs that factor in. So it does not stop with the airplane.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. May I suggest, I see my good friend from California and I listened to my good friend from Wisconsin, and it has nothing to do with the militia or any other thing. What I am suggesting respectfully, have not seen the justification for this amount of new vehicles. Remember, this is what we call roaded areas. They may be needed. But we have not so far found out if that need is true.

Second, the aircraft, may I stress, is nothing new. Right now they have a humongous fleet of aircraft operating all across the United States at the taxpayers' cost, and very frankly cannot justify them. I have been fighting this issue for the last 15 years, as I was in the minority. And I will tell you right up front that they cannot come to this House or this committee or any other committee and say that they can truly justify the cost to the taxpayer for this fleet of aircraft. That is all I am saying.

They want two new airplanes. That is wrong. This has nothing to do with the militia or anything else. I am saying if you look at the moneys being spent, this is incorrect. You can say what you want to say.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would ask the gentleman from Ohio, though I have the greatest respect and admiration for our friend from Alaska, but I would feel a lot better if it was the Appropriations Committee or Interior that had the oversight hearing and we brought up the Fish and Wildlife Service and spent a morning and took a look at this so we could assure our colleagues that we are doing the right thing here. As I said, I am willing to go along, it is late at night, but I think if we could have, say a one-morning hearing, we could get to the bottom of this.

Mr. REGULA. Reclaiming my time, I do plan to have oversight hearings and we will certainly include one on this prior to conference.

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

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

Mr. OBEY. Mr. Chairman, what mystifies me is I thought that appropriation hearings on budgets were in essence oversight hearings. I had the impression that what we had just been told is that no testimony had been collected which indicated that the agency did not need this equipment.

Mr. REGULA. Mr. Chairman, reclaiming my time, I do not know that we had testimony that indicated a need. I think we just accepted the budget justifications that were offered by the department. It is kind of a routine thing, but I think the issue has been raised, and therefore, prior to conference we should have an oversight hearing in our Appropriations subcommittee. We have had a huge workload, and I think this indicates a need for that type of a hearing.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what we are being asked to do here is to reduce the law enforcement capability of the Fish and Wildlife Service by limiting their ability to purchase vehicles that they have deemed and the committee has already passed on as being important to their law enforcement capabilities so we can take that money away and give half of it to pay attorney's fees.

This is a law enforcement agency, or an agency that has law enforcement responsibilities to deal with poachers, to deal with people who traffic in illegal game and illegal protected mammals under the Marine Mammal Act and other such acts, airborne hunting acts, where people go out and illegally slaughter animals, and this is how they enforce the law.

□ 2245

Now what we are going to do is decide to reduce that, so we can pay a bunch of attorneys half of that money to pay the people in Alaska, with no showing that that is necessary, and no showing that this need does not exist. However, here it is at quarter to 11 at night and we are going to make this decision.

The Members would not do this to any other law enforcement agency in the country at quarter to 11 at night, but somehow they decide they can just dismiss the claims of these individuals, actually sworn officers, people out there enforcing the laws of the land, and decide they are just going to willy-nilly take away from them the necessary resources, and even deny them the ability to receive donated planes that they use in carrying out these activities on their behalf.

Mr. Chairman, I think this is a poorly thought out amendment. As has already been determined, we do not have the information to make this decision, but they are giving the benefit of the doubt to the attorneys' fees over law enforcement agents for the Fish and Wildlife Service. I would hope Members would reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

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 281, noes 117, not voting 36, as follows:

[Roll No. 510]

AYES—281

Allard	Crapo	Hall (TX)
Archer	Cremeans	Hancock
Armey	Cubin	Hansen
Bachus	Cunningham	Harman
Baesler	Danner	Hastert
Baker (CA)	Davis	Hastings (WA)
Ballenger	de la Garza	Hayes
Barcia	Deal	Hayworth
Barr	DeFazio	Hefley
Barrett (NE)	DeLay	Heineman
Bartlett	Diaz-Balart	Herger
Barton	Dicks	Hilleary
Bass	Dooley	Hilliard
Bateman	Doolittle	Hobson
Bereuter	Dornan	Hoekstra
Bilbray	Doyle	Hoke
Bilirakis	Dreier	Holden
Bliley	Duncan	Horn
Blute	Dunn	Hostettler
Boehlert	Edwards	Houghton
Boehner	Ehlers	Hunter
Bonilla	Ehrlich	Hutchinson
Brewster	Emerson	Hyde
Browder	English	Inglis
Brownback	Ensign	Istook
Bryant (TN)	Eshoo	Jacobs
Bunn	Everett	Johnson (CT)
Bunning	Ewing	Johnson, Sam
Burr	Farr	Jones
Burton	Fawell	Kanjorski
Buyer	Fazio	Kaptur
Callahan	Flanagan	Kasich
Calvert	Foley	Kelly
Camp	Forbes	Kim
Canady	Fowler	King
Cardin	Fox	Kingston
Castle	Franks (CT)	Klink
Chabot	Franks (NJ)	Klug
Chambliss	Frelinghuysen	Knollenberg
Chapman	Frisa	Kolbe
Chenoweth	Funderburk	LaHood
Christensen	Ganske	Largent
Chrysler	Gekas	Latham
Clement	Geren	LaTourette
Clinger	Gilchrest	Laughlin
Coble	Gillmor	Lazio
Coburn	Gilman	Leach
Collins (GA)	Goodlatte	Lewis (CA)
Combest	Goodling	Lewis (KY)
Condit	Gordon	Lightfoot
Cooley	Goss	Lincoln
Cox	Graham	Linder
Coyne	Gunderson	Livingston
Cramer	Gutknecht	LoBiondo
Crane	Hall (OH)	Longley

Lucas	Pickett	Stearns
Manzullo	Pombo	Stenholm
Martini	Pomeroy	Stockman
Mascara	Porter	Stump
McCarthy	Portman	Stupak
McCollum	Poshard	Talent
McDade	Quillen	Tanner
McHugh	Quinn	Tate
McInnis	Radanovich	Taylor (MS)
McIntosh	Rahall	Taylor (NC)
McKeon	Ramstad	Thomas
McNulty	Regula	Thornberry
Metcalf	Riggs	Thornton
Meyers	Roberts	Thurman
Mica	Rogers	Tiahrt
Miller (FL)	Rohrabacher	Torkildsen
Minge	Ros-Lehtinen	Traficant
Molinari	Roth	Tucker
Mollohan	Roukema	Upton
Montgomery	Royce	Visclosky
Moorhead	Salmon	Vucanovich
Morella	Sanford	Waldholtz
Murtha	Saxton	Walker
Myers	Schaefer	Walsh
Myrick	Schiff	Wamp
Neal	Seastrand	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Ney	Shadegg	Weller
Norwood	Shaw	White
Nussle	Shays	Wicker
Ortiz	Sisisky	Wilson
Orton	Skeen	Wise
Oxley	Skelton	Wolf
Packard	Smith (MI)	Wyden
Paxon	Smith (NJ)	Young (AK)
Payne (VA)	Smith (WA)	Young (FL)
Peterson (FL)	Solomon	Zeliff
Peterson (MN)	Souder	Zimmer
Petri	Spence	

NOES—117

Abercrombie	Gejdenson	Oberstar
Andrews	Gephardt	Obey
Barrett (WI)	Gonzalez	Olver
Becerra	Gutierrez	Owens
Beilenson	Hamilton	Pallone
Bentsen	Hastings (FL)	Pastor
Berman	Hinchey	Payne (NJ)
Bevill	Hoyer	Pelosi
Bishop	Jackson-Lee	Rangel
Bonior	Jefferson	Reed
Borski	Johnson (SD)	Rivers
Boucher	Johnson, E.B.	Roemer
Brown (CA)	Johnston	Roybal-Allard
Brown (FL)	Kennedy (MA)	Rush
Brown (OH)	Kennedy (RI)	Sabo
Bryant (TX)	Kennelly	Sanders
Clayton	Kildee	Sawyer
Clyburn	Kleczka	Schroeder
Coleman	Lantos	Schumer
Collins (IL)	Levin	Scott
Conyers	Lewis (GA)	Serrano
DeLauro	Lofgren	Skaggs
Dellums	Lowey	Slaughter
Deutsch	Luther	Spratt
Dingell	Maloney	Stark
Dixon	Manton	Stokes
Doggett	Markey	Studds
Durbin	Matsui	Tejeda
Engel	McDermott	Thompson
Evans	McHale	Torricelli
Fattah	McKinney	Towns
Fields (LA)	Meehan	Velazquez
Filner	Meek	Vento
Flake	Menendez	Waters
Foglietta	Mfume	Watt (NC)
Ford	Miller (CA)	Waxman
Frank (MA)	Mineta	Whitfield
Frost	Mink	Woolsey
Furse	Nadler	Wynn

NOT VOTING—36

Ackerman	Greenwood	Richardson
Baker (LA)	Hefner	Rose
Baldacci	LaFalce	Scarborough
Bono	Lipinski	Shuster
Clay	Martinez	Smith (TX)
Collins (MI)	McCrery	Tauzin
Costello	Moakley	Torres
Dickey	Moran	Volkmer
Fields (TX)	Neumann	Ward
Gallegly	Parker	Watts (OK)
Gibbons	Pryce	Williams
Green	Reynolds	Yates

□ 2304

The Clerk announced the following pairs:

On this vote:

Mr. Watts of Oklahoma for, with Mr. Richardson against.

Mr. Greenwood for, with Mr. Moakley against.

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

Messrs. BASS, ZELIFF, and DEFAZIO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SANDERS: Page 37, line 19, strike ''$55,982,000'' and insert ''$53,919,000''.

Page 75, strike line 14 through 17, and insert ''For expenses necessary for the Advisory Council on Historic Preservation, $3,063.000''.

Mr. SANDERS. Mr. Chairman, this amendment is very simple, and I want to move it quickly. It transfers $2 million from the salary and expenses of the Department of the Interior into the Council for Historic Preservation. This is a relatively small sum of money, but it is extremely important for historic preservation.

Without this amendment, the bill provides for the elimination of the Advisory Council for Historic Preservation. This amendment saves the Council and funds it at the level requested by the Clinton administration. The Council plays an essential role in historic preservation when the Federal Government's actions, like plans to build a highway, threaten historic preservation.

When the Federal Government's actions, like plans to build a highway, threaten historic properties, there is a consultation procedure that promotes input from the local community preservation interests and private property interests. Without the Advisory Council, special interests would have too great a voice in the process.

The Council is extremely important, because many federally funded projects have a potentially devastating impact on our historical and cultural resources. Thanks to the Advisory Council, historical landmarks throughout the Nation have been rehabilitated rather than replaced. But today, Federal projects threaten many sensitive historic buildings and districts. Those communities have a right to be heard, and that is what this amendment is all about.

This is an issue of balance. Special interests with goals that are inconsistent with historic preservation already have a significant advantage. They have the political clout to lobby the Federal Government and trample on local community interests. We need to continue allowing the communities to have a voice, and that is what this amendment is about.

Mr. Chairman, everyone benefits from historic preservation. In a rapidly changing world, it is imperative for our children to understand their roots, how their communities evolved, and where they came from. What this amendment does is transfer $2 million from the bureaucracy into a council that has historically done an excellent job, and I would urge the support of my colleagues for this.

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

Mr. SANDERS. I yield to the gentleman from Minnesota.

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

Mr. Chairman, it is late in the night. The gentleman is bringing a very important amendment to the House. I think most Members are not probably aware of what the Advisory Council on Historic Preservation does, but, as the gentleman has pointed out, they work as an interagency function.

As an example, when we were having difficulties with NASA in some structures that had historic importance with regards to our entire culture in development of the space age, they intervened and worked out and negotiated an agreement between the agencies. They had a high-profile organization with various appointments, individuals very often that are distinguished, that many times are professionals and an excellent staff. They have just done a tremendous amount of work in terms of the national government and the agencies that we have and, of course, in terms of training.

Now, as I said earlier, if the gentleman would continue to yield, our State Historic Preservation Officers are really carrying out national policy with regards to historic standards. What this agency has done is, of course, set up training programs, which keeps them abreast of many of the issues and negotiates settlements. For the amount of dollars, obviously, it is a difficult amendment, because it removes money from our beloved Secretary of Interior, Bruce Babbitt's shop. But, nevertheless, I think that he does not necessarily have always the support. The Park Service does not have the high-profile position, but this organization, these appointments have served us many times over.

So I know that my colleagues face difficult decisions here. I think this is one that we would do well to keep, considering the scarce dollars we have and how we can best stretch that to meet these needs. They are fulfilling a good function. I would hope my colleagues, in spite of the late hour, would listen to the amendment.

Mr. Chairman, I think this underlines and provides a very important Federal function between our agencies

and between our States with the Federal statement.

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

□ 2310

I am somewhat surprised at my colleagues from the other side of the aisle wanting to give this vote of no confidence in their Secretary of the Interior. But apparently that is what the thrust of this would be.

Mr. DICKS. If the gentleman would yield, he might help pass this amendment if he keeps putting that out.

Mr. REGULA. I would point out our subcommittee reduced the office of the Secretary more than 13 percent below the enacted level of $62.5 million, and this is one of the highest cuts proportionally that we took, and I do not think it is fair to the Secretary to take any more.

Now, that is on the side of where the money is coming from. Where is it going? It is going, as proposed in the gentleman's amendment, to the Advisory Council on Historic Preservation, nice to have, nice to do, but not needed, because the law very clearly says that every agency has to take into account the impact of its activities on the historic resources.

They already have to do it by law. Sure, they can get an advisory council to do some paper and send it over. They do not have to pay any attention to it. The law does not require that they do anything with the advice they are given by the advisory council, and people enjoy serving on the advisory council, and it is nice to have, but it is $3 million.

As we went through the list of priorities, we felt that this is something we can live without. If we had lots more money, that would be one thing, but I do not want to penalize the Secretary of the Interior any further than we have already. He has a lot of responsibilities, and I would think that the gentleman from Minnesota certainly would not want to do that to his Secretary.

Mr. VENTO. If the gentleman would yield, I appreciate the gentleman's defense of my beloved Secretary Bruce Babbitt. I must say, though, that, and I hope that we can rectify some of the cuts and make adjustments in terms of providing for the opportunity for the advisory council, I think we have to look at the record in terms of the work that this council has done. This has been a working council. This has not been an honorific. These are important works; in other words in the absence of their work, many agreements that we have had between the agencies simply would not have taken place.

So I do not think we want to underestimate the work that they have done and that agencies will do this on their own. Yet they will not.

Mr. REGULA. Reclaiming my time, I think, as the gentleman has pointed out, it is nice to have, but there are a lot of things that are nice to have. Here is an opportunity to save, in this round, $2 million. We leave them a million to close out. In the future we will be saving $3 million year after year after year, and that is what we are trying to do in this bill is to get on a glide path to savings that will benefit the taxpayers.

They have no statutory responsibilities. It is nice to have, but we do not think it is nearly as important as having the money in the Secretary's office to administer the huge agency that is known as the Department of the Interior, and we strongly oppose this amendment.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Sanders amendment, and let me say I am going to keep my remarks very brief.

But I think this is a very significant amendment. By protecting and continuing the Advisory Council on Historic Preservation, we will be supporting local historic preservation. In my view, this is extremely important because this is the sort of activity that protects our cultural treasures. We are voting tonight, if we vote for this amendment, for our historical buildings and properties, for our archaeological sites, for our cultural districts, and for a council which has demonstrated that it can be a catalyst for local preservation efforts.

May I note that this amendment provides no additional cost to the taxpayers. What we are doing is transferring resources for the bureaucrats to historic preservation, and I think that is very important.

I urge my colleagues to support this amendment.

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

Mr. Chairman, I think everything has been said except for one thing. This is not a huge advisory council, and maybe that is one reason why many Members have never heard of it. They do not think what it does is very significant.

If you live in an area where there is a big historic preservation movement or even a small one, this advisory council is there. Their work is very important, and I do support the amendment and appreciate the gentleman for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and this were—ayes 267, noes 130, not voting 37, as follows:

[Roll No. 511]

AYES—267

Abercrombie	Gejdenson	Morella
Andrews	Geren	Nadler
Bachus	Gilchrest	Neal
Baesler	Gilman	Ney
Barcia	Gonzalez	Oberstar
Barr	Gordon	Ortiz
Barrett (WI)	Goss	Orton
Bartlett	Gutierrez	Owens
Bateman	Gutknecht	Pastor
Becerra	Hall (OH)	Payne (NJ)
Bentsen	Hall (TX)	Payne (VA)
Bereuter	Hamilton	Pelosi
Berman	Hansen	Peterson (FL)
Bilbray	Hastings (FL)	Peterson (MN)
Bilirakis	Hayes	Pickett
Bishop	Hefley	Pomeroy
Blute	Heineman	Quillen
Boehlert	Hilliard	Quinn
Boehner	Hobson	Rahall
Bonior	Holden	Ramstad
Borski	Horn	Reed
Boucher	Houghton	Riggs
Brewster	Hyde	Rivers
Browder	Jackson-Lee	Roberts
Brown (OH)	Jacobs	Roemer
Bryant (TX)	Jefferson	Rogers
Bunning	Johnson (CT)	Ros-Lehtinen
Callahan	Johnson (SD)	Roybal-Allard
Calvert	Johnson, E.B.	Rush
Castle	Johnston	Sanders
Chambliss	Jones	Sanford
Chapman	Kanjorski	Sawyer
Clayton	Kaptur	Schaefer
Clement	Kelly	Schiff
Clinger	Kennedy (MA)	Schroeder
Clyburn	Kennedy (RI)	Schumer
Coble	Kennelly	Scott
Coleman	Kildee	Sensenbrenner
Collins (GA)	Kim	Serrano
Collins (IL)	Kingston	Shaw
Combest	Kleczka	Shays
Condit	Klink	Sisisky
Conyers	Klug	Skaggs
Coyne	Knollenberg	Skelton
Cramer	LaHood	Slaughter
Cremeans	Lantos	Smith (NJ)
Cunningham	LaTourette	Solomon
Danner	Laughlin	Souder
de la Garza	Leach	Spence
DeFazio	Levin	Spratt
DeLauro	Lewis (CA)	Stearns
Dellums	Lewis (GA)	Stenholm
Deutsch	Lewis (KY)	Stupak
Dicks	Lightfoot	Talent
Dixon	Lincoln	Tanner
Doggett	Linder	Taylor (MS)
Dooley	LoBiondo	Tejeda
Dornan	Lofgren	Thomas
Doyle	Longley	Thompson
Dreier	Lowey	Thornton
Duncan	Luther	Thurman
Dunn	Maloney	Tiahrt
Durbin	Manton	Torkildsen
Edwards	Markey	Torres
Ehlers	Martini	Torricelli
Ehrlich	Mascara	Towns
Emerson	McCarthy	Traficant
Engel	McCollum	Tucker
English	McDermott	Upton
Eshoo	McHale	Velazquez
Evans	McHugh	Vento
Everett	McIntosh	Visclosky
Farr	McKeon	Waldholtz
Fattah	McKinney	Walsh
Fields (LA)	McNulty	Wamp
Filner	Meehan	Waters
Flake	Meek	Watt (NC)
Flanagan	Menendez	Waxman
Foglietta	Metcalf	Weldon (PA)
Foley	Meyers	Weller
Forbes	Mfume	Whitfield
Ford	Mica	Wilson
Fowler	Miller (FL)	Wise
Fox	Mineta	Woolsey
Franks (CT)	Minge	Wyden
Franks (NJ)	Mink	Wynn
Frelinghuysen	Molinari	Young (AK)
Frost	Mollohan	Young (FL)
Furse	Montgomery	Zimmer

NOES—130

Allard	Barrett (NE)	Bliley
Archer	Barton	Bonilla
Armey	Bass	Brown (CA)
Baker (CA)	Beilenson	Brown (FL)
Ballenger	Bevill	Brownback

Bryant (TN)	Gunderson	Packard
Bunn	Hancock	Pallone
Burr	Hastert	Paxon
Burton	Hastings (WA)	Petri
Buyer	Hayworth	Pombo
Camp	Herger	Porter
Canady	Hilleary	Portman
Cardin	Hinchey	Poshard
Chabot	Hoekstra	Radanovich
Chenoweth	Hoke	Rangel
Christensen	Hostettler	Regula
Chrysler	Hoyer	Rohrabacher
Coburn	Hunter	Roth
Cooley	Hutchinson	Roukema
Cox	Inglis	Royce
Crane	Johnson, Sam	Sabo
Crapo	Kasich	Salmon
Cubin	King	Saxton
Davis	Kolbe	Seastrand
Deal	Largent	Shadegg
DeLay	Latham	Skeen
Diaz-Balart	Lazio	Smith (MI)
Dickey	Livingston	Smith (WA)
Dingell	Lucas	Stockman
Doolittle	Manzullo	Stokes
Ensign	Matsui	Studds
Ewing	McDade	Stump
Fawell	McInnis	Tate
Fazio	Miller (CA)	Taylor (NC)
Frank (MA)	Moorhead	Thornberry
Frisa	Moran	Vucanovich
Funderburk	Myers	Walker
Ganske	Myrick	Weldon (FL)
Gekas	Nethercutt	White
Gephardt	Norwood	Wicker
Gillmor	Nussle	Wolf
Goodlatte	Obey	Zeliff
Goodling	Olver	
Graham	Oxley	

NOT VOTING—37

Ackerman	Hefner	Rose
Baker (LA)	Istook	Scarborough
Baldacci	LaFalce	Shuster
Bono	Lipinski	Smith (TX)
Clay	Martinez	Stark
Collins (MI)	McCrery	Tauzin
Costello	Moakley	Volkmer
Fields (TX)	Murtha	Ward
Gallegly	Neumann	Watts (OK)
Gibbons	Parker	Williams
Green	Pryce	Yates
Greenwood	Reynolds	
Harman	Richardson	

□ 2333

The Clerk announced the following pair:

On this vote:

Mr. Watts of Oklahoma for, with Mr. Bono against.

Messrs. LONGLEY, CHAMBLISS, and CREMEANS changed their vote from ''no'' to ''aye.''

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

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. 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. MICA: Page 17, line 21, strike ''$14,300,000'' and insert ''$29,300,000''.

Page 18, line 25, strike ''$686,944,000'' and insert ''$671,944,000''.

Mr. MICA. Mr. Chairman, it is really a great honor and privilege to serve in Congress, but it is also an important responsibility. And tonight as we conclude our work on the Department of the Interior appropriations bill, we make a bunch of choices. We decide whether we are really going to do things because we are dealing with the people's moneys and expenditures of public funds.

Tonight we decide whether we are going to spend money on administration. Tonight we decide whether we are going to spend money on studies. Tonight we decide whether we are going to spend money on various new programs.

My amendment simply takes $15 million from the USGS, U.S. Geological Survey, which has an increase of $112 million in this budget over the previous years expenditures and says, we will put this into the State/Federal land acquisition fund.

Earlier tonight we had 177 votes for people who believed in a State and Federal acquisition land program.

This is not a Federal land acquisition. This is the money when you come to the Department of the Interior and they say there are no funds. But let me tell you what you will have if we do not pass my amendment. You will have studies—and I have nothing against the U.S. Geological Survey and their responsibilities since 1879 to conduct studies, and if we expand it another $100 million. I am only taking a small amount of that money for a purpose that I think is reasonable.

Let me ask you, what will we do, 10, 20 years from now? Will we take our children and grandchildren to Florida or to Nevada or to your State, California or wherever and say, my son, my daughter, my grandson, my granddaughter, look at this beautiful study. We set the priorities for this Congress. They have increased the studies and funding for studies by $112 million, whether it is biological survey, whether it is studies for the USGS.

We could line up our children and say, look at the beautiful trucks. We made a decision on vehicles and airplanes tonight. We are making a decision on whether there will be resources.

On the Republican side, the majority side, we have said, let us give responsibilities to State and local government, and let me tell you what this bill says. There are no funds provided for State grant programs. Read it. Get the bill. If all else fails, read the bill, page 39.

I tell you, when your State and your local governments come to you or when you have a project and come to the Department of the Interior and they say there are no funds, this $15 million transfer, we are not cutting anything, it is a transfer, set some priorities. So we have an opportunity tonight and a responsibility to set those priorities.

So my State does not have another five years. My state and my districts do not have another five years. Maybe you come from some of those areas. Out of the millions and billions of dollars that we are, if we cannot put $15 million in the priority of state funding for these projects, there is something wrong.

This amendment will not deny access to anyone. This will not spend a penny on any lands that the people do not want or the State or localities do not want purchased.

I am telling my colleagues that this provides a very limited resource and a very limited amount for a very noble purpose of which every one of you have an important interest.

It will protect land for the future. I cannot change the priorities of the Congress in this bill and redirect money for foreign aid or agricultural subsidies. But tonight you and I can decide whether there are State funds and $15 million out of billions and billions of appropriations. Would it not be a sad commentary on this House of Representatives if we walked away from here and said that there is not one cent, according to this bill, and again read it, this is the language for state acquisition of public lands.

So my colleagues, I urge the adoption of this amendment. I thank you for your consideration and the late hour.

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

Mr. Chairman, first of all, for the Members' information, I believe this will be the last amendment and the last vote. There is one additional amendment, and we are going to accept that amendment.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. That is correct. This will be the last one that we will be asking for a vote on.

Mr. REGULA. Secondly, I want to thank all the Members for their patience today. It has been difficult, but we have dealt with a lot of very challenging policy issues. I think we have tried to deal with them in a fair way; you win some and you lose some, but that is the way democracy should work.

Now, let us address this amendment.

We had over 400 letters from Members requesting something, almost every Member in this body, we had 150 Members request land acquisition projects, 150. We denied them all. But now we are being asked to give just one out of 150. If we yield to this one, we will have 149 requests later on that we are supposed to meet.

Let me tell you where the money is coming from. USGS, United States Geologic Survey. What do they do, earthquake research, geology research. They provide enormous amounts of scientific advice to many different agencies, and we are being asked to take $15 million out of this agency for one land acquisition, even though we have had requests from 150 Members.

The Committee on the Budget clearly said a moratorium on land acquisition. We have tried to respond to that because that became the policy by a vote of this body. I would point out that this money goes essentially to the State of Florida.

The State of Florida should be responsible for their own projects. I am

not questioning the merits of the land acquisition. I am simply saying that, under the circumstances, this is not a good policy and would not be fair to the other 149 Members that we have had to deny land acquisition projects.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I would urge all of my colleagues on this side of the aisle to support the gentleman from Ohio, Chairman REGULA, in opposition to this amendment. He is absolutely right. We turned down every single individual. We had at least 150, maybe more Members who requested land acquisition funds. We said no to everyone because we just did not have the money. We had to cut this thing back that far.

To make it out of the U.S. Geological Survey, which does earthquake research, deals with volcanoes, deals with some of the most seismic disturbances all over this country. In my judgment that is, and we have already cut it back.

□ 2340

I would say please, on this one, stay with the chairman, let us vote ''no'' and go home.

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

Mr. REGULA. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I would ask the gentleman, is it not true that this bill provides $6.8 million for land acquisition management, and so we have money for management and administration, and yet we do not have funds for this? Is it not also true that this does not provide any money or guarantee for my State, it provides an opportunity for every one of the 149 Members or whoever came and asked for this? Is it not true in fact that this set a priority and an obligation of this Congress to commit some of these funds for this purpose for the entire country?

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, let me just make another point here. We asked the Park Service, can we do it? What the gentleman is asking us to do is give money to the Park Service and then make a grant to the State of Florida. The Park Service says it has no legal authority to do that, so we are going to take money away from the U.S. Geological Survey, and legally we cannot even do what the gentleman is asking us to do, so let us please, please, defeat this amendment.

Mr. REGULA. Reclaiming my time, just one point, one additional fact, Mr. Chairman. That is that the USGS does the mapping for this Nation, they did the mapping for the Department of Defense during Desert Storm, it is a vital agency, and I think it is a great mistake to take money from them. We have already cut them, and to cut more would be irresponsible.

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

Mr. REGULA. I yield to the gentleman from Colorado.

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

Mr. Chairman, I am speaking on behalf of myself and as a member of the Committee on the Budget. Regretfully, I stand in opposition to the amendment by my friend, the gentleman from Florida, because we worked hard in the Committee on the Budget trying to get to a balanced budget amendment by 2002.

The task force which I chaired dealt with natural resources and agriculture and research. We said one thing you do not do when you are going broke is you do not build new buildings, you do not acquire new land. We put some restrictions on this. I would just ask for a ''no'' vote on this amendment that basically earmarks an acquisition of land.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MICA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FALEOMAVAEGA

Mr. FALEOMAVAEGA. 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. FALEOMAVAEGA: Page 29, line 15, strike ''*Provided further,*'' and all that follows through ''November 30, 1997:'' on line 18.

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

Mr. FALEOMAVAEGA. Mr. Chairman, this is a noncontroversial amendment. It has the support of the majority, and of the distinguished gentleman from Ohio [Mr. REGULA] from the Subcommittee on Interior of the Committee on Appropriations.

Mr. Chairman, as the ranking member of the House Resources Subcommittee on Native American and Insular Affairs, I rise to offer this amendment on behalf of myself, Mr. RICHARDSON, and Mr. WILLIAMS, to hold the Bureau of Indian Affairs to a May 31, 1996, deadline to report to Congress on the status of Indian Trust Fund Accounts.

Mr. Chairman, the Indian Trust Fund Accounts, the trustee of which is the U.S. Government, have been a disaster. In good faith, the American Indian tribes agreed to permit the U.S. Government to invest the profits from certain oil and gas leases on Indian lands in trusts. These funds were to be used for the benefits of the tribes. In what I consider to be probably the biggest disgrace of this country's history, the Bureau of Indian Affairs managed to lose records or misallocate profits to such an extent that one of the major professional accounting firms has not yet been able to determine the status of these accounts after 4 years, and 20 million dollars' worth of investigations and review.

Mr. Chairman, enough is enough. The Indian tribes and Congress have already been patient for too long. If the BIA cannot find the records after 4 years of looking, they are probably not going to find them in an additional 18 months. Congress, and the Resources Committee in particular, need this report to make a policy decision on how best to proceed, given the current status of the trust accounts, whatever the status might be.

Many of us on both sides of the aisle have been working on the problems of Indian trust funds for several years. Just last November we passed the American Indian Trust Fund Reform Act of 1994. This act requires that a special trustee for trust funds be named to overhaul the manner in which these funds are managed.

Further, this act calls for the BIA to submit a report to Congress by May 31, 1996, on the reconciliation activities being conducted.

The date of May 31, 1996, was added to the legislation at the request of the Department of the Interior and is more than adequate. By May 1996 we will know if these accounts can be reconciled or not. It is a waste of time and money to continue to extend this process and it is unfair to the Indian tribes who have shown an abundance of restraint throughout.

Mr. Chairman, let's not extend this embarrassing situation any longer. Let's ensure that the various Indian tribes which have been waiting for an accounting of these trusts do not feel compelled to sue the U.S. Government for the financial information to which they are entitled.

Mr. Chairman, I commend my colleagues on the Appropriations Committee, both Mr. YATES and Mr. REGULA, who have been trying to come to grips with this problem for the past several years. I want to earnestly thank the gentlemen for their support on this proposed amendment because I believe this amendment will give the Bureau of Indian Affairs the time it needs to wrap up the reconciliation process and provide Indian tribes and the Congress with the information needed to determine what we need to do thereafter.

I urge my colleagues to support this amendment.

Mr. RICHARDSON. Mr. Chairman. By October 1 of this year we will have spent almost $20 million in 4 years on an attempt by the Bureau of Indian Affairs to reconcile tribal trust fund accounts. These accounts are comprised mostly of earnings from tribal leases of oil and gas, agriculture, and grazing leases. The BIA is responsible for investing these funds and managing the accounts.

For years these accounts have been mismanaged and the BIA can not even tell the account holders the balance of their accounts. As the legal trustee to these accounts, which total over $1 billion, this leaves the U.S. extremely vulnerable to liability charges.

The BIA entered into a contract with the accounting firm of Arthur Anderson to conduct a reconciliation of tribal accounts and this Congress has supported that process. The preliminary reports are that they will be unable to reconcile most accounts as they have encountered numerous instances of lost documentation.

Many of us on both sides of the aisle have been working on the problems of Indian trust funds for several years. Just last November we passed the American Indian Trust Fund Reform Act of 1994. This act requires that a special trust for trust funds be named to overall the manner in which these funds are managed. Further, this act calls for the BIA to submit a report to Congress by May 31, 1996 on the reconciliation activities being conducted.

This report will tell us which accounts have been reconciled and which could not be. With this knowledge Congress can determine the best and most cost effective process to resolve unreconcilable accounts.

The date of May 31, 1996 was added to the legislation at the request of the Department of the Interior and is more than adequate. By May of 1996 we will know if these accounts can be reconciled or not. It is a waste of time and money to continue to extend this process and it is unfair to the Indian Tribes who have shown an abundance of restraint throughout.

I commend my colleagues on the Appropriations Committee, both Mr. YATES and Mr. REGULA, who have bee with me side by side trying to come to grips with this problem for the past several years. I hope you can support me on this one because I believe this amendment will give the Bureau of Indian Affairs the time it needs to wrap up the reconciliation process and provide Indian Tribes and Congress with the information needed to determine the next step.

I urge my colleagues to support The Richardson/Faleomavaega amendment.

Mr. WILLIAMS. Mr. Chairman, I rise today in strong support of the amendment of my colleague striking the date November 30, 1997 as the deadline for the reconciliation report to be submitted by the Bureau of Indian Affairs.

This extension flies in the face of the Trust Funds Management Legislation that became law in 1994. This legislation represented another step in a long journey to restore the covenant between the Federal Government and Native Americans. While the Bureau of Indian Affairs has been authorized to invest Indian trust funds since 1918, it was not until 48 years had passed—in 1966—that the agency began exercising its full investment authority in terms of Indian monies.

Like so much of the relationship between Indian Tribes and the Federal Government, the management of Indian trust funds is replete with mismanagement, lack of accountability, malfeasance and broken promises. As a result of this management hundreds of million dollars in tribal trust funds and individual Indian monies remain unaccounted for, the trust funds legislation recognized that problem and provided a remedy for the hemorrhaging of Indian monies.

But now the Interior Appropriations Committee has decided that the loss of Indian monies really is not that important and that the BIA should be given an additional year and a half beyond the date required by the trust funds legislation to complete the reconciliation report relating to the amount of Indian monies that remain unaccounted for.

This extension seems particularly incongruous in light of the tenor of this Congess—every penny counts—yet the message out of the Interior Appropriations Committee is that every penny counts unless its Indian money.

Please join me in supporting this amendment deleting the extension of the trust funds reconciliation report.

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

Mr. FALEOMAVAEGA. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I accept the amendment.

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

Mr. FALEOMAVAEGA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $182,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $129,551,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads ''Forest Research'', ''State and Private Forestry'', ''National Forest System'', ''Construction'', ''Fire Protection and Emergency Suppression'', and ''Land Acquisition'', $1,276,688,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided,* That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: *Provided further,* That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

FIRE PROTECTION AND EMERGENCY SUPPRESSION

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $385,485,000, to remain available until expended: *Provided,* That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: *Provided further,* That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $120,000,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $14,600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant

to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided,* That no funds shall be made available under this authority until funds appropriated to the ''Emergency Forest Service Firefighting Fund'' shall have been exhausted.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided,* That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further,* That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

None of the funds available in this Act shall be used for any activity that directly or indirectly causes harm to songbirds within the boundaries of the Shawnee National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $384,504,000, to remain available until expended: *Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $151,028,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $552,871,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: *Provided,* That $133,946,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $107,446,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the ''SPR petroleum account'' and $100,000,000 shall be derived by transfer from the ''SPR Decommissioning Fund'': *Provided,* That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve:

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided,* That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $79,766,000, to remain available until expended: *Provided,* That notwithstanding Section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided*

further, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,725,792,000 together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $351,258,000 for contract medical care shall remain available for obligation until September 30, 1997: *Provided further,* That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $236,975,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further,* That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further,* That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses for the orderly closure of the Office of Indian Education, $1,000,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $21,345,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $309,471,000, of which not to exceed $32,000,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,954,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $12,950,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian Cultural Resources Center may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,315,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $5,500,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $9,800,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,152,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $82,259,000 subject to passage by the House of Representatives of a bill authorizing such appropriation shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000 subject to passage by the House of Representatives of a bill authorizing such appropriation, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,469,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,025,000, to remain available until September 30, 1997, of which $9,180,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the orderly closure of the Advisory Council on Historic Preservation, $1,000,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: *Provided,* That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $48,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses for the orderly closure of the Pennsylvania Avenue Development Corporation, $2,000,000.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibition program shall remain available until expended.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOX of Pennsylvania) having assumed the chair, Mr. BURTON of Indiana, 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. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. 104–96)

The SPEAKER pro tempore 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 National Security and ordered to be printed.

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission (BRAC) pursuant to section 2903 of Public Law 101–510, 104 Stat. 1810, as amended.

I hereby certify that I approve all the recommendations contained in the Commission's report.

In a July 8, 1995, letter to Deputy Secretary of Defense White (attached), Chairman Dixon confirmed that the Commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. The ability of the Defense Department to do this mitigates the economic impact on those communities, while helping the Air Force avoid the disruption in readiness that would result from relocation, as well as preserve the important defense work forces there.

As I transmit this report to the Congress, I want to emphasize that the Commission's agreement that the Secretary enjoys full authority and discretion to transfer work load from these two installations to the private sector, in place, locally or otherwise, is an integral part of the report. Should the Congress approve this package but then subsequently take action in other legislation to restrict privatization options at McClellan or Kelly, I would regard that action as a breach of Public Law 101–510 in the same manner as if the Congress were to attempt to reverse by legislation any other material direction of this or any other BRAC.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 13, 1995.*

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–186) on the resolution (H. Res. 189) providing for the further 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, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, JULY 17, 1995

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. It there objection to the request of the gentleman from New York?

There was no objection.

□ 2350

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JULY 26, 1995, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, July 26, 1995, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting his excellency Kim Yong-Sam, President of the Republic of Korea.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 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.]

IN OPPOSITION TO FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise again to protest France's intent

to resume nuclear testing on French Polynesia's Moruroa and Fangataufa coral atolls this September. French President Chirac's decision to detonate eight thermonuclear bombs in the South Pacific—one a month, with each up to 10 times more powerfull than the bomb that devastated Hiroshima—is a crime against nature and a violation of the basic human rights of 28 million men, women, and children of the Pacific to live in a clean, uncontaminated environment.

I cannot comprehend how President Chirac can say with a straight face that the equivalent of 800 Hiroshima bombs exploding in a short time on two tiny coral islands will have no ecological consequences. It doesn't take a rocket scientist to know that is pure baloney. I don't buy it, and neither does the world.

After detonating at least 187 nuclear bombs in the fragile marine environment of the South Pacific, France's desire to again resume the spread of nuclear poison has ignited a firestorm of international outrage and protest by the countries of the world.

Governments around the globe have strongly condemned France's decision. Our Nation in addition to Russia, Japan, Germany, Austria, Holland, Norway, Sweden, Finland, Belgium, Denmark, Italy, Switzerland, The Phillipines, Indonesia, Malaysia, Canada, Chile, Ecuador, Peru, Mexico, Australia, New Zealand, Fiji, and the 12 island nations of the South Pacific forum, have joined ranks in opposition to France's resumption of testing.

Just yesterday, French President Chirac was jeered by Members of Parliament while speaking before the European Union's Assembly. In a 331–74 vote, the European Parliament condemned France's plans to resume nuclear testing, noting that the tests threatened the ecology of the South Pacific around Moruroa Atoll, while undermining progress toward a global test ban treaty.

Mr. Speaker, public opinion polls in France have shown that the overwhelming majority of the French people—over 70 percent—oppose resumption of nuclear testing. There is simply no need to detonate nuclear bombs in the South Pacific, as top advisors to former French President Mitterand have attested recently that France could obtain needed information using computer simulation technology offered by the United States. Chirac, however, has cavalierly discarded this option in favor of developing an independent French simulation technology. Mr. Speaker, this same misplaced arrogance lead to the deaths of 300 French hemophiliacs from AIDS because the French Government refused to use proven American technology in order to develop their own blood test technology.

Mr. Speaker, in light of how controversial the matter is domestically in France, I would issue again an appeal to the world's most revered protector of the environment, Jacques Cousteau, to provide leadership for the good people of France to force their government to reconsider this senseless decision resuming nuclear testing in the Pacific.

Mr. Speaker, I would also challenge President Chirac on his statement that France's nuclear testing program in French Polynesia is harmless to the environment and would take him to his offer inviting scientists to inspect their testing facilities. If President Chirac is truly acting in good faith, then he should have no reservations in authorizing full and unrestricted access—before the resumption of tests in September—for an international scientific mission to conduct a serious independent and comprehensive sampling and geological study of Moruroa and Fangataufa Atolls. In conjunction with the monitoring, there should be a fully independent epidemiological health survey and full disclosure of the French data bases on environmental and health effects from nuclear testing.

Mr. Speaker, if French President Chirac is to be believed, then this should be an easy request to meet. Until he responds, however, I would urge our colleagues to support House Concurrent Resolution 80, legislation I have introduced calling upon the Government of France not to resume nuclear testing in the South Pacific.

Mr. Speaker, in case some of my colleagues may not have seen the photo as an example of a nuclear bomb explosion in the South Pacific. I want to share with my colleagues—once again—a nuclear explosion that took place on the Moruroa Atoll in French Polynesia.

Mr. Speaker, again a very colorful picture of a nuclear bomb explosion—but a very deadly sight on what will happen to the millions of fish, whales, dolphins, turtles—and every form of marine life that comes in contact with nuclear contamination as a result of the nuclear explosion.

Mr. Speaker, I also want to share with my colleagues a photograph showing the President of France—Mr. Chirac—not a popular man among his fellow European parliamentarians. Mr. Speaker, President Khol of Germany is against French nuclear testing in the Pacific, and so are most of the European nations.

Mr. Speaker, I submit what France is doing she's opening up a whole can of worms by encouraging, Mr. Speaker, encouraging nations like Iran, Iraq, Pakistan, North Korea and India to reexamine seriously their nuclear testing programs since France—as a member of the current nuclear family and UN Security Council—simply is telling these countries and all others, were going to explode eight more nuclear bombs—and if it means subjecting the indigenous tahitians to further nuclear contamination—to hell with them. Such arrogance Mr. Speaker!

Mr. Speaker, I have a deep and abiding respect for all the good citizens of France but I am appalled, disappointed, desmayed disgusted and simply outraged that the President of France has the mitigated gall to order his military people to explode eight more nuclear bombs in French Polynesia.

If there is ever a time—Mr. Speaker—that my Polynesian Tahitians cousins have at times described to me—out of utter frustration their dealings the men of France who head lead their government, the Tahitians would say. ''Farani taioro—Farani taioro!

[From the Wall Street Journal, July 13, 1995]

FRENCH NUCLEAR TESTS SPARK INTERNATIONAL PROTEST

(By Thomas Kamm)

PARIS.—Protests over France's decision to resume nuclear tests in the South Pacific are spreading, and the repercussions are hitting French companies, too.

And while the chorus of international protests is rising and calls for a boycott of French products are increasing, President Jacques Chirac is standing firm, denouncing environmental concerns as ''totally irrational with no scientific backing.''

Political analysts think Mr. Chirac is in a bind. He apparently misperceived the international impact of his decision to resume underground nuclear testing at the French Pacific atoll of Mururoa in September. Now, however, he knows that decision is widely unpopular—though far more so abroad than at home.

At the same time, with his government under fire at home for its cautious economic approach and with Prime Minister Alain Juppe enmeshed in a scandal over the allotment of public housing, a climb-down on the nuclear issue could badly damage Mr. Chirac's credibility only two months after he took office.

''He can't change his mind, because he would look ridiculous,'' says Dominique Moisi, associate director of the French Institute for International Relations. ''But France will be blocked for months on the international scene. Every time the president speaks, there will be protest banners and catcalls.''

Italian President Oscar Luigi Scalfaro is the latest to join the outcry against the nuclear testing, yesterday urging Mr. Chirac to reconsider his decision. ''Nothing is more intelligent than to listen to other people's beliefs when they are expressed so unanimously,'' he said.

His comments can one day after Mr. Chirac was loudly booed by left-wing and Green members of the European Parliament during a speech in Strasbourg, France. The Parliament building was bedecked with banners bearing statements such as ''Less arrogance in the Pacific, more courage in Bosnia,'' a reference to the French navy's seizure Sunday of a Greenpeace ship in French waters in the Pacific. Later Mr. Chirac was told by German Chancellor Helmut Kohl that the decision to carry out eight underground nuclear tests had ''provoked violent public reaction in Germany and elsewhere.''

Meanwhile, calls for a boycott of French products are spreading from Australia and New Zealand to Europe. Yesterday, German, Norwegian and other northern European environmental and political groups called for a boycott of French products.

Estee Lauder Inc., the U.S. cosmetics company, was concerned enough about a boycott in Australia that it issued a statement there stressing that it is not French. ''It has come to our attention that a number of people are under the assumption that the Estee Lauder companies are French in origin. That is certainly not true,'' the cosmetics group said.

At least one French company has already been dealt a setback. Lemaitre Securite, a maker of industrial safety shoes, says a licensing deal it signed in March with Austrialia's Dunlop Footwear is on the verge of falling through because its Australian partner says the climate isn't conducive to marketing French products. ''French companies shouldn't pay the price of Tarzan's games,'' says Lemaitre's chairman, Jean-Michel Heckel. Tarzan, he says, is Mr. Chirac.

His comment reflects a widespread feeling in France that Mr. Chirac's decision was based more on political concerns than military ones. Mr. Chirac says the nuclear tests are necessary to ensure the efficiency and safety of France's weapons stockpiles, but he vows that France will join the U.S., Britain, China and Russia in signing a permanent test ban treaty by Sept. 30, 1996.

Many analysts believe the Gaullist Mr. Chirac resumed the tests to differentiate himself from his predecessor, Socialist Francois Mitterrand. In the process, he appears to have underestimated the backlash, and his decision, coupled with his tough talk on Bosnia, gives the appearance of grandstanding.

□ 0000

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes until midnight.

[Mr. HILLIARD 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 until midnight.

[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 gentleman from New York [Mr. OWENS] is recognized for 5 minutes until midnight.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAUZIN (at the request of Mr. GEPHARDT), for today, on account of illness.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. VOLKMER (at the request of Mr. GEPHARDT), for today after 6 p.m., on account of illness of spouse.

Mr. HEFNER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. WILSON (at the request of Mr. GEPHARDT), for today after 8:15 p.m., on account of family emergency.

Mr. FIELDS of Texas (at the request of Mr. ARMY), for today, on account of attending a funeral.

Mr. BONO (at the request of Mr. ARMEY), for today, on account of illness.

Mr. GREENWOOD (at the request of Mr. ARMEY), for today after 5 p.m., on account of official business.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

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

Ms. ROS-LEHTINEN, for 5 minutes, July 18.

EXTENSION OF REMARKS

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

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

Mr. STOKES.
Mr. UNDERWOOD.
Mrs. SCHROEDER.
Mr. BROWDER.
Mr. GEJDENSON.
Ms. HARMAN.
Mr. RICHARDSON.
Mr. POSHARD.
Mr. BARCIA.
Ms. WOOLSEY.
Mr. MENENDEZ.
Mr. MARKEY.
Mr. FOGLIETTA.
Mr. JACOBS.
Mr. FARR.

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

Mr. POMBO.
Mr. FUNDERBURK.
Mrs. CUBIN.
Mr. SHAW.
Mr. ISTOOK.
Mrs. ROUKEMA.
Mr. ALLARD.
Mr. PACKARD.
Mr. ENGLISH of Pennsylvania.
Mr. RADANOVICH.
Mr. KIM.
Ms. ROS-LEHTINEN.
Mr. GILMAN.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), under its previous order, the House adjourned until Monday, July 17, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1191. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to expand and streamline a distance learning and telemedicine program by providing for loans and grants and to authorize appropriations for business telecommunications partnerships, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

1192. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting a copy of a report entitled, ''New Attack Submarine: Live Fire Test and Evaluation Management Plan for Milestone II,'' pursuant to 10 U.S.C. 2366(c)(1); to the Committee on National Security.

1193. A letter from the Secretary, Department of Health and Human Services, transmitting draft of proposed legislation entitled, ''Older Americans Act Amendments of 1995''; to the Committee on Economic and Educational Opportunities.

1194. A letter from the Secretary of Energy, transmitting the Department's report entitled, ''Encouraging the Purchase and Use of Electricmotor Vehicles,'' pursuant to Public Law 102–486, section 615(b) (106 Stat. 2903); to the Committee on Commerce.

1195. A letter from the Secretary of Energy, transmitting the Department's 30th quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of March 31, 1995; to the Committee on Commerce.

1196. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 95–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1197. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Australia for defense articles and services (Transmittal No. 95–30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1198. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 95–32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1199. A letter from the Chairman and President, National Railroad Passenger Corporation [Amtrak], transmitting the corporation's annual management report for the year ended September 30, 1994, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1200. A letter from the Acting Assistant Attorney General of the United States, transmitting draft of proposed legislation to amend the criminal copyright provisions with regards to copyrighted computer software; to the Committee on the Judiciary.

1201. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation to enable the United States to meet its obligations to surrender offenders and provide evidence to the international tribunal for the prosecution of persons responsible for serious violations of

international humanitarian law in the territory of the former Yugoslavia and to the international criminal tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations Committed in the territory of neighboring states; to the Committee on the Judiciary.

1202. A letter from the Secretary of Energy, transmitting the Department's report entitled, ''Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1994'', pursuant to 42 U.S.C. 2120e(d)(2)(E)(ii)(II); to the Committee on Ways and Means.

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:

Ms. PRYCE: Committee on Rules. House Resolution 189. Resolution providing for the further 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. 104–186). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1122. A bill to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes; with an amendment (Rept. 104–187 Pt. 1) Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

Referral to Commerce of H.R. 1122 extended July 13, 1995, for a period ending not later than October 16, 1995.

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:

(Omitted from the Record of July 12, 1995)

By Mr. FAZIO of California:

H. Res. 186. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

[Submitted July 13, 1995]

By Mr. DAVIS (for himself, Mr. MORAN, Mr. BLILEY, Mr. BOUCHER, Mr. GOODLATTE, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. SCOTT, Mr. SISISKY, Mr. WOLF, Mr. LIVINGSTON, Mr. PORTER, Mr. LEWIS of California, Mr. BAKER of California, Mr. WELDON of Florida, Mrs. KENNELLY, and Mr. HORN):

H.R. 2026. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington; to the Committee on Banking and Financial Services.

By Mrs. MEYERS of Kansas (for herself, Mr. GALLEGLY, Mr. FLANAGAN, Mr. GILMAN, Mr. ROBERTS, Mr. GILLMOR, Mr. FAWELL, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, Mr. MCCRERY, Mr. FROST, Mr. WAXMAN, Mr. OLVER, Mr. WYDEN, Ms. JACKSON-LEE, Mr. HILLIARD, Ms. NORTON, Mr. MCDERMOTT, and Mr. ENGEL):

H.R. 2027. A bill to establish an office for rare disease research in the National Institutes of Health, and for other purposes; to the Committee on Commerce.

By Mr. HANSEN (for himself and Mr. DUNCAN):

H.R. 2028. A bill to provide for a uniform concessions policy for the Federal land management agencies, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLARD (for himself, Mr. JOHNSON of South Dakota, and Mr. RAHALL):

H.R. 2029. A bill to amend the Farm Credit Act of 1971 to provide regulatory relief; to the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. MORAN, Mr. SPRATT, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. BRYANT of Texas, Mr. DICKEY, Mr. HUNTER, Mr. WOLF, Mr. BEILENSON, Mr. BONIOR, Mr. CLEMENT, Mr. COLEMAN, Mr. FRAZER, Mr. GEJDENSON, Mr. GORDON, Mr. HILLIARD, Ms. JACKSON-LEE, Mr. JACOBS, Mr. LAFALCE, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mr. MARTINEZ, Mr. MCHALE, Mr. MENENDEZ, Mr. MILLER of California, Mr. PAYNE of Virginia, Mr. POMEROY, and Mr. UNDERWOOD):

H.R. 2030. A bill to provide technology for parents to control the viewing of programming they believe is inappropriate for their children, and for other purposes; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. TRAFICANT, Mr. UPTON, Mr. LIPINSKI, Mr. POSHARD, Mr. KLUG, Mr. GENE GREEN of Texas, Mr. TAYLOR of Mississippi, and Mr. ENSIGN):

H.R. 2031. A bill to amend title 18, United States Code, to prohibit certain former high level Government officials from representing foreign interests for 10 years, and for other purposes; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mrs. VUCANOVICH, Mrs. CUBIN, Mr. COOLEY, Mr. POMBO, Mr. DOOLITTLE, Mr. HERGER, Mr. SKEEN, Mr. STUMP, and Mr. ALLARD):

H.R. 2032. A bill to transfer the lands administered by the Bureau of Land Management to the State in which the lands are located; to the Committee on Resources.

By Mr. MORAN:

H.R. 2033. A bill to allow enrollees of the Farm Credit Administration Health Plan to enroll in the Federal Employees Health Benefits Program with a break in coverage; to the Committee on Government Reform and Oversight.

By Mr. NADLER:

H.R. 2034. A bill to protect the free exercise of religion by prohibiting religious coercion in our schools; to the Committee on Economic and Educational Opportunities.

By Mr. ORTON:

H.R. 2035. A bill to expand the boundary of the Manti-La Sal National Forest, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 2036. A bill to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; to the Committee on Commerce.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 2037. A bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA (For herself and Mr. GORDON):

H.R. 2038. A bill to amend the Higher Education Act of 1965 to prevent an institution from participating in the Pell Grant Program if the institution is ineligible for participation in the Federal Stafford Loan Program because of high default rates; to the Committee on Economic and Educational Opportunities.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. PORTMAN, Mr. CHRISTENSEN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. HERGER, Mr. HANCOCK, Mr. THOMAS, Mr. BUNNING of Kentucky, Mr. ENGLISH of Pennsylvania, Mrs. MEYERS of Kansas, Mr. HOUGHTON, Mr. CAMP, Mr. SPRATT, Ms. DUNN of Washington, Mr. FUNDERBURK, Mr. CRANE, Mr. GORDON, Mr. PAYNE of Virginia, Mr. LONGLEY, Mr. NEAL of Massachusetts, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. KLECZKA, and Mr. ZIMMER):

H.R. 2039. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. MCDERMOTT, Mr. KLECZKA, and Mr. HASTINGS of Florida):

H.R. 2040. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 2041. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on Resources, and in addition to the Committees on the Judiciary, and International Relations, 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. MCINTOSH:

H.R. 2042. A bill to authorize the Secretaries of State, Treasury, and Commerce to jointly conduct a comprehensive investigation of business practices by the State of Kuwait relating to the financial and commercial treatment of United States persons and of the Kuwait system for the resolution of commercial disputes; to the Committee on International Relations.

By Mr. FAZIO of California (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. MATSUI, and Mr. POMBO):

H.J. Res. 101. Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on National Security.

By Mr. SERRANO (for himself, Mr. PASTOR, Ms. ROS-LEHTINEN, Ms. VELAZQUEZ, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. GUTIERREZ, Mr. RICHARDSON, Mr. TORRES, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. ORTIZ, Mr. TEJEDA, Mr. MENENDEZ, Mr. TOWNS, Mr. OWENS, Mr. FARR, Mr. MCDERMOTT, Mr. MORAN, Mrs. MEEK of Florida, Ms. JACKSON-LEE, Mr. FATTAH, Mr. SCOTT, Mr. DELLUMS, Ms. PELOSI, Mr. MILLER of California, Mr. LEWIS of

Georgia, Mr. NADLER, Mr. RANGEL, Mr. MINETA, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE):

H. Con. Res. 83. Concurrent resolution entitled, the ''English Plus Resolution''; to the Committee on Economic and Educational Opportunities.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

129. By the SPEAKER: Memorial of the House of Representatives of the State of Indiana, relative to urging the Congress of the United States to amend the United States Code, to permit full concurrent receipt of military longevity retirement pay and service-connected disability compensation benefits; to the Committee on National Security.

130. Also, memorial of the Senate of the State of Maine, relative to memorializing the President and the Congress of the United States to provide support for continued critical access along Maine's Route 1 corridor through replacement of the Carlton Bridge in Bath, ME; to the Committee on Transportation and Infrastructure.

131. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to memorializing the Congress of the United States to study certain matters relating to the European Common Market; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 13: Mrs. MYRICK.

H.R. 38: Mr. SANFORD, Mr. FATTAH, Mr. STUDDS, Mr. DELLUMS, and Mr. DURBIN.

H.R. 65: Mr. BROWDER, Mr. SHAW, Ms. WOOLSEY, and Mr. MCKEON.

H.R. 109: Mr. SHAW.

H.R. 165: Mr. HEINEMAN.

H.R. 222: Mr. KNOLLENBERG, Mr. BUNNING of Kentucky, Mr. BACHUS, and Mr. ISTOOK.

H.R. 303: Mr. BROWDER and Mr. SHAW.

H.R. 367: Mr. DEFAZIO.

H.R. 436: Mr. CANADY and Mr. TATE.

H.R. 468: Mrs. LOWEY.

H.R. 470: Mr. MEEHAN, Mr. EVANS, Mr. LAZIO of New York, Mr. COYNE, Mr. LIPINSKI, Mr. BORSKI, Mr. TRAFICANT, and Mr. FORBES.

H.R. 559: Mr. ANDREWS.

H.R. 588: Mr. DAVIS and Mr. STOCKMAN.

H.R. 635: Mr. SKEEN, Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Mr. MATSUI, Mr. MYERS of Indiana, Mr. ROBERTS, Mr. JACOBS, Mrs. KENNELLY, Mr. BUNNING of Kentucky, Mr. ENSIGN, Mr. CRANE, Mr. CHRISTENSEN, Mr. COLLINS of Georgia, Mr. RAMSTAD, Mr. SHAW, Mr. SAM JOHNSON, Mr. CAMP, Mr. CARDIN, Mr. ZIMMER, Mr. MCCRERY, Mr. HOUGHTON, Mr. PAYNE of Virginia, Mr. COYNE, Mr. KLECZKA, Mr. YOUNG of Florida, Mr. PASTOR, Mr. LEWIS of Georgia, Mr. CALLAHAN, Mr. FUNDERBURK, Mr. BEVILL, Mr. WISE, Mr. BROWN of California, Mr. MCDERMOTT, Mr. CRAPO, Mrs. MYRICK, and Mr. HILLIARD.

H.R. 699: Mr. CALVERT and Mr. RADANOVICH.

H.R. 739: Mr. HOSTETTLER.

H.R. 743: Mr. ALLARD, Mrs. FOWLER, Mr. THORNBERRY, Mr. BAKER of Louisiana, and Mr. GOSS.

H.R. 752: Mr. KILDEE, Mr. ACKERMAN, Mr. CRAMER, Mr. DELAY, Mr. PICKETT, Mr. DICKEY, Mr. COBURN, Mr. BALLENGER, Mr. HEINEMAN, and Mr. WATT of North Carolina.

H.R. 863: Mr. WATTS of Oklahoma, Mr. RANGEL, and Mr. TORRES.

H.R. 922: Mr. KLECZKA and Mr. EHLERS.

H.R. 945: Mr. CAMP, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.

H.R. 957: Mrs. VUCANOVICH, Mr. GREENWOOD, Mr. FOLEY, Mr. ZIMMER, and Mrs. LOWEY.

H.R. 972: Mr. TORRICELLI, Mr. OLVER, and Mrs. LOWEY.

H.R. 983: Mr. VENTO.

H.R. 994: Mr. HERGER, Mr. ROYCE, Mr. SOUDER, Mr. SALMON, Mr. LARGENT, Mr. BREWSTER, Mr. MCINTOSH, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. FOX, Mr. GUTKNECHT, and Mr. TATE.

H.R. 1010: Mr. COLEMAN, Mr. GOODLING, and Ms. DUNN of Washington.

H.R. 1021: Mr. HINCHEY.

H.R. 1061: Mr. KNOLLENBERG.

H.R. 1090: Mr. PETERSON of Florida.

H.R. 1099: Mr. POMEROY.

H.R. 1114: Mr. FUNDERBURK., Mr. NORWOOD, Mr. TALENT, and Mr. HUTCHINSON.

H.R. 1136: Mr. MORAN and Ms. ROYBAL-ALLARD.

H.R. 1161: Mr. CLYBURN.

H.R. 1162: Mr. FOX, , Mr. UPTON, Mr. COOLEY, Mr. ZIMMER, and Mr. HOEKSTRA.

H.R. 1172: Mr. SALMON and Mr. FORBES.

H.R. 1229: Mr. DELLUMS.

H.R. 1242: Mr. BUNNING of Kentucky, Mr. HERGER, and Mr. LIGHTFOOT.

H.R. 1314: Mr. CHRISTENSEN.

H.R. 1317: Mr. ANDREWS.

H.R. 1370: Mr. TIAHRT and Mr. HOEKSTRA.

H.R. 1384: Mr. HALL of Ohio.

H.R. 1493: Mr. ZIMMER, Mr. BAKER of Louisiana, Mr. LIPINSKI, Mr. BURTON of Indiana. Mr. MOORHEAD and Mr. MINGE.

H.R. 1496: Mr. BENTSEN.

H.R. 1499: Mr. STOCKMAN and Mr. DEUTSCH.

H.R. 1552: Mr. WILSON, Mr. WELDON of Pennsylvania, Mr. SCOTT, Mr. MEEHAN, Mr. ALLARD, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. FAZIO of California, Mr. FLAKE, Mr. BISHOP, and Mr. FATTAH.

H.R. 1566: Mr. SERRANO, Mr. FRANK of Massachusetts, and Mr. EHLERS.

H.R. 1580: Mr. HASTINGS of Washington and Mr. SALMON.

H.R. 1604: Mr. EHLERS.

H.R. 1619: Mr. SHAYS, Mr. FRANKS of New Jersey, Mr. JOHNSON of South Dakota, Mr. BENTSEN, Mr. SCHAEFER, Mr. LANTOS, Mr. GORDON, Mr. BROWN of Ohio, Mr. ENSIGN, and Mr. GOODLING.

H.R. 1627: Mr. CLYBURN.

H.R. 1702: Mr. MCDERMOTT, Mr. FROST, Mr. MEEHAN, Mr. DELLUMS, Mr. TORRES, Mr. FATTAH, Mr. DEFAZIO, and Mr. LAFALCE.

H.R. 1703: Mr. MCDERMOTT, Mr. MEEHAN, Mr. DELLUMS, Mr. TORRES, Mr. FATTAH, and Mr. LAFALCE.

H.R. 1704: Mr. MCDERMOTT, Mr. MEEHAN, Mr. DELLUMS, Mr. TORRES, Mr. FATTAH, and Mr. LAFALCE.

H.R. 1709: Mr. ENGEL, Mr. FOLEY, and Mr. SABO.

H.R. 1713: Mr. POMBO.

H.R. 1733: Mr. HYDE.

H.R. 1741: Mr. SPENCE, Mr. GRAHAM, Mr. INGLIS of South Carolina, Mr. SPRATT, and Mr. CLYBURN.

H.R. 1744: Mr. BROWN of Ohio and Mr. JACOBS.

H.R. 1753: Mr. MORAN, Mr. POSHARD, Mr. SCHUMER, Mr. WATT of North Carolina, Mr. BLUTE, Mr. WYNN, Mr. MARTINEZ, Mr. COYNE, Mr. HASTINGS of Florida, Mr. FRAZER, Mr. EHLERS, Mr. HAYES, Mr. OWENS, Mrs. LOWEY, Mrs. VUCANOVICH, Mr. MCNULTY, Mr. PETERSON of Florida, and Mr. LEWIS of Georgia.

H.R. 1754: Mr. EHLERS.

H.R. 1776: Mr. ENGEL.

H.R. 1787: Mr. WELDON of Florida, Mr. JOHNSON of South Dakota, Mr. BARTON of Texas, and Mr. CRAPO.

H.R. 1806: Mr. EMERSON, Mr. MARTINEZ, and Mr. WATTS of Oklahoma.

H.R. 1834: Mr. BASS, Mr. BRYANT of Tennessee, Mr. COBURN, Mr. FIELDS of Texas, Mr. MCCOLLUM, Mr. TATE, Mr. THORNBERRY, and Mr. UPTON.

H.R. 1884: Ms. NORTON, Mr. ENGEL, and Ms. VELAZQUEZ.

H.R. 1889: Mr. KLECZKA, Mr. JACOBS, Mr. SERRANO, Mr. HILLIARD, Mr. KLINK, Mr. BISHOP, Mr. GEJDENSON, Ms. LOFGREN, Ms. NORTON, and Mrs. THURMAN.

H.R. 1891: Mr. WARD.

H.R. 1898: Mr. MARTINEZ, Mrs. KENNELLY, Mr. VENTO, Mr. LEWIS of Georgia, Ms. FURSE, and Mr. HINCHEY.

H.R. 1915: Mr. BARRETT of Nebraska.

H.R. 1973: Mr. BROWN of Ohio, Mr. EVANS, Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mr. KLUG, Mr. LIPINSKI, Mr. MENENDEZ, Mr. MINGE, Mr. PALLONE, Ms. PELOSI, Ms. RIVERS, and Mr. ZIMMER.

H.R. 1974: Mr. DELAY, Mr. WELDON of Pennsylvania, Mr. MCCOLLUM, and Mr. RADANOVICH.

H.R. 1975: Mr. CREMEANS, Mr. THORNBERRY, Mr. ORTIZ, and Mr. RANDANOVICH.

H.R. 1987: Mr. FALEOMAVAEGA.

H.J. Res. 89: Mr. LINDER.

H.J. Res. 96: Mr. ROGERS, Mr. DORNAN, and Mr. TAYLOR of Mississippi.

H. Con. Res. 42: Mr. WYNN, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. MANZULLO, Mr. GEJDENSON, Mr. CHABOT, and Mr. BERMAN.

H. Con. Res. 79: Ms. LOFGREN, Mr. BROWN of Ohio, and Mr. KENNEDY of Rhode Island.

AMENDMENTS

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

H.R. 1976

OFFERED BY: MR. BUNNING

AMENDMENT NO. 15: Page 60, strike line 4 and all that follows through page 61, line 22.

H.R. 1976

OFFERED BY: MR. DURBIN

AMENDMENT NO. 16: Page 24, line 13, strike the colon and all that follows through ''agency'' on page 25, line 5.

H.R. 1976

OFFERED BY: MR. GILMAN

AMENDMENT NO. 17: Page 57, line 20, strike ''$821,000,000'' and insert ''$846,000,000''.

Page 57, line 23, strike ''$50,000,000'' and insert ''$25,000,000''.

H.R. 1976

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 18: Page 53, line 24, strike the colon and all that follows through ''7.3 million'' on line 26.

H.R. 1976

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 19: Page 13, line 24, strike ''$31,485,000'' and insert in lieu thereof ''$15,050,000''.

Page 14, line 20, strike ''$389,372,000'' and insert ''$372,937,000''.

Page 53, line 17, strike ''3,729,807,000'' and insert in lieu thereof ''$3,743,642,000''.

H.R. 1976

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 20: Page 13, line 24, strike ''$31,485,000'' and insert in lieu thereof ''$15,050,000''.

Page 14, line 20, strike ''$389,372,000'' and insert ''$372,937,000''.

Page 52, line 24, strike $7,952,424,000'' and insert in lieu thereof ''$7,955,024,000''.

Page 52, line 25, strike ''$2,354,566,000'' and insert in lieu thereof ''$2,357,166,000''.

Page 53, line 6, strike the period and insert the following:

''': Provided further, That $2,600,000 shall be available to provide assistance for homeless pre-school children.''

H.R. 1976

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 21. Page 13, line 24, strike ''$31,485,000'' and insert in lieu thereof ''$15,050,000''.

Page 14, line 20, strike ''$389,372,000'' and insert ''$372,937,000''.

Page 52, line 24, strike ''$7,952,424,000'' and insert in lieu thereof ''$7,955,024,000''.

Page 52, line 25, strike ''$2,354,566,000'' and insert in lieu thereof ''$2,357,166,000''.

Page 53, line 6, strike the period and insert the following:

''': Provided further, That $2,600,000 shall be available to provide assistance for homeless per-school children.''

Page 53, line 17, strike ''3,729,807,000'' and insert in lieu thereof ''$3,743,642,000''.

H.R. 1976

OFFERED BY: MR. OWENS

AMENDMENT NO. 22: Page 49, line 20, strike ''RURAL TELEPHONE BANK PROGRAM ACCOUNT'' and all that follows through line 12 on page 50.

Page 70, strike lines 12 through 14.

H.R. 1976

OFFERED BY: MR. OWENS

AMENDMENT NO. 23: Page 69, line 18, strike ''$800,000,000'' and insert in lieu thereof ''$500,000,000''.

Page 70, line 15, strike lines 15 through 19.

H.R. 1976

OFFERED BY: MR. OWENS

AMENDMENT NO. 24: Page 70, line 15, strike lines 15 through 19 and insert in lieu thereof the following:

''SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be $1,000,000,000 in the President's fiscal year 1996 Budget Request (H. Doc. 104–4)) if the aggregate amount of funds and/or commodities under such program exceeds $500,000,000.''

H.R. 1976

OFFERED BY: MR. SCARBOROUGH

AMENDMENT NO. 25: Page 10, line 3, strike ''$81,107,000'' and insert ''$69,000,000''.

H.R. 1976

OFFERED BY: MR. SCARBOROUGH

AMENDMENT NO. 26: Page 26, line 16, strike ''$123,520,000'' and insert ''$96,000,000''.

H.R. 1976

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 27: Page 29, line 24, strike ''$10,400,000,000'' and insert ''$10,290,000,000''.

H.R. 1976

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 28: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

H.R. 1976

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 29: Page 71, after line 2, insert the following new section:

SEC. 726. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for ''Commodity Credit Corporation Fund—Reimbursement for New Realized Losses'' is hereby reduced by $110,000,000.

H.R. 1977

OFFERED BY: MR. COBURN

AMENDMENT NO. 69: Page 45, line 24, strike ''$1,276,688,000'' and insert ''$1,266,688,000''.

Page 66, strike lines 11 through 15 and insert the following:

Department of Education

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX of the Elementary and Secondary Education Act of 1965, $52,500,000, to be allocated to local educational agencies.

H.R. 1977

OFFERED BY: MR. OLVER

AMENDMENT NO. 70: At the end of the bill add the following new section:

''SEC. . 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—

''(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anticompetitive effects;

''(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the standard do not exceed its burdens; or

''(3) that is for fluorescent lamps ballasts.''.

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 71: At the end of the bill, add a new section, as follows:

SEC. . None of the funds appropriated to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07) shall be used for payments with respect to entitlement lands (as defined in such Act) regarding which it has been made known to the officer or official responsible for such payments that a state or political subdivision of a state has by formal action asserted a claim of ownership.

H.R. 1977

OFFERED BY: MR. STEARNS

AMENDMENT NO. 72: Page 72, line 19, strike ''$82,259,000'' and insert ''$74,033,100''.

Page 73, line 4, strike ''$17,235,000'' and insert ''$15,511,500''.

Page 73, line 6, strike ''$7,500,000'' and insert ''$6,750,000''.

United States
of America

Congressional Record

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

Vol. 141 WASHINGTON, THURSDAY, JULY 13, 1995 *No. 113*

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].

PRAYER

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

Almighty God, Sovereign of this Nation and personal Lord of our lives, we praise You for our accountability to You. You are a God of judgment as well as grace. If You did not care, life would have no meaning. We thank You that You have given us the basis on which we will be judged each hour, and at the end of each day. You want us to know what is required of us so we can pass Your daily examination with flying colors.

Your commandments are in force as much now as when You gave them to Moses. We also know that You require us to do justly, love mercy, and walk humbly with You, attentively receptive to Your guidance. Integrity, honesty, faithfulness have not gone out of style; nor has absolute trust in You ceased to be the secret for personal peace and the basis of great leadership. Help us to live our Nation's motto, ''in God we trust'' and judge us by the extent we have put our trust in You for guidance in making our decisions.

Gracious God, as we receive Your judgment, we also seek Your forgiveness and a new beginning. So may Your forgiveness give us the courage to seek first Your rule and righteousness. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. THOMAS. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10:45. At 10:45, the Senate will resume consideration of S. 343, the regulatory reform bill. Rollcall votes can be expected throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming [Mr. THOMAS] will be recognized to speak for up to 25 minutes.

FRESHMAN FOCUS

Mr. THOMAS. Mr. President, the 25 minutes has been reserved for Members of the freshman focus group, as we continue our effort to seek to focus some of the issues as they appear to those of us who are new to the Senate this year, who recently completed an election, who, I think, in some instances have a unique view of what we are doing or seeking to do here in the U.S. Senate. So I would like to take a few minutes. I will be joined by other Members.

Mr. President, I would like to talk just a little bit this morning about process. I admit to not knowing the rules of this place like some do. I seek to know them. I think I do understand that there is a difference between the U.S. Senate and the U.S. House and that they were designed to be different. This is a deliberative body. The rules are different, which provide for additional discussion and debate, and I understand that, and I think that is proper, certainly.

But, you know, we did not come here to procrastinate. We did not come here to extend debate for the purpose of extending debate. We came here for the purpose of thoroughly examining the issues that are before us, looking at the alternatives, and seeking, then, I think, to find some solutions. And that is what voting is all about. If you do not have enough votes, you lose. If you have enough votes, you win. And you go on to something else.

Mr. President, it seems to me it has become routine in this session of the Congress to extend, to amend, and to debate and, frankly, to stall. We have seen a great deal of that. Whether it is unfunded mandates, whether it is line-item veto, whether it is balanced budget amendment, whether it is telecommunications, whether it is product liability, we find this interminable number of amendments, many of which have already been done.

Yesterday was a good example. We had extended debate over an issue that had already, I think in almost anyone's mind, been resolved. But we went on. We now will have had 4 days of debate. This is an important issue. But everyone rises in the beginning and says: I want regulatory reform, but—but—but we want to do it in the right way. The right way is a pretty subjective kind of thing. What is right to you is not necessarily right to me.

So I guess I am expressing a certain amount of frustration, in that it seems to me we have accomplished a considerable amount in the Senate, but we have an awful lot before us. We have an opportunity in August to be home in our districts to talk to people about the direction this country ought to take, to talk to people about specific items. Frankly, that time in August is being constricted. I think it is almost certain we will not be available to go

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

home as early as we thought we would. We have a lot of things to do. We have not even gotten to the budget—which, by the way, I think we ought to do every 2 years instead of 1. But, nevertheless, that is another issue.

So we have a great deal to do, a great many things. Welfare reform—we have not even talked about that. The items that have been very high on the agenda of the American people we have not gotten to.

So I guess I am expressing my frustration about the system. I urge my colleagues to take some self-analysis. Certainly, everyone is entitled to talk. Everyone is entitled to have an amendment. Everyone is entitled to have a view. But they are not entitled to stall the progress. They are not entitled to say we want more amendments, and when the time comes for amendments there are none to be talked about.

The elections we had—every election, but more particularly the last election—was about change. It was about doing something; about making things different than they are. Almost everybody agrees to that. Everybody stands up and says we are for change, and then resists change. I understand there is a philosophical difference, and properly there can be. There are those who do not want to change. I understand that. There are those who support the status quo, and I understand that. I do not object to that. I do not object to disagreement. I do not object to argument. But I do object to the fact that we never come to a decision, and that is what it should be all about.

I think there is a message: The status quo is not good enough. That is clear. No one says there should not be regulations. Of course, there should be regulations. Of course, it should not be changed to where we do not have clean air and clean water, and that is not the purpose of this. Of course, we ought not to do things that threaten health. Clearly this does not do that. This bill is a procedural bill that takes into account some processes in arriving at the implementation of regulations. That is what it is about. We have said specifically it is a supplement. It does not supersede the issues. But that does not seem to be good enough. We continue to rehash and go over that. I am expressing a little frustration, Mr. President.

In any event, we do need meaningful change. There is no question but what we are overregulated. There is no question but what the process of giving a grazing lease in Wyoming—that now requires a NEPA environmental impact study as if it were a national environmental change. It is a renewal of a 50-year-old process that has been going on.

Those are the kinds of things that we need to change. The law provides for multiple use of the land. But you cannot get on the land because the regulation, as it is implemented, is so costly that doing archaeological surveys and those kinds of things we are looking for is not a process that allows regulations to be implemented in a commonsense kind of a way.

Mr. President, I hope we can move forward. I hope we can move forward on this issue. Frankly, it affects everyone. We think it affects us in the West a little more where 50 percent of the land is owned by the Federal Government. So that anything you do in the Federal Government, if it has to do with recreation or has to do with hunting or has to do with grazing or has to do with mineral production, has to go through this extensive regulatory process. That needs to be changed. I do not think there is a soul who would say, ''Oh, no. It does not need to be changed.''

Take a look at what we have done in 3 days. We say it needs to be changed. But there are 32 amendments or so sitting out there, many of which have already been dealt with which have nothing to do with creating a strong bill but have more to do with simply moving back the time when we make decisions.

So, Mr. President, I hope we do move forward. I hope we can deal with issues as they are before us and come to some closure, come to some resolution. That is why we are here. That is why we came here. We are trustees. We are trustees for the voters, we are trustees for the citizens, and they are the beneficiaries. They should expect something from us. That is our opportunity.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Tennessee is recognized.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. FRIST. Mr. President, I rise today to continue discussions on the Comprehensive Regulatory Reform Act of 1995.

Mr. President, in an effort to protect the American consumer and taxpayer from pollution, faulty products, contaminants, unfair business practices and threats to their livelihood and health, our Government has in fact buried us under a mountain of Federal redtape and regulation that far exceeds any recognizable benefit. As a result, the American economy stagnates and the American public continues to be subjected to the ever-increasing presence of the Federal Government in our business practices and in our daily lives.

It is ironic that in an effort to protect the American people and the American industry the Federal Government has become an impediment. The greatest challenges to American industry and businesses do not come from dwindling natural resources or from competition from Europe and Japan, or from any number of social and economic challenges facing our society and culture today. Arguably, the greatest challenges facing American businesses and industries and the Americans who depend on them are the burdens placed on them by their own Federal Government; a Government that may or may not always have the best intentions but whose sole purpose is to protect and promote the common good, not to suffocate or stymie its citizens' and industries' well-intentioned and lawful pursuits. The need for substantial and fundamental regulatory reform cannot be overstated.

As we have heard in the last 3 days, the cost of regulation in this country now exceeds $560 billion every year. It is growing rapidly. And it is the rate of this growth which, like that of the national debt, that is so disturbing—growth, unfortunately, that produces no corresponding rise in benefits to either the economy or the American people.

Mr. President, we have now reached the point where the cost of supposedly protecting ourselves, our businesses and our industries from ourselves now more than doubles the dollar value that we spend on defending our Nation from foreign enemies. Part of the fault is our own. In the past Congress has failed to control the regulating agencies that fall under its jurisdiction. Congress has failed to scrutinize the expense of a regulation as closely as we have included such items in the budget. Congress has failed to consider the cost of regulation to the economy.

But just as we are fixing today our budget problems, we can reduce our regulatory burden if we have the will to do so. I believe the legislation before us is a positive, necessary and long overdue step in that direction.

Mr. President, the regulatory machine in our Government is out of control. Regulating agencies have become something akin to nonelected lawmakers, and almost predatory in nature when dealing with many industries and businesses. These agencies refuse to follow even the simplest of commonsense guidelines requiring validation of their actions for the common good, and that benefits realized from their actions outweigh the costs incurred.

Where was this simple American principle lost on the Federal Government? These are the principles which American citizens follow in their everyday lives, and it should not be difficult or unreasonable for the Government to operate that way also. The arrogance and the paternalism that has typified too much of the rulemaking in this country must end. People are tired of it.

The provisions of this bill are based on the commonsense principles that guide a free market economy in a democracy. These are the very same principles that played a critical role in building the America we know today. At the centerpiece of this legislation is cost-benefit analysis. In simple terms, it dictates that before a new regulation

can be implemented it must be determined to be more beneficial to the public good than it will cost the economy.

While cost-benefit analysis has been used in the determination of new rules before, it clearly has not been the guiding principle. This bill dictates that it must now be the centerpiece of the formulation of any new rule and the basis for its justification or its dismissal.

This legislation also establishes—or reestablishes—that regulating agencies prioritize their formulation of new rules. Simply stated, that means the greatest dangers to the public must be addressed first and must be dealt with in the most cost-effective way.

The Government should no longer be allowed to saddle the economy with a supposed protective measure that clearly does not justify the cost it incurs.

With the inclusion of standardized risk assessment guidelines and decisional criteria, this legislation is designed to prevent extensive promulgation of excessive rules from occurring again as it has in the past.

Mr. President, one of the most encouraging and commonsense provisions of this legislation is that it compels the Federal Government to use market-based alternatives rather than proscriptive brute force regulation. Such measures have thus far proven to be extremely effective. They are also less costly, and they are fair.

One of the most common complaints I hear from businesses, both large and small, is the unnecessarily strict and archaic nature of the Delaney clause, or the rule that says even very small traces, trace elements of materials deemed unhealthy prohibit a company from offering that product to the public. The problem is that technology today has progressed far enough and so rapidly from the time the Delaney clause was first introduced that we can now detect these trace elements of substances that simply could never have been detected before and at levels that cannot be reasonably argued to be detrimental to ones health. However, the law has not changed to fit that reality. Such an inflexibility does not have the best interests of the public in mind. This legislation will in large part remedy that problem, and not a minute too soon.

This bill reinforces what this body passed earlier this year in the form of the congressional review, S. 219, of any new major rules. This provision will ultimately allow elected lawmakers—not regulatory agency bureaucrats—to decide if the new rule is in the best interest of the public before rules are applied. And perhaps the most encouraging provision of this legislation is the explicit instruction it includes to minimize the impact on small businesses when formulating and applying rules.

Mr. President, it is high time we reapply this simple set of principles by which the economy and society function to the way our Government works. It is time to hold the Government accountable to the same standards which the public must meet every day. It is unfortunate, if not ludicrous, that it would be any other way, and it is no wonder that the American electorate is restless and upset with their Government.

During the course of this debate, we have heard many examples, both telling and anecdotal. These examples remind us exactly how unprincipled and how out of control our Government can sometimes be. Some of the instances of the regulatory machine run amok are almost unbelievable in their egregious violation of common sense and individual rights. But the one fact that must be kept in mind is that our Government operates in such a way that the common good is no longer the goal. Regulation has become a goal in and of itself. Not only is that dangerous, it is unfair and extraordinarily expensive—almost $600 billion a year.

This legislation should be viewed as nothing short of a necessary complement to what we are striving to accomplish in balancing our budget. Indeed, this legislation could be viewed as the opportunity to give the American public the biggest tax cut in its history without so much as increasing the deficit or reducing benefits by a single cent.

We would be remiss in our duties as popularly elected officials if we failed in this opportunity by failing to pass this important legislation or by passing it in a form so watered down as to hardly check the regulatory machine at all. I strongly urge my colleagues not to miss this opportunity and not to let special interests or partisan concerns guide our upcoming votes.

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

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

REGULATORY REFORM COST-BENEFIT LANGUAGE

Mr. INHOFE. Mr. President, the Senator from Tennessee at the conclusion of his remarks started talking about something that is very, very significant and has been left out of this debate. I have a few comments to make, and then I wish to follow up on that. And that is the budget ramifications of an overregulated society.

I am an original cosponsor of the Dole bill. However, I will say that I do not believe the bill goes far enough. I would like to have it stronger. It does not include a supermandate which would make the new cost-benefit provisions apply to all regulations. It specifically exempts those statutes which set a lesser standard in the statutory language. These exempted laws include many of the environmental statutes such as the Clean Air Act, which really does need a strong cost-benefit provision.

Half of all regulations issued are from the EPA, and half of all the EPA regulations are under the Clean Air Act. So that is why that act is so significant. We need to protect human health, but the EPA has gone way too far.

At the time of the Clean Air Act, the head of the Department of Health and Human Services told the Office of Management and Budget that they had no issues with the air bill. The only health benefit, according to HHS, was removing benzene from gas. This is the head of the public health department saying the bill was not protecting health.

When EPA determines risk in their risk assessments they use something called the maximum exposed individual, which is a person who spends every day of their life, 24 hours a day for 70 years, underneath the factory vent breathing the discharges. And I do not know anybody like that. That is totally unreasonable.

They also use the maximum tolerated dose for rats, which is when they stuff so much of the substance that they are studying into a rat the rat is going to die from stress.

For part of the Clean Air Act, they also observed the effects of emissions on asthma patients. But what they did was take away their medicine and force them to jog in 110 degrees heat, and nobody does this. This again is not realistic. The only realism you will find is in the minds of bureaucrats who do not live in the real world.

We can get 90 percent of the benefits from 10 percent of the costs. What EPA is trying to do is reach that final 10 percent of the benefits which incurs the rest of the costs, which is 90 percent. You do not need to be a rocket scientist to understand that 10 percent of the benefits is not worth 90 percent of the costs.

We should require that benefits outweigh or exceed the costs of regulation. When you reach that 90 percent benefit level, you reach a point of diminishing returns. We are paying for much more than we are getting. Businesses do not operate this way, at least they do not operate this way very long, and neither do consumers. The Government definitely should not either. For an incremental benefit of 1 percent, we should only have to pay an incremental cost of 1 percent or less. Nowhere else but in the Federal Government do people spend $1 million to get $100 worth of benefit, and we must end this practice.

The Clean Air Act refinery MACT rule is a perfect example. As proposed, the rule would cost approximately $10 million and only save less than one-half of one life.

The cost-benefit language in the Dole bill is good but not good enough. And it is a shame it does not apply to all existing statutes. As a Member of the Environment and Public Works Committee, I will strive to place good cost-benefit language in all future reauthorizations, yet I must point out my disappointment with the cost-benefit language in this bill. Perhaps we can work together and strengthen it later. And,

of course, it is the only dog in this hunt at this time.

Let me suggest something. Yesterday, I ran out of time when I was talking about the Regulatory Reform Act, and there are a couple of examples that I wanted to use. I had used some examples from around the country, but I did not use the local examples.

Once before, when we were talking about Superfund abuse, which we are dealing with here also, I told the story of a very close personal friend of mine in Tulsa, OK. His name is Jimmy Dunn. His family has Mill Creek Lumber Co. It is the third generation to run this lumber company—highly competitive. It is in an environment in which many of them do not exist; they are not able to survive.

He called me up. At that time, I was a Member of the House. He said, ''Congressman INHOFE, the EPA has just put me out of business.'' I said, ''What did you do wrong?'' And Jimmy Dunn said, ''I don't think I did anything wrong, but for the last 10 years we have been using the same contractor to sell our used crankcase oil.'' And that contractor was licensed by the Federal Government; he was licensed by the State Government; he was licensed by Tulsa County, and yet they traced some of the crankcase oil from this contractor to the Double Eagle Superfund site.

He read the letter he received from the administrator of the EPA, the last paragraph of which said we are going to impose $25,000-a-day fines on you and possible criminal sanctions.

Now, we were able to stop that, but for every one that we find out about and are able to help, there are thousands that we do not find out about.

I had a visitor in my office yesterday who is the administrator of the endangered species here and a very nice lady, and we visited about it. She said, ''Well, I can count on both hands the number of prosecutions we have had. It is fictitious to say that we are being abusive in the Endangered Species Act.'' I said, ''You miss the point altogether.'' For each one that is ultimately a conviction or a prosecution, you have 100,000 of them out there that are threats, that are threatening those people who are working hard, making money to pay taxes for all this fun that we are having up here.

I have a guy that I met 4 days before Christmas. His name is Keith Carter. Keith Carter lives in a little town in Oklahoma—Skiatook, OK—just north of Tulsa, OK. It is a very small community. Keith Carter developed a spray that he puts on horses. I do not know what it does, but apparently there is a market for it. Keith Carter called me 4 days before Christmas and Keith Carter said, ''Congressman, EPA has just put me out of business and I have to fire my only four employees 4 days before Christmas.''

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

Mr. INHOFE. I ask unanimous consent for 2 additional minutes.

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

Mr. INHOFE. I thank the Chair. I do want to finish this story.

What had happened in the case of Keith Carter is that Keith Carter had moved his location from his basement up the street three houses for a larger place. He told the EPA regional office in Texas about it, but he did not tell the office in Washington, and so they took away his number. So we got his number back. It took 3 weeks to do it. Finally, we got his number back.

He called me back. He said, ''Congressman, I have another problem; now I can't use my inventory, 25,000 dollars' worth of silkscreen bottles, because they have the old number on them.'' Well, this is the type of harassment that has taken place.

Lastly, since the Senator from Tennessee brought this up, there is a brilliant guy, a Dr. Bruce Yandle from Clemson University, that made a discovery that everyone should focus on at this time. We are all concerned about deficits. What he discovered was—and he skewed this draft out for us—that there is a direct relationship between the number of pages in the Federal Register, which indicates the number of regulations, and the deficit. These yellow bars down here signify and represent the deficits during these years starting all the way back in 1950 going up to the current year. And if you look at this, it follows exactly along the line of the pages in the Federal Register. So, I would say to those individuals, if you are looking for another excuse, if you do not believe that we have an obtrusive, abusive Government, then look at it from a fiscal standpoint. If you really want to balance the budget, to eliminate the deficit, there is no single greater thing we can do than stop the excessive regulations in our society. And this is our opportunity to do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas is recognized under the previous order to speak for up to 10 minutes.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM and Mr. KENNEDY pertaining to the introduction of S. 1028 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized to speak for up to 15 minutes.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. DORGAN. Mr. President, the subject on the floor of the Senate is regulatory reform. It is an important issue. Nearly all of us in this Chamber know that there are many Americans confronted these days with regulations that they think do not represent common sense, regulations that are too burdensome, regulations that do not seem appropriate or right. I understand that. I think some of that does exist. And when and where it exists, we ought to put an end to it. Americans have enough trouble without having to deal with regulations that do not make sense.

But the story of regulations is a story with more than one chapter. Another part of the regulations story is the regulations that we have put in place that improve life in this country; regulations that require inspection of food so that we have safe food to eat; regulations that require an approval by the Food and Drug Administration of drugs that are being proposed to be marketed in this country so that consumers have some confidence that these drugs are safe; regulations that prohibit big corporations from dumping their chemicals into our streams and into our lakes and rivers; regulations that prohibit big corporations from pouring pollution into our air. Many of those regulations are critically important, and we ought to keep them.

It is interesting, most of what we see in the Congress is a debate about failure, it is never much a debate about success. Let me just for a moment describe for my colleagues a success.

Today, we use twice as much energy in this country than we did 20 years ago, but we have in this country today, by all standards of measurement, cleaner air. Why would we have cleaner air, less pollution, less smog in this country today than we did 20 years ago if we use twice as much energy? Because this country and this Congress said we are going to change the way we behave in this country; we are not going to allow polluters to any longer pollute the air; we are going to require them to clean up their emissions. And the result is a success story. It has been the Clean Air Act, with all of its imperfections, that has stopped the degradation of America's air. That is a success.

Should we retreat on that? Should we decide that regulations that require corporations to stop polluting are burdensome so, therefore, they should not have to stop polluting? Should we go back to the good old days where we dump all this pollution into the air and let our kids breathe it and say it does not matter, that we can deal with the consequences later? I do not think so. I do not think the American people would believe that we want to go back to those days.

How about water? There is a book by Gregg Easterbrook recently published that talks about these success stories. We have less acid rain and cleaner water these days than we had 20, 25 years ago. You all remember the story about the Hudson River starting on fire.

Now why would a river start to burn? Because of this enormous amount of pollution that was going on in this

country. Now our rivers and lakes and streams are cleaner and we have less acid rain. Why is that the case? Is it because someone decided in a corporate boardroom someplace we really have to stop doing this, we have to spend money to stop doing it to clean up our water? No, it is not because of that. It is because Congress decided this ought to stop and that reasonable regulations and rules ought to require the big polluters to stop polluting. The result is, we have cleaner air and cleaner water.

Are all these regulations perfect? No, not at all. Should some be changed? Yes. But should we retreat in this country on the requirement with reasonable regulations to say to those who would pollute our air and water you have to stop polluting? Of course not. We should not retreat on that. What we have done there is a success story for our country.

Should we retreat on food safety? Of course not. That is not what the American people expect us to be doing.

Now, I have been interested in the way this debate has gone here in the Senate. It has gone like every other bill we have seen this year. A bill is brought to the floor of the Senate and, within hours, the majority party starts complaining about the minority party stalling. Well, this bill was brought to the floor of the Senate much as regulatory reform bills were brought to the committee on which I serve, the Governmental Affairs Committee. The first such bill we saw in committee was a moratorium, a regulatory moratorium; and the majority party thought, gee, this really sounds great, we will just stop everything, no more rules will be issued. No more regulations will be issued. We will stop them in their tracks until a time certain later.

Some of us said that does not make sense. We said the bill does not discriminate between good and bad rules, good regulations and bad regulations. We decided to offer some amendments. And so we offered amendments on E. coli, on clean water, on cryptosporidium, on mammography standards, on commuter airline safety standards, which we were sure the majority party did not want to interrupt. Did they really want to interrupt a regulation that establishes the reasonable standards for mammography screenings for breast cancer? No; it turns out that is not really what they intended to do. What about E. coli? Did they intend to allow for degradation of food safety standards? No; it turns out they did not intend to do that either. We went through a whole series of amendments, and it turns out that is not what they really intended to do.

Well, they come to the floor with a regulatory reform proposal, and we have a number of amendments that we are prepared to offer. The fact is that you cannot get amendments up on the floor. Oh, we got one up yesterday and it took all day. The folks that offered the amendment were ready to vote at noon. We did not vote until the end of the day. Why? Well, because the other side is stalling, and they accuse us of delaying. That is a curious, interesting approach to legislative strategy. You stall and accuse the other side of delay. So far, there have been 16 amendments offered on this bill; 14 of the 16 have been offered by the other side, and only two by those who want to change the bill or would support a substitute to the bill.

If we want to finish this bill—and I do—and if we want to move ahead—and I think we should—we ought to decide to allow all these amendments to be offered, the amendments that address the specific issues. Do you intend really to degrade seafood safety standards? I do not think so. Let us offer an amendment to guarantee that is not the case. Do you intend to undercut and degrade clean air standards? I do not think so. Let us decide we want to vote on that.

Let us offer those amendments. I expect most people would be willing to offer them expeditiously, with time agreements, and we will vote on them. And no one, in my judgment, could genuinely suggest anyone here is stalling. The stall comes from those who bring the bill to the floor but do not want amendments offered that they do not want to vote on. That is the stall. I understand that. But it is not the way we ought to do bills. There are good regulations and bad regulations. We ought to get rid of the bad and keep the good.

I heard somebody this morning talk about the burden. We place an unfair burden on America's corporations with respect to regulations. Well, I will tell you, some corporations have relieved themselves of that burden. Two or three applications a day are being approved for new plants on the maquiladora border, south of the Mexican-United States border—two or three a day. These are new American plants that move to Mexico. Why do they move down there? Because Mexico is a place where they can produce things differently than in our country. First of all, it is much cheaper; they can pay lower wages, and often they can hire kids.

Second, they do not have the enforcement on environmental controls. You can move your plant to Mexico and pollute. You do not have to be burdened by all of those unreasonable standards in the United States; if you are going to produce something, you should not pollute water and air. So it costs less to produce there.

Is it right? Is that the future? Is that what we want to have happen? I do not think so. Is the answer to it to decide we should not burden them, that they should pollute while in this country? I do not think that is the case either.

I think we have provided some good leadership with respect to our set of regulations on requiring polluters to stop polluting, in requiring those who are involved in processing the meat in this country to process it in conditions that we feel are safe for the American consumer. I do not understand those who believe that these are burdens on America's corporations that must be relieved with a bill that cannot be amended because they do not want to vote on these specific issues.

We have been treated in recent months to a lot of very substantial reforms, some of which I have thought made a lot of sense, some of which should have been passed when the Democrats controlled the Congress and were not. It is our fault. I voted for some of these reforms. I voted for unfunded mandates. I thought it made a lot of sense. I voted for the line-item veto. Some of these reforms make sense.

Some of these reforms brought to the floor of the Senate are inherently radical reforms, responding to the big money interests of this country. Regulatory reform, for anybody who is interested, has been largely written by the special interests, by the large corporate interests, largely written by the large corporate interests who want to get out from the burden of costly regulations. I understand that. I understand why they want to do that. But the public interest has been established here from our perspective that we want that burden imposed to require clean air and water and safe food and the rest.

We had a fight in North Dakota in the 1970's when they were going to process coal to produce electricity. I and the then Governor decided the only way we were going to give water permits was to fight for the latest available technology to be put on those plants, which included then wet scrubbers, very expensive environmental control technology, in order to protect North Dakota's air. Well, obviously, the coal industry and others who were processing that coal, the electric generating industry, did not want any part of that. They did not want that. Why? Because it costs money. I understand why. I understand why they fought it. But we were right and we insisted on it, and we now have those coal-fired generating plants in North Dakota. But the fact is the latest available technology was included on those plants, which included wet scrubbers to reduce the effluent that goes into the air. I cannot be more pleased about the fight I was involved in in the 1970's requiring that that happen. We were considered fairly radical at the time. We were environmentalists. We were trying to impose costs on industry. Yes, we were. We wanted those who purchased the electricity from those plants to help pay the costs of keeping the air clean. Is that radical? Well, it was called radical, but I do not happen to think it is. I think it is right.

I am a little tired of special interests beating the drum and calling the tune in this town, to suggest that somehow they now need their burdens relieved—especially when they tell us of those burdens of having to comply with the Clean Air Act, Clean Water Act, food safety standards, and the like.

Yes, let us have regulatory reform, and let us do it in the right way. Let us be aggressive in making sure that regulations make good common sense. Let us get rid of silly, useless regulations, and let us get rid of the people that write those kinds of regulations. But, at the same time, let us make sure that we protect this country with reasonable regulations that protect our air, water, food safety, and more. That ought to be the job for all of us on the floor of this Senate. There ought not be any disagreement about it. Nor should there be disagreement about whether anybody is stalling. If the majority party will simply allow those who believe that amendments are necessary to this bill to be offered and debated, this bill will move, and move quickly—with proper amendments.

But it is disingenuous, in my judgment, to be delaying because you do not want to vote on amendments, and then accuse the other side of stalling. That is not much of a legislative strategy and will not produce much of a result for this country.

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, the Senator from Wyoming is recognized to speak for up to 10 minutes.

(The remarks of Mr. SIMPSON and Mr. BINGAMAN pertaining to the introduction of S. 1029 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EXTENDING TIME FOR FILING FIRST-DEGREE AMENDMENTS—S. 343

Mr. SIMPSON. Mr. President, on behalf of the leader, I ask unanimous consent that, notwithstanding the provisions of rule XXII, all Senators have until 5 p.m. today in order to file first-degree amendments to the pending Dole-Johnston substitute to S. 343, the regulatory reform bill.

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

Mr. DOLE. Madam President, was leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

DISASTER IN SREBRENICA

Mr. DOLE. Mr. President, I had hoped that the profound disaster in Srebrenica would have provoked a greater response from this administration than what we have seen in the last 48 hours. Tens of thousands of Bosnians have fled, Dutch peacekeepers are being held hostage, young girls are being taken away by Bosnian Serb forces, and the two other eastern enclaves—also U.N. designated safe havens—are under continued attack. Yet, instead of leadership, all the administration has to offer is press spokesmen to defend this catastrophe.

The best defense would be a change in the present approach. However, that is unlikely from what the cadre of administration spokesman have said.

Despite the obviousness of this colossal failure, Western leaders cling stubbornly to the myth that no other options exit.

There are reports that the administration is working with the allies to withdraw U.N. forces from the Eastern enclaves and redeploy them in central Bosnia and Sarajevo. In my view, this would be redefining failure.

I remind my colleagues that in the spring of 1993, Secretary Christopher went to Europe with the lift-and-strike plan and returned with the joint action plan. This plan was sold as the humanitarian option. The option that put the Bosnians' interests first. The joint action plan committed the United States, Britain, France, Russia, and the European Union to the protection of six U.N.-designated safe havens and closing the borders between Serbia and Bosnia.

There are those of us who urged the administration not to go along with this so-called plan, who warned that creating giant refugee camps with minimal defense would support Serbian war aims. We were ignored.

I might say these suggestions came not just from this side but on both sides of the aisle.

The administration went ahead and what a trade. Two years later Milosevic is still sending supplies and troops across the border and, the Bosnians are not only defenseless, but undefended.

Now we are faced with a widening catastrophe, but there is no longer any attempt to save the Bosnians—only to save face. The rapid reaction force is intended to save face.

I believe that the United Nations must begin preparations for withdrawal immediately. I am prepared to support the use of U.S. forces, if they are necessary, but under strict conditions.

If we have to use U.S. forces, it is going to be because of a total lack of policy by the Clinton administration. We are going to be backed into the use of U.S. forces because of a lack of clear leadership by this administration. That should be clear to everyone.

But even having said that, we have some obligations and I would be willing to support use of U.S. forces—under strict conditions.

First, unified NATO command—no dual key.

Second, robust rules of engagement which provide for massive retaliation if any U.S. forces are attacked.

Third, all necessary measures are taken to protect United States and NATO personnel from likely threats—from any source, to include Serbia—to include the suppression of Serbian air defenses.

Fourth, no risking U.S. lives to save equipment.

Fifth, agreement from our allies to lift the arms embargo on Bosnia.

The administration must know that it will be held responsible and that if these conditions are not met, the risk to U.S. forces will be far greater than necessary.

Mr. President, the United Nations must withdraw and the arms embargo must be lifted. The United States cannot continue to subsidize and support a U.N. mission that serves largely to supervise ethnic cleansing and aggression. The United States must exercise leadership and support the fundamental right of self-defense.

I listened last night to one of the spokesmen, a White House press person, talking about Bosnia. He said, ''Well, we cannot afford to lift the arms embargo. That would cost us money.''

What does he think we are spending now? We are spending a great deal of money, and we are picking up 31 percent of the tab right now in Bosnia. Hundreds and hundreds of millions of dollars have been spent by the U.S. taxpayers. So I wish if they are going to trot out the press spokesmen, at least they should have the facts correct and tell the American people the truth, and give them an accurate report of what is actually happening.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see any young person, or any group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, July 12, stood at $4,927,810,673,266.79 or $18,706.05 for every man, woman, and child in America on a per capita basis.

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

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

Under the previous order, the Senator from Pennsylvania, [Mr. SPECTER]

is recognized to speak for up to 15 minutes.

THE RUBY RIDGE INCIDENT

Mr. SPECTER. Mr. President, I have sought this special order for recognition this morning to renew my urging that the Senate conduct oversight hearings into the incident at Ruby Ridge, a subject that I have spoken on at length on the Senate floor—on May 9, 10, 11, 18 and 26—and on those occasions urged that hearings be conducted before the August recess because of what I view to be the urgency of the situation.

I renew that request in light of the release by the Federal Bureau of Investigation yesterday, and the extensive publicity in the news media today, reporting on the suspension of a ranking FBI agent involved in the Ruby Ridge incident, the suspension occurring ''after authorities allege that he destroyed a document that could have altered the official account of what happened at the standoff on August 22, 1992.''

Mr. President, it has been my judgment for some considerable period of time that the Congress has been derelict in failing to have oversight hearings on very serious matters involving Federal law enforcement operations in the United States, and that it is up to the Congress as a matter of congressional oversight to make sure that there is accountability at all levels of the Federal Government.

I have considered very carefully the very heavy responsibility of law enforcement officials, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and others, agencies that I have worked with extensively over my whole career of public service—since I was district attorney of Philadelphia—and have a full appreciation of the very high risks that law enforcement officers at all levels undertake. But there is great concern in America today about excessive Federal authority, and about the incidents which have occurred not only at Waco but also at Ruby Ridge.

This is in line with the concern in this country, which is as old as the Declaration of Independence itself, in challenging the legitimacy of government.

That brought the revolution and the founding of the United States of America. Our history is full of challenges to be sure that the Bill of Rights is respected. It is no coincidence that the United States has had the longest record in world history for stable government, no coincidence that record is the result of having a Bill of Rights which has been meticulously enforced, and one of the agencies of enforcement is the constitutional prerogative and responsibility of the Congress of the United States to conduct oversight.

Mr. President, it is a matter of the utmost gravity when there are allegations that there has been the destruction of a document which could shed light on what happened at Ruby Ridge, and this is only another step along the way on matters which already were in the public record suggesting substantial impropriety.

In my statement on the Senate floor on May 26, I referred to a letter from FBI Special Agent Eugene Glenn, who was on the scene at Ruby Ridge, and who was disciplined, and Mr. Glenn had this to say on page 6 of an extensive letter which he wrote to Mr. Michael Shaheen of the Justice Department's Office of Professional Responsibility:

> On August 22, 1992, then Assistant Director Potts advised during a telephonic conversation with the special agent in charge that he had approved the rules of engagement and that he articulated his reasons for his adjustments to the Bureau standard shooting policy.

At that time, I called the attention of my colleagues to the fact that in my personal conversation with Mr. Potts on May 17, he said to me categorically, ''There was never a change in the rules of engagement.'' And Mr. Potts advised me further that there was ''no authorization to change the deadly force policy.''

Mr. President, as I have said previously in this Chamber, I have talked extensively to people who have participated, been involved in the incident at Ruby Ridge. I talked to Mr. Randy Weaver at some length back on May 13, 1995, and got his account of what was truly a tragic incident which resulted in the killing of a deputy U.S. marshal, the killing of Mr. Weaver's young son, Sam, who was shot in the back, and the killing of Mr. Weaver's wife, who was holding their infant daughter.

The entire incident involving Mr. Weaver occurred, according to Mr. Weaver, when he was approached by agents from the Bureau of Alcohol, Tobacco and Firearms asking if he could sell them sawed-off shotguns, which apparently he later did in a context where a court found it to be entrapment. I questioned Mr. John Magaw, the Director of the Bureau of Alcohol, Tobacco and Firearms, and he conceded to me that there was what he called borderline entrapment in the Weaver case.

So that you have a sequence of events of Mr. Weaver living in Boundary County, ID, right next to the Canadian border, really wanting to be left alone, an incident with this issue of entrapment, and later the marshals coming to the premises of the Weaver household. And then you have an incident, tragic, the killing of a deputy U.S. marshal, two members of the Weaver family, and then a dispute as to whether the FBI acted properly under the rules of engagement; and then yesterday the disclosure that in fact there had been some indication of further wrongdoing.

This is a matter, Mr. President, in which it seems to me it is imperative that the Congress of the United States exercise its oversight responsibilities.

We have had on the record for some time glaring conflicts which need to be investigated, inquired into by the Congress—the disparity between Special Agent Glenn, who is in charge of the FBI office in Salt Lake City, and the account of Mr. Potts, who has since been promoted to the position of Deputy Director of the FBI.

As noted in this morning's Washington Post:

> Last year, a Justice Department task force sharply criticized the FBI action during the incident.

Referring to Ruby Ridge.

> The task force concluded that the Bureau's conduct ''contravened the Constitution'' and that criminal charges should be considered against the responsible agents. The task force report was forwarded for comment to the Justice Department's Office of Professional Responsibility and the Civil Rights Division. Those offices in their evaluations held that no criminal conduct took place.

Now, Mr. President, I submit that in the context of a task force report saying the Constitution has been violated and suggesting criminal prosecution, and a disagreement within the Department of Justice itself, that we have is the quintessential circumstance where the Congress of the United States has oversight responsibilities. And yet we sit by idly and do nothing.

I have said on the Senate floor that in my judgment Congress has been derelict in its duties. I think it is a matter of nonfeasance, the failure to perform a positive obligation and a positive duty. And for the Congress, the Senate, the Judiciary Committee to continue to turn its back would amount to more than nonfeasance, perhaps misfeasance, perhaps malfeasance.

There is great unrest in America today, Mr. President, as we all know, with the development of extensive militia around the country and a vivid, active distrust for what goes on in Washington. I can understand that distrust in the face of what I see personally as a Member of the Senate and as a Member of the Senate Judiciary Committee. I not only understand that distrust and skepticism, but I share it in the absence of any oversight having been undertaken by the Congress, the Senate, and the Judiciary Committee on these important matters.

I made an effort to hold these hearings with the Subcommittee on Terrorism, the subcommittee which has jurisdiction over these matters, and I was thwarted in that attempt to do so. And I took the highly unusual step of bringing the matter to the floor of the Senate in a resolution calling for hearings on Ruby Ridge, among other things, in advance of the August 4 recess.

I had no doubt, Mr. President, no naivete that that resolution was not going to be adopted in the face of our standards as to prerogatives of chairmen, but it seemed to me sufficiently serious to bring it to the floor of the Senate and to bring it to a head.

In my capacity as chairman of the Terrorism Subcommittee, I have had a

series of hearings, four hearings on the subject, one of which involved the militia where law enforcement officials from the FBI, the Bureau of Alcohol, Tobacco and Firearms, the State police chief from Missouri, and prosecuting attorneys from Phoenix, AZ, and Musselshell County, MT, came forward and testified about the dangers of the militia and at the same time, same hearing, a second panel testified about the reasons why the militia are growing in the United States, members of the militia talking about the distrust of what goes on in Washington, accusing the committee, accusing the Senate, accusing this Senator of corruption, and a very heated exchange followed in which I did not take that accusation lightly. And I do not. But I must say, Mr. President, that I worry about our country when this kind of information is open and notorious and there is no response from this body, from the Judiciary Committee, to have these oversight hearings.

I think that when you now have, beyond the issues which I have raised, where you now have the lead story in this morning's Washington Post, under the banner headline, ''Probe of FBI's Idaho Siege Reopened,'' detailing the destruction of documents on top of the contradictions and problems in this investigation, that this is highly likely to produce the kind of public pressure which it appears is the only way to get any results on a matter of this sort.

Mr. President, I think it is a matter of the utmost gravity and the utmost seriousness, and we sit really on a powder keg with a lot of distrust and anxiety and anger welling up across the country as to excessive action by the Federal Government. Accountability at the highest levels is absolutely mandated, and it is the responsibility of the Congress and the Senate and the Judiciary Committee to conduct these oversight hearings and, in addition to having discussed these matters privately with the appropriate authorities within our own body, I think it absolutely necessary to make the statement as forcefully as I can to urge that these hearings be conducted, conducted promptly and, in any event, before we adjourn for the August recess.

TRIBUTE TO FRANCIS J. BAGNELL

Mr. SPECTER. Mr. President, I would now like to take the few minutes remaining before morning business expires, in the absence of any other Senator on the floor, to comment on the passing of a great American, Francis J. Bagnell, commonly known as ''Reg'' Bagnell, who, as we speak, is having memorial funeral services conducted in the Philadelphia suburbs.

Reg Bagnell has been an outstanding figure in the Philadelphia area in Pennsylvania and in America as a contributor to important causes. He achieved legendary fame as a young football player at the University of Pennsylvania in the fall of 1946. Reg Bagnell and I were classmates at the University of Pennsylvania in 1951. And I was one of those who sat in the stands and admired his prowess. He weighed about 160 pounds and played tailback. On the old single wing on one glorious autumn day in 1946, he threw 14 consecutive passes against Dartmouth. And he followed his all-American status by being an all-American contributor to the American scene. And I thought it appropriate to take just a few moments to recognize Reg Bagnell's great contribution, not only as an athlete but as a community activist and as a great American.

I see it is now 10:45, Mr. President, the time to adjourn morning business, so I conclude and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the hour of 10:45 having arrived, morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 343. The clerk will report.

The 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.

Roth/Biden amendment No. 1507 (to amendment No. 1487), to strengthen the agency prioritization and comparative risk analysis section of the bill.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. Mr. JOHNSTON is recognized.

Mr. JOHNSTON. Mr. President, last night after I had left the Chamber and repaired to my home, a cloture motion was filed on this bill of which I was totally unaware. Mr. President, I believe that that was exactly the wrong thing to do on this bill. I believe we were making good bipartisan progress on this bill. It is a difficult, complicated bill. I think the legislative process was proceeding, if not with dispatch, at least with a spirit of dealing with the issues. And I think we have begun to make great progress.

Just overnight last night, for example, in a good spirit of bipartisan progress, I understand we have worked out the Roth amendment, I believe to the satisfaction of both sides. That will remain to be seen. But I believe that is so. I think we had a session scheduled this morning for 9:30 dealing with some of those on our side of the aisle who, in a spirit of bipartisan cooperation, wanted to try to work out some of the remaining issues. And I think there was some hope that that could take place.

With the filing of the cloture motion, that meeting was called off because our side, the Democratic side, had to repair to put in all of these amendments which had to be prepared by, I think, 1 p.m. today.

Mr. President, I have just come from a meeting with the majority leader and have urged him in the strongest way possible to withdraw the cloture motion, to let us continue on in a bipartisan spirit to work our way through these amendments. I have not seen yet on this bill delaying tactics. All of the amendments which have been proposed obviously have not been amendments which I have agreed with. But I think they were legitimate amendments. And on, for example, the cryptosporidium amendment last night—I think that was a serious amendment—there was also a time limit agreed to. And, Mr. President, that is not the stuff of a filibuster, when you have a serious amendment with a time limit. So, I am in good hopes, Mr. President, that we can withdraw that cloture motion and let us legislate.

Today, I hope to deal, for example, with the suggestion that Senator GLENN made yesterday about extending the 180-day period for completion of the cost-benefit analysis when you invoke the emergency provisions of the bill when there is an emergency with respect to health, safety, or the environment. I think we can agree to that. It was a good amendment. I hope we can agree to that.

I am very strongly for removing environmental cleanup or Superfund from this bill. I hope to join with Senator BAUCUS in proposing that amendment this morning. I hope we can get that done with a short time agreement.

So, Mr. President, I have urged the majority leader, as I say, in the very strongest way possible to withdraw the cloture motion. Let us return to legislating rather than having to prepare a finite list of amendments. I will say from my side of the aisle I believe that we can secure cooperation. I do not believe there is a filibuster.

Mr. President, if there were a filibuster, we would not have had, believe me, a 30-minute time limit on cryptosporidium last night. That is a great issue to talk about for days. I mean, it has all those elements—public health, people dying. It is a serious issue. But it was a serious amendment. We took a vote on it. I happen to be for the motion to table, not because I do not have sympathy on the issue—I mean more than sympathy; I think it is a tremendous issue—but because I think we had it taken care of. And I might say that I and others spoke to Senator KOHL last night and said we believe we are confident that this issue has been resolved by the earlier Johnston amendment.

However, we will look at that issue between now and the conference, and if it needs fixing, if there is any assurance that we need to give to people that cryptosporidium will not be a problem, that the regulation of it will

not be hindered or delayed, we are prepared to do that. I know I heard Senator HATCH say that very thing, and I have given that assurance to Senator KOHL. That is the kind of spirit which I think we need on this bill to successfully pass it.

I hear from my caucus that we want a good, reasonable, workable regulatory reform bill. We certainly hear that from the other side of the aisle. We ought to build on that spirit. To be sure, there are differences on how we think we would arrive at that, but they are differences which can be reconciled.

So, Mr. President, I am hopeful that this will be a productive day of legislating; that we will, in fact, withdraw the cloture motion; that we will resume serious legislating in a spirit of bipartisan cooperation.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, I got here about a quarter to 7 this morning. I happened to have left before the cloture motion was filed myself and was not sure whether the distinguished majority leader was going to do that, which he has every right to do, especially where it is believed there is a delay for delay's sake.

I remember in the last number of Congresses when Senator Mitchell was the majority leader, they would call up a bill and file cloture that day on almost every controversial bill—it was just amazing to me—and accuse us of filibustering right from the word go. We are now on the fourth day of this—actually the sixth. We have had very few amendments, and the ones that we have had are amendments that seem to want to repeat what is already in the bill.

Be that as it may, I showed up for our negotiating session this morning. I had to testify on the Utah wilderness bill at a 9:30 meeting. I showed up and the room was empty. I was prepared, as my distinguished friend from Louisiana was, to sit down with our colleagues on the other side to find out what we can do to narrow the amendments and resolve any conflicts that exist and try to bring us together, if we can.

I have to say, my friend from Louisiana and I have worked long and hard to try and bring us together, to try and accommodate those on the other side who differ with us on this bill.

There are things we have been able to do and there are things we have not been able to do. On the list they provided us, we gave them answers on every one of the items, and most of the answers were that we cannot do this. But there were still some areas where we probably could get together and hopefully resolve some of the differences between the two sides. If we cannot resolve differences and the amendments are really serious and decent amendments, then we will just have it out on the floor. Whoever wins wins, and we just vote them up or down. I am hopeful our side will stand firm against some of these amendments.

Nobody is trying to give anybody a rough time. The majority leader has a lot of pressure on him to get this matter resolved and to save as many days as he can so that we do not cut into the August recess. He has all kinds of things on the plate that need to be heard, so naturally he wants to move ahead. I want to move ahead. The distinguished Senator from Louisiana would like to move ahead. We would like to resolve the difficulties and certainly have people feeling good about it.

I do not think there is any real reason for any person after 5 days on the bill to pitch a hissy fit with the fact that a cloture motion has been filed. That has happened around here all my Senate career. It is not unique. It says, ''Let's get busy, let's work and get this done.'' I hope the two leaders can work out some way of getting this done. I also hope that we can all work together on this floor.

This is such an important piece of legislation that I hope we can all get together on this floor and help bring it about. This legislation will save lives. This legislation will provide the very best science applicable to some of the most important problems and issues of our society. This legislation will solve the problems, or at least go a long way toward solving the problems of the overregulatory nature of our society, and some of the ridiculous regulations that all of us put up with.

I know some have not liked my top 10 list of silly regulations, but I am going to bring them up everyday anyway, because there are those who are very dedicated to the bureaucracy around here. That is where their power comes from. They can have the bureaucracy do what they could never pass on the floor of the U.S. Senate. It does not make any difference what it is going to cost, the bureaucracy just does it. This bill says, no, you are going to have to have a cost-benefit analysis and risk assessment to determine how dangerous it is before you go and saddle the American people with unnecessary costs and tremendous burdens, and you have to be more serious about regulations rather than have these silly, dumbbell regulations that are eating our country alive and costing us billions of unnecessary dollars, to the extent of $6,000 to $10,000 per family in this society.

Let me just give my top 10 list of silly regulations. This is list No. 5.

Let me give you silly regulation No. 10: This is where over two dozen agents, some in helicopters, stormed a farmer's field and seized his tractor for allegedly harming the endangered kangaroo rat. The farmer was never notified that his land was a habitat for the rat, and even the Federal officials were not certain which type of rats were on his land. And yet they came and stopped this farmer from doing his farming that he had done for years on the basis of an alleged harm to an endangered alleged kangaroo rat. That is silly, but that is what our people out there are going through.

Let me give you silly regulation No. 9: Fining a company for worker safety violations such as: a cut in the insulation of an extension cord which had been taken out of service, three citations, and a splintered handle on a shovel, in spite of the fact that the shovel was placed in the back of a truck after it broke.

Now, that is silly, but that is the type of regulation and interpretation of regulations we are going through in this society.

Silly regulation No. 8: Requiring so many procedures that it took a business an entire month to hire just one person. Because of such complexity and the extreme penalties that go with violations, the owner has resolved never, never to hire more than 10 workers, despite the fact that each worker logs 500 hours of overtime in a year. He just is not going to put up with this type of regulation, and having 10 or fewer, he does not have to. Except he did have to spend an entire month to just hire one person.

Silly regulation No. 7: Fining a roofing company for failure to have a fire extinguisher in the proper place, in spite of the fact that it had been moved to prevent it from being stolen by passersby as three other extinguishers had been in the preceding 3 days.

Silly regulation No. 6: Requiring a trucking company to spend $126,000 to destroy nine fuel tanks which were not leaking.

Silly regulation No. 5: Denying a wetland permit application and ordering an elderly couple to remove dirt in an alleged wetland—dirt which had been placed on the land by the city 10 years before the couple bought the lot—only to concede a year later that the couple did not need a permit to have the fill on their land. That is silly.

Silly regulation No. 4: Seeking a $14 million fine against farmers who were accused of violating the Clean Water Act by building a levy to prevent their farm from flooding. That is ridiculous, but that is what they did, a $14 million fine against these poor farmers who just wanted to prevent their farm from flooding.

Silly regulation No. 3: Prohibiting an 80-year-old farmer from farming his land, claiming it was a wetland when a local business accidentally cut a drainage pipe.

I only have two more, and then I will yield to the majority leader.

Silly regulation No. 2: Preventing a company from harvesting any timber on 72 acres of its land because two spotted owls were seen nesting over a mile and a half away. No spotted owls had actually been seen on the company's land.

Let me just go to silly regulation No. 1: Requiring one of our towns in this country to build a new reservoir in

order to comply with the Safe Drinking Water Act and then prohibiting the construction of the reservoir because it would flood a wetland. Fines were threatened if the reservoir was built and if it was not built. So the town did not know what to do. It would be fined either way. That is ridiculous and silly. That is what the American people are putting up with.

We can flood this floor with silly regulations, but we will bring a top 10 list every so often just to remind people of what this is all about: to get rid of this junk and to let us live in more peace and safety in this country.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The majority leader is recognized.

Mr. DOLE. Madam President, first, I want to indicate that I will be meeting with Senator DASCHLE in 2 or 3 minutes. We will be talking about the schedule for the balance of this month and into August.

As I ever said many times—not in any threatening way because it is a matter of fact—there is no question about losing part of the August recess. That is why I have been attempting to move as quickly as possible on this bill so we can go on to what I consider to be the next important thing we need to do before we have the August recess.

I will be going over that list with Senator DASCHLE in a few moments. I do not think it is unreasonable, but it will take the cooperation of all Members, and it will mean, frankly, every day we lose is a day we lose in the recess period, which I think is understandable by most Members.

I listened to the comments of the Senator from Louisiana, and I must say I apologize for not notifying him and others earlier. I had mentioned it in a press conference, and we thought it was fairly public knowledge, that we would file a cloture motion. But more important than the cloture motion is to determine when we can finish this bill and how many amendments there are, and whether we can get time agreements.

We have made some progress, but it has been painfully slow. We started on this bill last Thursday. We had a lot of debate and we did a little debate Thursday before the recess, and a little bit Friday, and we have had 3 days this week.

This is a very important bill. I did not think we would finish it this week, but I would like to finish by next Tuesday. I will discuss that with Senator DASCHLE, and I will have some announcement to all of my colleagues shortly after that time.

AMENDMENT NO. 1507, AS MODIFIED

Mr. ROTH. Madam President, I send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment is so modified.

The amendment (No. 1507), as modified, 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:

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 a nationally recognized scientific institution or scholarly organization—

(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.

(C) Nothing in this subsection should be construed to prevent the Director from entering into a sole-source arrangement with a national recognized scientific institution or scholarly, organization.

(2) CRITERIA.—The Director shall ensure that the arrangement under paragraph (1) provides 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, including opportunities for the public to submit views, data, and analyses and to provide public comment on the results before making them final;

(C) the analysis is conducted by a balanced group of individuals with relevant expertise, including toxicologists, biologists, engineers and exports in medicine, industrial hygiene and environmental effects, and the selection of members for such study shall be at the discretion of the scientific institution or scholarly organization;

(D) the analysis is conducted, to the extent feasible and relevant, consistent with the

risk assessment and risk characterization principles in section 633 of this title;

(E) the methodologies and principal scientific determinations made in the analysis are subjected to independent 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); 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 latter 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.

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. Madam President, I rise to urge my colleagues to support my amendment to encourage agencies to set risk-based priorities. This amendment incorporates the basic language in S. 291 which I introduced in January and which received bipartisan and unanimous support of the Governmental Affairs Committee. Such language is also in S. 1001, introduced by Senator GLENN.

This language has been modified slightly through negotiations with Senator GLENN and Senator JOHNSTON.

I ask unanimous consent to add the names to my amendment of Senator JOHNSTON and Senator GLENN.

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

Mr. ROTH. Madam President, I ask unanimous consent that on the Roth amendment regarding risk-based priorities, there be 30 minutes for debate, to be equally divided in the usual form, and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Madam President, this amendment would significantly improve upon the current section 635 of S. 343, and it would clarify to the agencies what is expected of them regarding priority setting.

My amendment provides an effective date by which the agencies would set priorities to ensure they achieve the greatest overall risk reduction.

It also defines certain terms such as comparative risk analysis, and most serious risk, to reduce ambiguity about their requirements.

My amendment also lists covered agencies to which this requirement applies.

This amendment will also ensure that the risk study is based on some science. The comparative risk analysis would have to meet the standards for risk assessment, risk characterization, and peer review already provided in S. 343.

The amendment also makes clear that the comparative risk analysis across Federal agencies is institutionalized in agency practice. It is not a one-time event.

Instead of specifying a particular scientific body to conduct a comparative risk analysis, the amendment allows OMB to consult with OSTB in arranging the comparative risk study across Federal agencies.

Madam President, I would like to emphasize that I think it is critically important that we allow full public participation through the risk priority-setting process, and that this amendment assures an open process, allows public comment, and requires that policy judgments in the risk study be separated from scientific determination.

In sum, this amendment will allow Members to be confident that the agencies will use the results of the comparative risk analysis in a meaningful way. It will help ensure that we generate or obtain greater risk reduction at less cost.

Madam President, I would like to take some time to speak about the need for this amendment and what it would require. I believe that setting risk-based priorities offers the best opportunity to allocate rationally the resources of both the government and the private sector to protect human health, safety, and the environment.

With this tool of comparative risk analysis, we can make our health, safety, and environmental protection dollars go farther, providing greater overall protection, and saving even more lives than the current system.

The purpose of my amendment is to, one, encourage Federal agencies engaged in regulating risk to human health, safety, and the environment, to achieve the greatest risk reduction at the least cost practical; two, promote the coordination of policies and programs to reduce risk to human health, safety, and the environment; three, promote open communications among the Federal agencies, the public, the President and Congress regarding environmental health and safety risks and the prevention and management of those risks.

There is widespread support for setting risk-based priorities by many distinguished experts. As the blue ribbon Carnegie Commission panel noted in its report, ''Risk in the Environment,'' the economic burden of regulation is so great and the time and money available to address the many genuine environmental and health threats so limited, that hard resource allocation choices are important.

In the same vein, in 1995, National Academy of Public Administration report to Congress entitled ''Setting Priorities, Getting Results,'' recommends that the Environmental Protection Agency use comparative risk analysis to identify priorities, and use the budget process to allocate resources to the agencies priorities.

The NAPA report recommends that Congress ''could enact specific legislation that would require risk-ranking report every 2 to 3 years. Congress should use the information when it passes environmental statutes or reviews EPA's budget proposals.''

A national comparative risk analysis also was one of the chief recommendations of the Harvard Group on Risk Management Reform in their March 1995 report ''Reform of Risk Regulation: Achieving More Protection at Less Cost.''

Justice Steven Breyer has emphasized the need for risk-based priorities in his outstanding book ''Breaking the Vicious Circle: Toward Effective Risk Regulation.''

Finally, I should note that this idea has its roots in two seminal reports, ''Unfinished Business'' (1987) and ''Reducing Risks.''

To provide greater protection at less cost, I believe the Federal Government must systematically evaluate the threats to health, safety and the environment that its programs address, and determine which risks are the most serious, most amenable to reduce in a cost-effective manner.

This amendment requires each designated agency to engage in this evaluation among and within the programs it administers to better enable the President and Congress to prioritize resource agencies. The risk addressed by all of the designated agencies would be evaluated and compared.

Now, the purpose of these analyses is not to dictate how the government uses its resources but to provide Congress and the President with the information to make better informed choices.

These analyses will be useful for identifying unaddressed sources of risk, risks borne disproportionately by a segment of the population, as well as research needs.

This information will foster a clear reasoning for regulating in one area over another, or allocating resources to one program over another.

Finally, conducted in the public view, these analyses are likely to enhance public debate about these choices and ultimately create greater public confidence in government policy. Hard data will form the underpinnings of the analysis.

Public values must be incorporated when assessing the relative seriousness of the risk and when setting priorities. After all, scientific data alone cannot say which of the following is at greater risk or which should be addressed first. Neurological damage, heart disease, birth defects, a plane crash, or cancer.

The comparative risk analysis should be conducted in such a way that public values are asserted and considered. This will require including public input and the comparative risk analysis. When the analysis is completed, it should be clear to the public and the policy makers which part of the risk comparison reflects science and which part reflects value.

To encourage the use of risk-based priorities, my amendment requires not only that each agency set risk-based priorities for its programs, but also for the OMB to commission a report with an accredited scientific body, to study the methodologies of comparative risk analysis and to conduct such an analysis to compare risk across agencies.

The priorities identified must be incorporated into the agency budget, strategic planning, regulatory agenda, enforcement, and, as appropriate, research activities. When submitting its budget request to Congress each agency must describe the risk prioritization results and explicitly identify how the requested budget and regulatory agenda reflect those priorities.

Subsection (d) requires the Director of the Office of Management and Budget to have an accredited scientific body conduct a comparative risk analysis of risks regulated across all agencies.

Because comparative risk analysis is still a relatively new science, particularly when used to compare dissimilar risks, subsection (d)(4) requires that, even while the comparative risk analysis is being conducted, a study be done to improve the methods and use of comparative risk analysis. The study should be sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs to achieve the greatest degree of risk prevention and reduction.

Subsection (e) requires each covered agency to submit a report to Congress and the President no later than 24 months after the date of enactment of the act, and every 24 months thereafter. The reports should describe how the agencies have complied with subsection (c) and present the reasons for any departure from the requirement to establish priorities. The reports should identify the obstacles to prioritizing their activities and resources in accordance with the priorities identified. At this time, each agency should also recommend those legislative changes to programs or statutory deadlines needed to assist the agency in implementing those priorities.

This report back to Congress is a very critical element in readjusting the Federal Government's priorities so that we can truly achieve the greatest degree of protection for health, safety and the environment with our resources. Congress needs this information to make the necessary changes.

Madam President, we all know that this is a time of limited budgets and economic uncertainty. I believe that most of us recognize the need to reduce the regulatory burden that costs the average American family about $6,000 per year. But at the same time, the public highly values a clean environment, safe workplaces, and safe products. And I must add, that I deeply share these values. I am an environmentalist—proud to be an environmentalist. I want to reduce unduly costly regulations, but still ensure that important benefits and protections are provided. So the goal I seek is smarter regulation.

This amendment will promote smarter regulation. It will provide much-needed reform, not rollback. I ask my colleagues on both sides of the aisle to support this language—as they have done in S. 291 and S. 1001.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I rise to support this amendment by my friend from Delaware, our committee chairman. I think he is doing a service by proposing this amendment.

He recognizes we cannot do everything. We do not have money enough to do everything we would like to do. We are trying to reform regulations. We are trying to cut back on regulations, onerous regulations. At the same time, what he is addressing is, even where we are trying to make serious approaches to matters like health and safety and so on, where we know we should be doing something in setting new standards for the whole Nation and for every single person, we will not have money enough to do all the things people out there would want done. What he is saying is we have to prioritize these.

How do you do that? How do you make sure you get the greatest good out of every dollar that we spend on health and safety matters? There were a couple of key words there. This is a young science. That is exactly what it is. This comparative risk analysis is a fairly young science and it is a new methodology that is being put forward in how to deal with this. Most scientists who are involved with this, I believe, feel it has tremendous promise and can really guide us into doing a better job of setting our priorities at the Federal level.

It can also tell us some things we should not do, by setting these priorities. It is not just to say we are going to try to do everything so now we will set the priorities of one, two, three, four; how we do these things and include everything in just because somebody came up with the idea. Comparative risk analysis can also say it is going to cost you so darned much to do this, or something else, we just cannot do that. So we would be better off taking that money and do overall more good in the long haul by spending that amount of money on something else, or two or three other things that might improve health and safety or whatever.

So I am glad to support this. I believe I was added as a cosponsor a few moments ago. I think the distinguished author of this amendment asked I be included. If not, I do wish to be included as a cosponsor on this. I am glad to support it. I do not know of any opposition. I do not know whether the Senator from Louisiana wants to speak on this or not, but after he has had time to make remarks, I would be prepared to accept the amendment on our part.

The PRESIDING OFFICER. The Senator from Ohio is listed as a cosponsor.

Mr. GLENN. I thank the Chair.

Madam President, I yield whatever time the Senator from Louisiana needs.

Mr. JOHNSTON. Madam President, I commend Senator ROTH, not only for the amendment, but the spirit of compromise that has made this amendment possible. It shows what we can do. Senator ROTH has contributed so much to this whole bill and the whole issue of risk analysis and a risk assessment and

regulatory reform. This is but one additional indication of that.

The amendment, as offered, enables but does not require participation by the National Academy of Sciences in developing methodologies for comparative risk analysis. It applies to a finite list of agencies who would be encouraged to adopt risk-based priorities, and will ensure that risk studies are based on sound science.

Madam President, it is a good amendment. I support it. I am glad to be a cosponsor of it. And, again, I congratulate Senator ROTH for his leadership in this area.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I thank my distinguished colleagues, the Senator from Ohio and the Senator from Louisiana, for working with me to amend this proposal so it was acceptable on both sides of the aisle.

I will be frank. I think it is a critically important amendment. I think we must, if we are going to accomplish the good we all desire, prioritize across agencies and within agencies. This will help enable us make better use of the resources that are available to make the quality of life better for the American people.

Madam President, I urge acceptance of the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time on this amendment?

Mr. GLENN. Madam President, all time is yielded back on this side.

Mr. ROTH. I yield back my time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1507), as modified, was agreed to.

Mr. ROTH. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ROTH. Madam President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1516 TO AMENDMENT NO. 1487

Mr. JOHNSTON. 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 Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1516 to amendment No. 1487.

Mr. JOHNSTON. 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 25, line 19, strike out ''180 days'' and insert in lieu thereof ''one year''.

Mr. JOHNSTON. Madam President, the Senator from Ohio [Mr. GLENN] pointed out day before yesterday a real fault with this bill, which was that the provision on page 25 of the so-called Dole-Johnston amendment relating to health, safety, or emergency exemptions from the cost-benefit analysis, provides that a rule may go into effect immediately if an agency for good cause finds that conducting cost-benefit analysis is impractical due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources. But under that rule, not later than 180 days after the promulgation of such rule, the agency must comply with the subchapter; that is, they must complete the cost-benefit analysis, and under another section of the bill can complete a risk assessment if that is required.

Madam President, 180 days, as the Senator from Ohio pointed out, simply is not enough time to get this done. This amendment extends that period to 1 year. So that, if there is a threat to the public health, safety or the environment, or if there is any kind of emergency, the agency can promulgate the rule, get it out, put it into effect immediately upon the declaration that they do not have time to do otherwise. This would give them then the year to do the cost-benefit or the risk analysis.

Keep in mind also that under other provisions of this bill cost-benefit analysis and risk assessment may be done in such form as is appropriate to the circumstances; that is, it can be done informally sometimes. Under some circumstances, for example, scientific reports which had been peer reviewed could be used and put into the record in lieu of conducting a brand-new peer review risk assessment. So we believe this would be enough time appropriately to finish such a review.

I want to thank the Senator from Ohio for pointing this out. It will make this a much better bill.

Mr. GLENN. Madam President, I think this certainly is a move in the right direction. We discussed this informally a couple of days ago. I hope the year is adequate. I guess if we are discussing this again I might suggest a little longer time or at least put a waiver in for the President or something, and, if at the end of the year they really just cannot do it in that period of time, that the President be granted a waiver authority in that event. That would cover all bases it seems to me for the health and safety for all of our people.

But certainly the doubling of time from 180 days to 365, to a full year, is a step in the right direction. I think by far the greatest percentage of cases this would certainly cover. They could do the analysis and the assessments and all the things that are required within that period of time.

So I would be prepared to accept this. I have a little bit of doubt in my own mind as to whether 1 year covers all of the situations we might run into without having a Presidential waiver at the end of that in case they were really up against it in some analysis.

I do not know whether the author of this, the Senator from Louisiana, would consider granting the President a waiver on the end of that. But in any event, I am prepared to accept the 1 year.

Mr. JOHNSTON. Madam President, I think the Senator's suggestion is a good one which I think we ought to move forward with in the conference committee. I will point out that there is nothing here that let us say they could not get done in a year. There is nothing in this language that says it is only a one-shot deal. They can put forth another major rule at the end of that year and start the 1-year process all over again. So the emergency is really protected by the fact that it says that you can. But in any event, I would be more comfortable with some kind of Presidential waiver. I think we could work on that between now and conference.

Mr. GLENN. Good. I think with that understanding, I am prepared on our side of the aisle to accept this amendment. I think it is good with the length of time. It will protect the health and safety and protect everybody.

Mr. ROTH. Could I ask the distinguished Senator, what is the understanding?

Mr. GLENN. Just that we work further. The Senator from Louisiana is extending the time period from 180 days to 1 year, where that might be necessary to go back. And I mentioned the other day that the 6 months is hardly enough time to do another complete analysis the way these risk assessments and analyses go, and suggested that we lengthen that out to a year. This would be on a re-analysis. The Senator from Louisiana agreed with that.

I would just question whether there might be some cases—I think they would be rare—where we require really more than a year because some of these things in the original or in the first instance takes several years, 4 or 5 years sometimes, to work out all the rules and regulations. But I think in most cases it would be covered by the 1 year.

I am happy to go along with that. What we were discussing was putting something in this also, if at the end of a year there was still a health and safety matter that was still being worked out, to give the President a waiver authority to go beyond that 1-year period. The Senator from Louisiana was pointing out also that the President could introduce a whole new process. I would not think that would be necessary.

Mr. ROTH. I would say that I can support the amendment proposed by

my distinguished colleague from Louisiana. I would certainly be happy to look at the suggestion from the Senator from Ohio. I think it is important that our process be realistic, that we do not expect the impossible from the agencies.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of Senator from Louisiana.

The amendment (No. 1516) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, while the majority leader is on the floor, I would like to send an amendment to the desk and see if we can deal with this at this time.

AMENDMENT NO. 1517 TO AMENDMENT NO. 1487

(Purpose: To delete the section on ''Requirements for Major Environmental Management Activities'' relating to cleanups under the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and other similar activities)

Mr. JOHNSTON. 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 Louisiana [Mr. JOHNSTON], for Mr. BAUCUS, for himself, Mr. JOHNSTON, and Mr. LAUTENBERG, proposes an amendment numbered 1517 to amendment No. 1487.

Mr. JOHNSTON. 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 out all of section 628 (on page 42 beginning at line 3 strike out all through line 13 on page 44) and renumber section 629 as section 628.

On page 73 in the table of contents for SUBCHAPTER II—ANALYSIS OF AGENCY RULES, replace ''628. Requirements for major environmental management activities'' with ''628. Petition for alternative method of compliance.''

On page 57, lines 6 and 7 strike out the phrase ''or a major environmental management activity''.

Mr. JOHNSTON. Madam President, this is the amendment which removes from the bill the environmental cleanup, or so-called Superfund activities.

I ask for the majority leader's attention on this matter because we talked about that this morning. I understand that the majority leader may be willing to withdraw the Superfund provisions from the bill. I also understand that Senators may prefer it be withdrawn by unanimous consent rather than have a vote on it. If that is possible, we would be delighted to have that done at this time. That would avoid the debate and the vote.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Madam President, if I could come back to that in just a moment, I think we are about to get a consent agreement here. The Democratic leader is on the floor.

First, let me indicate that after discussion with the Senator from Louisiana this morning, I did, as I indicated, have a meeting with the distinguished Democratic leader, Senator DASCHLE, with reference to the cloture motion and the cloture vote.

Obviously, we both have the same interest. We want to finish the bill. We do not want to shut off debate, but we do not want delay on either side—either side. And I regret not having a chance to indicate to the leader personally that the cloture motion would be filed last night, or to the managers. I was at home watching on C–SPAN the reaction of Senator GLENN and others.

So what we have agreed to, and I will now propound that request—and then the Senator from South Dakota may have a comment—I ask unanimous consent that the cloture vote scheduled to occur on Friday be postponed to occur on Monday at a time to be determined by the two leaders but not before 5 p.m.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, reserving the right to object, and I will not object, I would first clarify with the majority leader that first-degree amendments would still be in order at least as to their filing up until the close of business on Friday. Is that the understanding of the majority leader?

Mr. DOLE. That is correct.

Mr. DASCHLE. I think that would accommodate a lot of the needs of many Senators on our side. As we indicated last night, many of us felt that the filing of the cloture motion was unfortunate, premature, but I think this will allow us to keep working in a meaningful way.

I think it is clear that both sides, Democrats and Republicans, want to accomplish a good deal with regard to regulatory reform, and I think there is a lot of progress that has been made. We have raised a number of issues. While they have not been addressed and resolved to our satisfaction in some cases, these amendments have been proposed in good faith and have raised very important issues.

I am hopeful we can continue to do that today. I am hopeful that at some point between now and Monday we will have the opportunity to debate the Democratic substitute, and we will simply take a look on Monday as to where we are and how much progress we have made as to what our position on cloture will be. But this certainly accommodates the need to allow Senators to come to the floor, to propose their amendments, and to have good debate. I think in many cases that can be done with short timeframes and perhaps some without rollcall votes. I would hope we could continue negotiations as well. I think we have made progress in many areas off the floor, and I hope that effort could continue as well. So I think the majority leader has advanced the effort here substantially, and I would encourage support of the motion.

Mr. JOHNSTON. Madam President, will the minority leader yield for a question?

The PRESIDING OFFICER. Does the minority leader yield?

Mr. DASCHLE. I will be happy to yield. The floor is the majority leader's.

Mr. DOLE. That is all right; I will be happy to yield for a question.

Mr. JOHNSTON. I had urged the majority leader today not to go forward with the motion. I am glad he has delayed it. Does this delay meet with the full approval of the minority leader?

Mr. DASCHLE. I say to the distinguished Senator from Louisiana, who has probably had as much to do with this bill as anybody, this is a very important step procedurally. I think, as I said, this allows us to go forth with additional amendments, perhaps with the substitute, so I think it accommodates the needs of Senators on both sides, and I am enthusiastic about the change that is proposed here today.

Mr. JOHNSTON. I thank the minority leader, and I thank the majority leader for his willingness to accommodate this legislative process.

The PRESIDING OFFICER. Is there objection to the request? If not, the Chair hears none, and it is so ordered.

Mr. DOLE. Madam President, let me further ask, following along what the Senator from South Dakota suggested, that first-degree amendments may be filed up to the close of business on Friday, July 14, or if the Senate recesses prior to that time, early, they may be filed up until 4 p.m. on Friday, even if we were out of here by 1 o'clock.

So let me also indicate that I appreciate the cooperation, and I believe that there is a determined effort on both sides to pass a good regulatory reform bill. That is my conclusion after visiting with the Democratic leader and after visiting with the Senator from Louisiana [Mr. JOHNSTON].

As I have indicated before, what the leader is trying to do, and the leader has that responsibility, is move the program, and I would like to insert in the RECORD at this point a tentative agenda between now and the time we leave here in August. Hopefully it will be August when we leave here for recess. And I will ask to have that printed in the RECORD.

I will just say, to highlight it, it has us completing this bill on Tuesday, and then we have Bosnia. And then we have appropriations next Thursday and Friday, and then the Ryan White provision on July 24, the gift and lobbying bill on that date if possible. Then we get into the State Department and foreign ops authorization bill, which will take us up to July 29, and then the

DOD authorization and DOD appropriations bills would take us up until August 5, and then begin welfare reform on August 7. And whenever we concluded our business on welfare reform, the recess would begin.

Now, all these things are, of course, subject to change because if we do not keep up on the schedule, it obviously pushes us further into August. If everything worked as we would like it to work, it is possible we could begin the recess even before August 12.

I ask unanimous consent that this be printed in the RECORD so that everybody will have a chance to look at it carefully and then start complaining to the leader about it.

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

PROPOSED LEGISLATIVE SCHEDULE JULY–AUGUST

WEEK OF JULY 10

Regulatory reform.

WEEK OF JULY 17

Regulatory reform through Tuesday.
Tuesday p.m.—Bosnia.
Wesnesday—Bosnia.
Thursday—Available Appropriations bills.
Friday—Available appropriations: Military Construction/Legislative/Energy and Water.

WEEK OF JULY 24

Monday—Ryan White bill/Gift lobbying bill.
Tuesday through Friday—Start State Department reorganization bill and Foreign Operations Authorization.
Saturday session if necessary.

WEEK OF JULY 31—AUGUST 4

DOD authorization and DOD appropriations.
Saturday session if necessary.

WEEK OF AUGUST 7[1]

Monday, begin welfare reform (or earlier if schedule permits).
Tuesday through Friday—Continue welfare reform and available appropriations bills or conference reports.
Saturday session possible to complete any items.

The PRESIDING OFFICER. In addition, the Chair would add the previous order will be so modified to reflect the 4 o'clock modification.

Mr. DOLE. With reference to the pending amendment, I will need to do some checking on that before I am in a position to respond to the Senator from Louisiana. In other words, the amendment pending would in effect take Superfund out of the——

Mr. JOHNSTON. That is right, environmental management activities, the whole section, just withdraw that.

Mr. DOLE. I assume there will be Superfund legislation this year, and so at that time we would address the issues that are removed from this bill.

Mr. JOHNSTON. I have heard from many of those Senators involved in the issue, all of whom are anxious to move forward with Superfund in their committee, and I think there is no hesitation in moving forward. I was told this morning that Senator SMITH, who chairs the subcommittee on Superfund, is anxious to move forward but did not want to vote on this; he would rather have it done by the majority leader by unanimous consent. That is the reason I asked for the majority leader's attention.

Mr. DOLE. Right. If I can just have a few minutes to clear that, I did not—we did discuss that this morning at our 8:30 meeting. We did discuss it briefly with the Senator from Louisiana. It is a very important provision. There are some of our colleagues who want to leave it as it is, others who have mixed feelings on it—in fact, some who would probably vote to remove it. The question is how many would vote to remove it. That is sort of the bottom line. If I could have a few moments to check with two or three people.

Mr. JOHNSTON. Madam President, I think it may be appropriate to temporarily lay this aside unless someone has any problem with it, and I think Senator BOXER is ready to move with her amendment under a time agreement. So is there any problem with temporarily laying this aside?

Madam President, I ask unanimous consent that we temporarily lay the pending amendment aside.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Reserving the right to object——

Mr. DOLE. I would like to dispose of the pending amendment if the Senator will just give me a few moments.

Mr. JOHNSTON. I withdraw that request.

Mr. DOLE. And either have a quorum or if somebody wanted to speak on some other—does the Senator from California wish to speak on another matter?

Mr. GLENN. She has an amendment, but she could start speaking on it.

Mrs. BOXER. I am waiting to introduce an amendment on mammograms.

Mr. DOLE. The Senator could start speaking on that.

Mr. GLENN. The Senator could start with the agreement that when he gets an answer back, she would be willing to yield the floor for that disposition.

Mrs. BOXER. If the Senator will make that into a unanimous-consent request.

Mr. DOLE. Let me suggest that as soon as we dispose of the amendment offered by the Senator from Louisiana, the Senator from California be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. The Senator can start speaking now.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized to begin speaking with the reservation that if the pending amendment is agreed to, we will then interrupt and do that, and then we will return to the Senator from California.

AMENDMENT NO. 1524

Mrs. BOXER. Madam President, thank you very much for that very explicit explanation of where we are in the process.

I want to thank my colleagues because I do think this is a very important amendment. It affects the women of this country and, of course, as a result of that, everyone in this country, because one of the tragedies that we face in America today is an epidemic of breast cancer. And the amendment that I will introduce at the appropriate time will merely say that a rule that is in process now which will set standards for mammograms will be able to move forward and not be subjected to this new bill.

Madam President, one in nine women are at risk of being diagnosed with breast cancer in her lifetime. Breast cancer is the most common form of cancer in American women and the leading killer of women between the ages 35 and 52.

In 1995, an estimated 182,000 new cases of breast cancer will be diagnosed, and 46,000 women will die of the disease. Just in the year 1995. We lost 50,000 brave men and women in the Vietnam war, and the country has suffered ever since in grief. Every year we lose 45,000 women, approximately, from breast cancer.

We do not know what causes breast cancer, although we are making progress on that front. We do not know how to prevent breast cancer, but the research that is moving forward hopefully will lead us in the right direction. We certainly do not have a cure for breast cancer, although, again, we are making progress. We do have, however, a couple of tools. Those are breast self-examination, doctor examination, and mammography. Those are the only tools that women have to detect breast cancer early, when it can be treated with the least disfigurement and when chances of survival are the highest.

What does that have to do with the amendment that I will be introducing? And I am very proud to say, Madam President, that this amendment is cosponsored by Senators MURRAY, MIKULSKI, LAUTENBERG, BRADLEY, FEINSTEIN, DORGAN, KENNEDY and REID. What does the tragic history of breast cancer have to do with the amendment that I am going to offer? It is directly related. The quality of a mammogram can mean the difference between life or death. If the mammogram procedure is done incorrectly, if a bad picture is taken, then a radiologist reading the x ray may miss seeing a potentially cancerous lump.

Conversely, a bad picture can show lumps where none exist and a woman will have to undergo the trauma of being told she may have a cancer, a situation known as a ''false positive.'' Now, truly, I do not know many women of my age, younger or older, who have not had the trauma of a false reading. It is very common.

[1] All items must be completed prior to the start of the August recess. As soon as these items are completed, regardless of the day, the Senate will begin the recess.

We need to perfect mammograms. But a false positive is obviously nothing compared to a radiologist missing a cancer. To get a good-quality mammogram, you need the right film and the proper equipment. To protect women undergoing the procedure, you need the correct radiation dose. So it is not a mystery. It is not a mystery as far as what we need to do to get better quality mammograms.

I am very proud to say that in 1992, Congress passed the Mammography Quality Standards Act in order to establish national quality standards for mammography facilities. Now, I want to make a point about that. In this Republican Congress we hear a lot of talk about how everything should be given to the States. Why do we need national standards for this? Why should we have national standards for that?

Well, let me tell you honestly, I have never been at a community meeting in my life—and I have been in public life for a very long time—where someone has come up to me and said, ''Senator, you are doing too much to protect the food supply. You are doing too much to protect the water. You are doing too much to make sure that mammography is safe.'' On the contrary, it is, ''Senator, I am worried about the safety of the water I drink. I am worried about the safety of the food that we eat. I am concerned about pesticide use, bacteria. What are you going to do to make it better?''

And clearly, when a woman is misdiagnosed and a doctor misses the cancer because of a mammogram that was either improperly done or improperly read—we hear it all the time. And we all know cases where a cancer that could have been detected early was not detected because the quality of the mammogram or the quality of the reading simply was not high enough.

So we passed the Mammography Quality Standards Act in order to establish national quality standards for mammography facilities. At the time, both the GAO and the American College of Radiology testified before Congress that the former patchwork of Federal, State and private standards were inadequate—inadequate—to protect women. So we are not talking about something here that was not studied. The GAO and the American College of Radiology testified before Congress that the patchwork that existed before this act, the Mammography Quality Standards Act, was inadequate. It was inadequate to protect women.

There were a number of problems at mammography facilities: poor-quality equipment, poorly trained technicians and physicians, a lack of regular inspections, and facilities which told women they were accredited when, in fact, they were not accredited. And women walked in for their mammograms. And every woman who had this experience can say that you hold your breath until you get the results. And many women breathed a sigh of relief and said they were cancer free, when in fact they were not cancer free because of the inadequate facilities.

If this regulatory reform bill passes, the final rule that implements the mammography act that we passed could be delayed for years. Let me repeat that. And I hope my friend from Louisiana hears it and I hope the majority leader hears it. And this is not coming from one Senator; it is coming from the people who know. The FDA says to us clearly that if this regulatory reform passes as it is, the final rule implementing the Mammography Quality Standards Act, which is due out in October, could be delayed for years.

My friends, we cannot let this happen. Under the interim rules, the FDA has already certified over 9,000 facilities as providing quality mammography services. If final rules are delayed, then women will no longer be able to rely on the good standards we have put in place.

And that is why the amendment that I am introducing with many of my colleagues and my primary coauthors, Senator MURRAY from Washington—and I look forward to her statement following mine—the amendment simply says that the Mammography Quality Standards Act is not a major rule and is therefore exempt from the requirements in the regulatory reform bill, period.

Anyone who gets up here and says, ''You don't need the Boxer-Murray-Mikulski legislation, we cover it,'' I will look that person in the eye and tell them they are playing Russian roulette with the women of this country, because the FDA has told us we need this Boxer-Murray amendment in order to make sure that this rule moves forward.

So any Senator who stands up and starts questioning this Senator about it is going to have to hear it repeated over and over and over again, as many times as it takes. We jeopardize the health of the women of America if we do not adopt this amendment.

Some are going to say the Mammography Quality Standards Act does not meet the $100 million threshold established by the bill for major rules and, therefore, it would not be affected and we do not need the Boxer-Murray amendment. FDA believes otherwise, and I would rather believe them than some Senator who does not know this issue.

We know already the cost of this rule is about $98 million, dangerously close to the $100 million threshold. With inflation and somebody jacking around the numbers, it could easily go to $100 million. Some may argue that there are health and safety exemptions in the cost-benefit analysis and risk assessment portions of the bill to protect the Mammography Quality Standards Act. In fact, those exemptions apply only when it is ''likely to result in significant harm to the public.''

The FDA does not believe this exemption would include the mammography quality standards. Moreover, since the bill does not define the term ''significant harm,'' how can we tell if it would apply or not? If a woman has her mammogram read by someone who is poorly trained in mammography, is it of significant harm to the public if she dies? It is certainly significant to that woman if that person fails to detect a cancerous lump, and to her children and to her family. And if it happened to a Senator's wife, it sure would be significant and they would be rushing to the floor to exempt this rule.

I say it is significant. This is such a significant subject—breast cancer—that we should make sure we are doing the right thing and exempt this rule.

Let us concentrate on what we do know. Mammography is the only test we have to detect breast cancer early when survival rates are the highest. We know not enough women, especially older women, have this test. That is why there has been extensive public information campaigns encouraging women to get the test, and, therefore, when they do get the test, we need to know that the mammogram they are getting is accurate and that the person who is reading the mammogram understands how to read the mammogram, and that is why we need this rule, to move forward, and that is why we need the Boxer-Murray-Mikulski amendment.

It is straightforward. It says that quality mammography is so important that we should not do anything to prevent the FDA from moving forward and continue to implement the Mammography Quality Standards Act. I certainly hope we will have broad support for this amendment when I do offer it.

Mr. President, I ask unanimous consent that Senator BUMPERS be added as a cosponsor of the amendment.

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

Mrs. BOXER. As I understand the agreement, I was entitled to speak until there was an interruption. I ask unanimous consent that Senator MURRAY be allowed to make her comments now, with the understanding that if there is, in fact, an interruption regarding the Superfund amendment, we will lay this matter aside and come back to it immediately following it.

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

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from California, Senator BOXER, for this amendment and for her very well-stated words on this issue. I hope that all of our colleagues took the time to listen to what she had to say. She stated it very clearly for all of us why we need this amendment to exempt the Mammography Quality Standards Act regulations from the requirements of S. 343.

I think we all know that breast cancer has taken the lives of far too many women, and the long list of those who have died include many of my own friends. I am sure everyone on this

floor knows of someone who has been touched by breast cancer. It is a growing health concern and problem in this Nation, and it is a great threat to women's health. It is estimated that during the 1990's, nearly 2 million women will be diagnosed with breast cancer and 460,000 women will die from this deadly disease. I assure everyone listening that will include people you know—your sisters, your mothers, your daughters, your friends.

In 1992, Congress understood that and they passed the Mammography Quality Standards Act. The FDA is responsible for issuing regulations under that act to ensure that medical procedures for mammography exams are safe and effective and that mammograms are properly administered and interpreted.

Most of the regulations implementing the Mammography Quality Standards Act are due to be released October of this year. The regulations the FDA hopes to implement will set standards, as the Senator from California has said, for x ray film quality, requirements for staff, for reading and interpreting those x rays, and standards for recordkeeping. Those regulations will ensure that mammograms are done correctly and safely so that we can increase the chances of early detection.

Under the Dole bill, implementation of these quality controls in mammography will qualify as a major rule, either because they may cost $100 million to implement or because they may cause a significant impact on a substantial number of small entities. They will then be subject to the cumbersome, expensive and lengthy cost-benefit analyses and risk-assessment process.

At a time in this Nation when women are already confused by the mixed messages we receive about breast cancer and other diseases affecting us, I believe this bill sends yet another disturbing message: That Congress will demand that the FDA choose the lowest-cost alternative by placing a dollar value on a woman's life.

We cannot let that happen. The potential positive effects of these regulations on the lives of women in this country are substantial. Improving the quality of mammography translates directly into early detection of breast cancer. Early detection of breast cancer increases the likelihood of successful treatment and survival. Delay in issuance of these regulations will cost women's lives.

Mr. President, my colleague from Illinois, Senator SIMON, summed up a simple and important message that is being lost in this debate on regulatory reform. He said what we need in this field is some balance, and I could not agree more. The American people want their elected officials to reduce wasteful and unnecessary spending and make their Government work efficiently. They want a balanced approach to decisionmaking about regulations. They do not want costs to be either the only or primary reason for a regulation. They want us to manage their tax dollars prudently, while also protecting their health and their environment.

The amendment before us on mammography takes a step toward protecting their health. I hope that I can support eventually a comprehensive bill that provides true Government efficiency and rational decisionmaking. Unfortunately, S. 343 as now drafted does not do this.

I urge my colleagues to look carefully at the amendment before us and to support it. I can assure all of you that women across this Nation are disturbed by the mixed messages they have received about mammographies over the last few years. One day we are told if you are over 40, have one every 5 years. Then we are told, if you are over 50, have one every year. Then we are told you do not need to have one until you are a certain age.

Those messages are disturbing because they will cause women not to have mammograms. And when we go in to have one, we want to know that it is safe, effective, and we can be assured of that.

This amendment will assure that this bill will not undo the important progress that we have made on this issue in the past several years. I strongly urge all of my colleagues to accept this amendment so that we can move to a better bill.

Thank you. I yield the floor.

Mrs. BOXER. Mr. President, at this time, I would rather withhold the rest of my debate until I get to lay down the amendment.

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. JOHNSTON. 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. JOHNSTON. Mr. President, I ask unanimous consent that coauthors be added to the pending Baucus amendment as follows: Senators JOHNSTON, LAUTENBERG, BRADLEY, MURRAY, FEINSTEIN, REID, MOYNIHAN, GLENN, and KENNEDY.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. 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, we were discussing the proposal by the Senator from California, Senator BOXER. I wanted to rise in support of the concerns she has expressed here. I think they are very valid. Yesterday, when we were talking about different areas that would be affected if we did not change the April 1 deadline, mammography was one of those things that would be affected and would have the potential of being delayed for almost an indefinite period, if they were forced to go back and start the same risk assessment, the same analysis program, all over again.

Some of the pending rules that would be affected we listed yesterday, such as lead soldering, iron toxicity, a whole list of those. One was mammography. Let me read from a little summary of why we are concerned about this.

The Mammography Quality Standards Act of 1992, MQSA, 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, and that is what the distinguished Senator from California has been addressing.

Improving the quality of mammography translates directly into early detection of breast cancer, and early detection of breast cancer increases the likelihood of successful treatment and survival. An intramural was published December 21, 1993. This publication of proposed regulations—in other words, follow-on—is planned for October 1995, but it would not be exempt since that occurs after the April 1 cutoff time period that is in the legislation now. So that would mean that under S. 343 the whole process would probably be started all over again.

That is why I do not think we want to see that happen. I do not think we want to see the standards delayed unnecessarily and set back the rules and regulations and place untold thousands of women in additional danger.

I certainly rise to support the proposal made by the distinguished Senator from California.

In addition to that, I do not believe that the letter from the Secretary of the Department of Health and Human Services was entered into the RECORD. I ask unanimous consent that the letter from Secretary Shalala, dated July 12, addressed to the minority leader, be printed in the RECORD.

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

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, July 12, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: It is estimated that 46,000 women die every year from breast cancer. It is the second leading cause of cancer death in women. Early and accurate detection can save thousands of lives.

The Mammography Quality Standards Act (MQSA) of 1992, enacted on October 22, 1992,

established quality standards for mammography. MQSA resulted from concerns about breast cancer and the quality of mammography services upon which women rely for early detection of breast cancer. The purpose of MQSA is to ensure all mammography done in this country is safe and reliable.

We have completed the first phase of this program. To complete implementation, we must issue final rules that will establish the full range of standards necessary for a national quality assurance program. These rules have been developed through extensive cooperation with the National Mammography Quality Assurance Committee, including five public meetings. The rules are scheduled to be proposed in October.

This proposal will include a number of the standards required under the statute, such as guidelines for radiologic equipment, consumer protection provisions, and breast implant imaging.

Improving the quality of mammography translates directly into earlier detection of breast cancer, which increases the likelihood of successful treatment and survival. Delay in implementation of the final rule due to the unnecessary and duplicative requirements that would be imposed by S. 343 will delay significant improvements in this life saving program. I urge you to ensure that the MQSA final rule be allowed to proceed without delay.

Sincerely,

DONNA E. SHALALA.

Mr. GLENN. She points out some 46,000 women die every year from breast cancer. It is the second leading cause of death in women, and thousands of lives can be saved if we go ahead and get the standards out, get going with these things, set standards for mammography, x rays, and all the other things that go into this.

The Mammography Quality Standards Act, enacted back in 1992, established some of these standards. The purpose of MQSA was to ensure that all the mammography that is done is safe and reliable, it does not cause more problems than it is trying to cure.

The first phase of all this program has been completed. To complete implementation we need the final rules, still, that will establish the full range of standards necessary for a national quality assurance program.

There has been extensive cooperation with the committee that is dealing with this, the National Mammography Quality Assurance Committee, five public meetings and a lot of witnesses, and the rules are scheduled to be proposed in October of this year.

The proposal will include a number of the standards required under the statutes, such as guidelines for radiologic equipment, consumer protection provisions, and breast implant imaging. Improving the quality of mammography translates directly into earlier detection and the likelihood of successful treatment and survival.

The delay in implementation of this final rule, due to the unnecessary and duplicative requirements that would be imposed by S. 343, because this does not meet the April 1, 1995, cutoff, will delay significant improvements in this life-saving program. So the Secretary urges the Senate to ensure that the MQSA final rule be allowed to proceed without delay. That is what the Senator from California does. That is the reason I rise to speak on behalf of her proposal.

PRIVILEGE OF THE FLOOR

Mr. GLENN. Mr. President, I ask unanimous consent that Lisa Haage be permitted privilege of the floor during consideration of S. 343.

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

AMENDMENT NO. 1517

Mr. BAUCUS. Mr. President, I would like to speak in favor of the pending amendment. This amendment is a very simple amendment.

Essentially, it is to delete section 628 of the bill, that section now currently in the bill that makes specific changes to Superfund and other hazardous waste cleanup. Simply put, changes to Superfund, I believe, do not belong in this bill. It is as simple as that. This regulatory reform bill was considered earlier in the House, and in earlier versions, this section was not in the bill. Somehow, somebody later added in this section, section 628.

What does it do? Essentially, it says that all the Superfund provisions now also apply to regulatory reform.

I do not think that makes sense. That is a substantive change to a regulatory reform law. Much worse, Mr. President, in doing so—that is, including Superfund in regulatory reform—the net result is we would have a present bad situation made much worse.

Let me explain. If section 628 is enacted, that is, the provision in the bill which includes Superfund to the new cost-benefit and risk assessment provisions in regulatory reform, the Superfund program that currently exists in our country becomes much more complicated, not less.

All across the country hundreds of hazardous waste cleanups would be disrupted. They would be delayed. In some cases, they would be halted. If we can believe it, section 628 would actually make the present very complicated, very unfortunate and very disrupted Superfund program even slower, even more complicated, and much more bureaucratic than it already is.

I am reminded of the late sage of Baltimore, H.L. Mencken. He once said, for every complicated, complex problem there is a simple solution. It is easy. But it is usually wrong.

I cannot think of a better example of that statement of his. That is, Superfund reforms are very complicated problems. What is the simplest solution presented in this bill? It includes Superfund reform in regulatory reform. Simple—and it is wrong.

I do not want any person to misunderstand. Those that want to delete section 628 are not defending the status quo. We are not defending the present Superfund program. Far from it. The Superfund has plenty of problems. It must be corrected.

Let me remind my colleagues that Superfund was a hastily drafted law back in 1979. It was an immediate response to Love Canal. Like most hastily drafted laws, it does not work very well. It was not thought through. Therefore, it is inefficient, ineffective, and many too few cleanups and too many lawsuits.

There are currently 1,300 cleanup sites—roughly 40,000, but EPA says 1,300—down from 40,000 to 1,300. Mr. President, 15 years into the program, out of that 1,300 Superfund sites in our country—that is, cleanup of toxic waste—only 278 have been cleaned up. Mr. President, 15 years, out of 1,300, only 278 have been cleaned up. If we continue at this rate, we will finish the job by the year 2040. I might add, just in time for my 108th birthday.

Unfortunately, the program is slowing down, the present Superfund program. It is not speeding up, it is slowing down. It now takes almost 10 years to clean up an average site, and the cost is roughly $30 million per site, and about 30 percent of the money is spent not in cleanup costs but rather on litigation. When as much as 30 cents to the dollar goes to lawyers, Mr. President, I think we all think something is wrong with the program.

I bet that every Senator has his or her own frustrating personal experience with the Superfund—a site where studies have piled up for years, where delay has dragged on, where lawyers and accountants have made money hand over fist, and the local community is left holding the bag, and where people have become angry. They want, Mr. President, sites to be cleaned up so they can get on with their lives.

There are several steps that we should take to improve Superfund. First, we should establish an allocation system to fairly distribute the cost of cleanups among responsible parties. Current law does not do that.

We should reform the liability system so that small businesses and municipalities are not dragged into burdensome lawsuits.

We should improve cleanup standards and take better account of science, economics, and future land use.

And we should increase community involvement in the cleanup process. Right now, the communities are not involved enough in the early stage of Superfund. If they were, the program could work better because the local folks could say we want this site cleaned up to a higher standard for playground use but this other site cleaned up to a lower standard for industrial use. The communities, the local people, have a much better idea what that remedy selection should be.

There are other changes we should make to the program.

Each of the steps is a bit complex. Each requires tradeoffs. Each should be taken carefully. But each step is necessary.

This is why Superfund reform is a top priority of the Environment and Public Works Committee. Last year, the committee reported a bill that overhauled

Superfund from top to bottom, and this year the committee has had seven hearings, and the subcommittee chairman, Senator SMITH from New Hampshire, has proposed a sweeping set of reforms and plans to hold a markup very soon.

So the difficult work of rolling up your sleeves and getting the job done of reforming Superfund is well underway and is being undertaken the right way.

Unfortunately, section 628 does not advance the cause of reform. It sets it back. It takes us in the wrong direction. In a nutshell, section 628 subjects any Superfund cleanup or other so-called environmental management activity that costs $10 million or more to the risk assessment and cost-benefit provisions of the bill. That sounds pretty straightforward. But consider two points.

First, this would apply a different standard for risk assessment and cost-benefit analysis than exists under current law. So, all of the risk assessment, remedial investigations, feasibility studies and other analysis, and all that bureaucratic gobbledygook that has been done under current law is out the window. Go back to the beginning, this section says. Do it all over again.

Second, the new standard applies to hundreds of sites, including many sites where cleanup decisions have already been made and even sites where construction work has already begun.

Let me give an example. In my State of Montana we have the largest Superfund site in America, the Clark Fork River, the result of hundreds of years of large-scale copper mining. It stretches 120 miles from Butte, MT, to Missoula. It has 23 priority sites. Only two are cleaned up.

We have been working for years to get EPA to stop studying and start cleaning up. The studies have cost more than $50 million and now, after years of talk, we have a plan that is finally ready to go. EPA, the State of Montana, the people of Butte, and the responsible company, have agreed on innovative, cost-effective solutions at several spots along the Clark Fork River.

In Butte, for example, rather than remove lead contamination from the soil everywhere, it will only be removed at priority sites, where children live and play. And to make sure that children remain safe under the plan, they will be monitored. This solution makes sense. It is the most sensible way to do the job, and the citizens are anxious to get started. But this bill stops all that dead in its tracks. Montana's Governor, Marc Racicot, wrote me last Friday with this comment.

If it was necessary to undertake the kind of cost-benefit analysis and risk assessment called for in the bill for these response actions, given how long it would take to do this, the clean-up of these sites, if such clean-up occurred at all, would not occur until well into the 21st century.

This is all the sillier when one considers that EPA routinely prepares risk assessments and undertakes a form of cost-benefit analysis when it makes a decision.

So the cleanup at the Clark Fork will grind to a halt. The cleanup will stop until yet another study is completed. The families and children of Butte, Anaconda, Deer Lodge, Bonner, Lolo, Missoula, and all the other towns on the river that live with pollution, fish kills, and threats to drinking water for years longer will have to suffer. And if the cleanup standard established after these new studies is too low, the damage will be magnified. And all to no purpose, because the EPA has already done the work.

Let me give another example: The streamside tailings along Silver Bow Creek. Here, the State has just completed a detailed study of seven different options for cleaning it up and the people in the community have thought it through. Among other things, they will turn part of the site into a ''greenway'' with bike trails and hiking trails and picnic areas. But only one of the seven options is less than $10 million, the threshold under the bill, and that is the option of doing absolutely nothing. So any decision to clean up the site, even minimally, will require new cost-benefit studies to be repeated. Once again, the community's plan gets delayed and maybe even gets thrown out the window.

Jack Lynch, the chief executive of Butte-Silver Bow County, wrote me to express concern about another cleanup—Berkeley Pit. The pit is an open copper mine just outside of Butte, abandoned when the Anaconda Co. left town in the early 1980's. Mr. President, I wish you could see this abandoned pit. It is about a mile and a half wide. Every day it is filling up with about 6 million gallons of what you can loosely call water. In fact, it is a liquid so acidic it might burn your eyes out if you attempted to use it to wash your face. The water is so deep now, you can even see waves on a windy day, and if it is not stopped, it will threaten Butte's ground water. Despite these problems, the bill, the one pending before us, would force the people of Butte to endure more studies and more delay.

I can tell you, the people of Butte are up to their necks in studies. They would rather have something done.

Mr. President, I ask unanimous consent the letters from Governor Racicot and Chief Executive Lynch be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, July 7, 1995.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: I write to express concern over certain aspects of the Comprehensive Regulatory Reform Act of 1995, as introduced on June 21, 1995. In short, I am deeply concerned that the bill, if enacted into law, would frustrate response actions and restoration of the Upper Clark Fork River Basin NPL sites.

In order to explain the basis for my concern, a brief discussion of my understanding of the bill follows: Section 628 of the bill imposes requirements for major environmental management activities. The bill defines these activities to include response actions and damage assessments costing more than 10 million dollars pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act. Such activities must meet ''decisional criteria'' established under §624 of the bill. In order to ensure that the decisional criteria are met, an agency must prepare a cost-benefit analysis and risk assessment (the requirements for which are set forth in Subchapters II and III of the bill) for all such activities pending on the date of enactment of the bill or proposed after such date. However, the bill appears to give an agency some discretion for actions that are pending on the date of enactment or proposed within a year of such date. For these actions a cost-benefit analysis or risk assessment under Subchapters II and III need not be prepared, but an agency can use alternative analyses in order to determine that the decisional criteria are met. For all risk assessments prepared by an agency, even a non-Subchapter III risk assessment, §623 allows an interested person to petition an agency to prepare a revised risk assessment and then allows for judicial review of the agency's decision.

The decisional criteria of §623 envision two scenarios. The first scenario mandates that an agency determine 1) that the action's benefits justify its costs, 2) that the action employ ''flexible'' alternatives ''to the extent practicable,'' 3) that the action adopts the least cost alternative that ''achieves the objectives of the statute,'' and 4) that the action, if a risk assessment is required, ''significantly reduce risks'' or if such a finding can not be made, that the action is nonetheless justified and is ''consistent'' with Subchapter III (which sets forth requirements and standards for risk assessments). The second scenario is when an agency cannot make a finding that an action's benefits justify its costs. In this case, an action must meet all the other criteria identified above and an agency must prepare and submit to Congress a written explanation of its decision.

Section 624 specifically states that its requirements ''shall supplement and not supersede any other decisional criteria. . . .'' Section 628, regarding major environmental management activities contains this same statement.

As you are aware, EPA and the State of Montana are presently engaged in a cooperative effort to determine and implement appropriate response actions to address adverse impacts to human health and the environment at the Upper Clark Fork Basin NPL sites. As you are also aware, response actions have been completed, are ongoing, have been proposed, and are in the RI/FS developmental stage.

It is important to note that §628 would apply to virtually all response actions, even ongoing response actions. Section 628 applies to ongoing response actions unless ''construction or other remediation activity has commenced on a significant portion of the activity'' and it is ''more cost-effective to complete the work'' than to undertake the analysis called for by §628 or the delays caused by undertaking the analysis will ''result in significant risk to human health or the environment.'' This exclusion is so narrowly drawn that almost all response actions, including ongoing response actions at the Clark Fork sites, would be subject to the requirements of §628.

For a pending action, which presumably means either an ongoing response action or a response action for which there is a ROD, or

for a response action that is proposed within a year after the bill's enactment, which presumably means a proposed plan on a ROD, an agency apparently does not have to prepare a risk assessment or a cost-benefit analysis pursuant to the requirements of the bill. Rather, an agency may use alternative methodologies to make such a determination.

Thus, at a minimum, the requirement to prepare a cost-benefit analysis and risk assessment will apply to actions proposed more than a year after enactment. If enacted in this session, the bill would likely impose these requirements for several response actions. For example, the response actions for the Clark Fork River and Anaconda Regional Water and Waste are some years away. If it was necessary to undertake the kind of cost-benefit analysis and risk assessment called for in the bill for these response actions, given how long it would take to do this, the clean-up of these sites, if such clean-up occurred at all, would not occur until well into the 21st century.

This is all the sillier when one considers that EPA routinely prepares risk assessments and undertakes a form of cost-benefit analysis when it makes a decision. The bill, however, would require preparation of its highly particularized form of these two analyses, while imposing an entirely new layer of what can only be termed ''bureaucratic requirements'' for the performance of these tasks. The end result would be to make the performance of risk assessments and cost-benefit analyses much more onerous than what EPA presently does.

Another problem with the bill concerns it provisions for petitions to revise risk assessments. Thus, non-Subchapter III risk assessments that accompany response actions can be, and will be, challenged. Allowance for judicial review will then cause the particular response action to remain in a holding pattern while the sufficiency of the risk assessment is litigated. The end result will be more lawyers and delay.

Regardless of whether a strict cost-benefit analysis or risk assessment has to be prepared, all response actions (except those falling within the narrow significant commencement of construction exclusion) must meet the decisional criteria of §624. Thus, ongoing response actions, response actions for which there is already a ROD, and proposed ROD's will have to retrace their steps and reopen their proceedings in order to make the findings required by this section. And all this after an extensive administrative process, with input from the potentially responsible parties and the public. The lack of finality, which this bill condones and even promotes, results in inefficiencies and, of course, prevents a timely clean-up. I do not believe that such a process constitutes an improvement over the present statutory and regulatory scheme.

Then there is the question of the nature of the criteria. The bill states that the criteria do not supersede but only supplement any other decisional criteria provided by law. This may be a distinction without a difference. The decisional criteria mandate specific findings. Thus, they supplement and supersede the cleanup standards of §121 of CERCLA. In any event, and notwithstanding the provisions of §121, it is clear that the response action must meet the decisional criteria of §624.

The decisional criteria are not without problems, however. For example, when do benefits justify costs? Put another way, is justification synonymous with benefits > costs? Leaving aside definitional problems, which will lead to much litigation, discourage settlements and cooperation between the PRP and EPA, and put cleanups on a slow track, such a requirement is unnecessary. When EPA undertakes a response action it has made a determination that based on the statutory standards, which include that EPA consider costs, the societal benefits from that action justify undertaking it. This is nothing more than a cost-benefit analysis.

Another of the decisional criteria requires that the least cost alternative that achieves the objectives of the statute be selected. This criteria is also highly problematic. For example, two alternative response actions exist at a particular site. One is less expensive than the other but does not protect public health and the environment to the degree that the more expensive alternative does. Accordingly, both alternatives accomplish, but to varying degrees, the objectives of CERCLA. Under this criteria, however, the lower cost alternative would have to be selected, even if the other alternative was slightly more expensive but significantly more protective of public health and the environment. This is nonsensical.

The consequences on the Upper Clark Fork Basin NPL sites from the bill would be drastic. To the extent EPA is required to perform the risk assessments and cost-benefit analyses as set forth in the bill, cleanup actions would be delayed for years. Any risk assessment by EPA could also be challenged in petition proceeding. Timely cleanup will also be frustrated by the decisional criteria. PRPs, will utilize the vagueness and uncertainty associated with the criteria as leverage.

Thus, PRPs will be unwilling to enter into consent decrees and more willing to take their chances in court armed with the criteria. This will cause fewer settlements of actions. It will also, of course, create pressure on EPA to settle for less. Similarly, even if EPA is unwilling to settle on the terms of the PRPs, EPA will have to take into account the risk that its action may not be upheld if challenged. Accordingly, EPA will seek less in its remedy than it would otherwise. As a consequence, the cleanup of the Upper Clark Fork Basin NPL sites both in terms of its timeliness and its completeness will be jeopardized. Given the impacts to public health and the environment in this area, and the degree to which it will likely not be possible to fully remediate these impacts, any lessening of cleanup will be significant indeed.

* * * * *

The bill also presents a significant threat to the State of Montana's natural resource damage litigation and concomitantly the obligation of the State acting as trustee on behalf of its citizens to redress injuries to natural resources and make the public whole.

Major environmental management activities are also defined to include ''damage assessments.'' There is only one form of damage assessment under CERCLA and that is a natural resource damage assessment. Accordingly, it is clear that the bill is attempting to bring within its scope actions related to natural resource damage recovery. It is not entirely clear that the bill is successful in this regard because the bill imposes its requirements on ''agencies.'' Under CERCLA, however, natural resource damages are recovered on behalf of trustees. Notwithstanding the use of the term ''agency,'' it is likely that the bill would be read to impose its requirements on trustees given its clear intent to reach recoveries of natural resource damages.

Thus, the State of Montana, in the pursuit of its natural resource damage case, would be bound by the same requirements as EPA for response actions. Restoration actions have not commenced so the State's natural resource damage assessment and restoration plan would be subject to the bill.

There are two principal problems. First, the bill would necessitate that the State's assessment and restoration plan be revised to meet the new requirements. This would present a real problem for the State since the litigation is proceeding forward. To revise the State's assessment would bring the litigation to a screeching halt, undo much work that has already been done, and would extend the litigation and administrative process on which the litigation depends for years. It would also cost the State hundreds of thousands of dollars to comply with the bill's requirements.

More fundamentally, however, the bill seems to eliminate the possibility of the State recovering restoration costs. In the State's restoration plan various alternatives were identified that would ''restore'' the resource. The plan acknowledged that given the severity of the injury, actions could not be performed that resulted in immediate or near-term restoration, but felt that this fact should not act to disable the State from taking actions that mitigated injury and so hastened—somewhat—the eventual full recovery of the resource. The plan further acknowledged that in the end resources would be restored as a result of natural recovery. As noted, various alternatives were proposed that to varying degrees mitigated injury. One alternative that was always considered was the alternative of natural recovery. This alternative will result in the restoration of resources in the Upper Clark Fork Basin; however, restoration will not occur for thousands or tens of thousands of years. Since the purpose of the natural resource damage provions of CERCLA is restoration and since natural recovery will accomplish restoration and will almost always be the least cost alternative considered, the bill's decisional criteria would mandate the selection of this alternative notwithstanding any other considerations.

Please object to the provisions of the Regulatory Reform Act that would be harmful to the interests of the State of Montana.

Sincerely,

MARC RACICOT,
Governor.

BUTTE-SILVER BOW,
COURTHOUSE,
Butte, MT, June 28, 1995.

Senator MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR MAX BAUCUS: I am writing today to express my concerns about certain provisions of the Regulatory Reform Bill. While I surely understand the need for reform, and I applaud the Senate for taking a leadership role in the development of sound reform policy, I have serious reservations that the provisions related to new cost-benefit analyses for Superfund sites will damage and delay ongoing clean-up efforts in Butte and sites along the Clark Fork River.

I can understand how a thorough cost-benefit analysis would be useful for a new site or sites that are early in the process of investigation. However, in Butte, we are well down the road in the decision-making process for several ''operable units'' within the four NPL sites. There are Records of Decision and various Decrees for several sites, such as the Berkeley Pit/Mine Flooding area, the Montana Pole Treatment Plant, the Lead Poisoning Prevention Program, the Priority Soils Area, Lower Area One/Colorado Tailings, and most recently, the Streamside Tailings along Silver Bow Creek. The prospects of stopping this progress to conduct additional cost-benefit analyses (as per the draft provisions of the legislation, Sections 624 and 628) would be damaging.

I can assure you that, in Butte, cost has been a significant factor in the decision-making process. In our efforts to work with the regulatory agencies and the PRP's in our area, we have developed a very practical view of the balance between clean up and resources expended. We have worked hard to incorporate and substantially address cost considerations in the remedy selection process.

Senator, I would ask that you ensure that any new legislation designed to provide regulatory reform does not, in the process, slow down the work already in progress where significant decisions have been made. If you would like additional information, please do not hesitate to contact me.

Sincerely,

JACK LYNCH,
Chief Executive.

Mr. BAUCUS. Section 628, the section I think should be deleted, clearly causes big problems for the State of Montana. But not just the State of Montana. In fact, my best estimate is the provision affects at least 650 Superfund sites across the country. That is virtually every State. Let me give the numbers.

Today, studies are underway at 263 Superfund sites. Remedies costing more than $10 million have been selected at 285 sites. And cleanup is underway at 430 sites. We do not know how many of these 430 exceed the $10 million threshold, but the average cleanup cost is $30 million. So, obviously, most exceed the threshold. So a conservative estimate is that half of the 430 sites exceed the threshold.

This chart at my left illustrates what would happen to these sites under this bill. Consider the 285 sites where a remedy has already been selected. At each site there has been extensive study, public involvement, and negotiation. After years, people have finally agreed about how to clean up the site.

Let me refer to the chart more fully. Now, as I said, there are about 263 of the sites where study is underway, in red. The yellow shows there are 285 sites where the remedy has been selected. And the green shows there are 430 where there is ongoing cleanup. That is the current situation.

If S. 343 passes, including the section which we want deleted, what will the result be? The result would be twice as many studies. And it will mean—as the chart shows, only half as many sites will be cleaned up. That is a conservative estimate of the consequences of this bill. These sites will get thrown back for further study, which could take years.

Consider the 430 sites where there is an ongoing cleanup. Those sites also get thrown back into further study, unless we can prove the construction has commenced on a ''significant portion of the activity,'' whatever that means, and if other criteria are met.

So putting all this together, the impact of section 628 is very simple. The number of studies will double and the number of Superfund cleanups will be cut in half. This chart shows it. The red is the number of studies which will double. The green shows cleanups which will be cut in half.

I will say that once more. The number of studies will double and the number of cleanups are cut in half. A lot more redtape. A lot less cleanup. I do not I think that is what we want to do.

All across America people will wake up and discover that the purported regulatory reform bill has a very surprising effect. They will discover that virtually with no notice whatsoever, Congress has stopped Superfund cleanups dead in their tracks, and the residents of frustrated and exhausted communities will discover to their amazement that Congress has decided that Superfund sites need more study, more analysis, and more talk before a single shovelful of dirt can be moved or a single thimbleful of groundwater could be pumped.

Before concluding, I would like to repeat a point I made earlier. I am not defending the status quo. Superfund needs to be reformed. And some of the needed reforms may well relate to risk assessment and cost-benefit analysis. The Environmental and Public Works Committee reform efforts are well underway. But the issues are complex, they are controversial, and we cannot reform Superfund overnight.

Ironically, the bill repeats the same mistakes that the original drafters of Superfund made in 1980; that is, it is a hasty overreaction. It is a quick fix. It will cause a lot more problems than it would solve. But it is likely to have a very harsh consequence as well for the people who want their neighborhoods cleaned up and have already suffered enough.

H.L. Mencken must be smiling as he looks down on us from heaven today. We are addressing a complex, difficult issue and we are considering a simple, straightforward, easy solution that is dead wrong.

It is for these reasons I urge my colleagues to support my amendment and strike this provision from the bill.

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, parliamentary inquiry: Earlier on we were waiting for a reply to a proposal by Senator JOHNSTON on the Superfund withdrawal bill. The majority leader indicated that he would check on his side and get back to us. I believe it was agreed—correct me if I am not correct—that the Senator from California, Senator BOXER, was to be recognized to speak on her amendment with the idea that, if the majority leader came back, we would then complete action on the Johnston proposal after which time she would be permitted to continue.

Is that correct?

The PRESIDING OFFICER. The agreement provided that once the Johnston amendment is disposed of, the Senator from California may offer her amendment.

Mr. GLENN. Yes. We were getting in a little time situation here where the Senator from New Jersey was going to speak I believe on a similar subject. I wanted to make sure everybody was aware of what the parliamentary situation was in case the majority leader comes back to the floor and we finish the work on the Johnston amendment.

Mr. LAUTENBERG. I want to be sure. I intend to speak on the Superfund amendment, though I support the amendment by the Senator from California. And I assume that, once having that recognition from the floor, I will be able to continue my remarks.

Mr. HATCH. Will the Senator yield for a parliamentary inquiry?

Mr. LAUTENBERG. Yes.

Mr. HATCH. I thank my colleague.

Mr. President, as I understand it—correct me, if I am wrong—as soon as the Superfund amendment is disposed of one way or the other then anybody can call up an amendment. Or is it by unanimous consent that the Senator from California would have the right to call up her amendment?

The PRESIDING OFFICER. The agreement provided that the Senator from California would have the right to call up her amendment.

The Chair previously recognized the Senator from New Jersey.

The Senator from New Jersey.

Mr. LAUTENBERG. The Senator from New Jersey would be happy with a unanimous-consent agreement to yield to the Senator from Montana to permit him to make his inquiry and to conduct such business as he would like.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues for clearing the agenda.

Mr. President, I want to take this opportunity to talk about the section 628 of the pending regulatory reform bill. I am delighted to cosponsor this amendment. It deals with environmental cleanup.

As the former chairman and current ranking member of the Environment and Public Works Committee with the jurisdiction over Superfund, I believe that adoption of this amendment is critical to achieving real reform in the program. Let me begin by explaining it.

The language sought to strike has nothing to do with reforming the regulatory process. It has everything to do with undermining and invalidating specific regulations. It does not allow the reform regulatory process to work. Rather, it is an effort to mandate an outcome of that process.

The Superfund provision in the Dole-Johnston substitute makes an exception to the general rules established in the bill so that efforts to regulate Superfund sites—and only Superfund sites—are to be treated differently

than all other regulatory actions. As we know, the bill currently says that only if a regulatory decision costs more than $100 million it is considered a major rule, thus triggering lengthy reviews and certain protections in the bill. Only a small percentage of Superfund sites involve costs of more than $100 million. As a result, most Superfund sites would be exempt from the procedures I just mentioned that are established by the bill.

That was apparently unacceptable to those who want to avoid costs and delay in cleanups. As a result, they created the lower threshold of $10 million which would apply only to Superfund sites. And if that triggers some suspicion in the minds of those who are trying to figure it out, that suspicion is warranted. Every other regulatory decision has to cost more than $100 million before it is considered a major rule. But at Superfund sites—and only there—the threshold will be considered to be a major rule when it starts at $10 million.

There is no logical explanation of why; no justification for the exception, just a little provision that treats Superfund differently than any other program in the Federal Government.

Mr. President, to me it is obvious that there is intentionally or otherwise a mission here that would emasculate the Superfund program. That may satisfy some who will do what they can to delay the cleanups required, or at least for it to kill the program. It may help those who want to escape their obligation to pay for the cleanup of sites but it will not satisfy those who want to get after the environmental blight, and it should not satisfy anyone who wants to protect the health and safety of the millions of Americans who live, work, or play near Superfund sites.

By the way, for many, that is not an option. That is where home is. That is where work is. That is where a school might be. They did not choose to build or to live near these sites. But, unfortunately, once these environmental problems were discovered it was a new learning experience for people. Suddenly, they learned that perhaps the water supply may be contaminated or the ground that their kids are playing on may be dangerous for them.

One of the many unintended impacts of this bill is the dead certain proposition that it will make the problems that plague the Superfund program worse.

This bill would have the effect of stopping Superfund cleanups in their tracks apparently under the theory that we need to spend more time doing more studies before deciding what we can do to clean up the mess that we have already been studying for years and years.

Let us be candid. The Superfund program already contains an extensive risk analysis and cost-benefit evaluation. The private parties who are responsible for the cleanup are already involved in the remediation process. And so is the affected community. The criticism of the Superfund program is that it studies too much and does too little. Look at what we do already.

Superfund site remediation decisions are not made casually or without consideration of risks or cost benefit. Under the present law, EPA must conduct numerous studies and consider costs and other factors in selecting a cleanup remedy. During the remedy selection phase, a detailed risk assessment is conducted by looking at the people and the environment exposed to the risks associated with the Superfund with this toxic site. For the pathways of exposure, such as ground water, surface water, air, soil, however, the contamination travels in the specific contaminants present at the site.

Following these studies, EPA announces a proposed cleanup approach, receives public comment on that approach, and issues a record decision to memorialize its final cleanup decision.

Often the private parties performing the studies in cleanups have been very involved in developing the appropriate remedy. We do all of that now. Yet, S. 343 says that we ought to do more studies which would, of course, mean less cleanup. It allows a party to reopen the whole process once a decision about how a cleanup process ought to proceed. In fact, it will allow a party to reopen the whole program even after construction and implementation of the cleanup program has begun.

This legislation virtually requires an expensive, slow, and often duplicative study process even if the private parties involved are not wanted and did not believe it was necessary. This bill would virtually require reconsideration and reevaluation of the cleanup strategies that are being developed and instituted at hundreds of sites. This would be a tragic development and a tremendous waste of resources. It would cause great consternation at the sites where communities have negotiated and agreed to a level of cleanup that could be overruled by this law.

How do we explain to the residents living near Superfund sites that we are going to throw out years of study, years of work, and construction in many cases and stop and restudy the whole cleanup from start to finish?

During the last Congress, EPA, industry and the environmental community produced a set of consensus proposals to reform Superfund, to reduce litigation, to speed cleanups, to cut repetitive analysis and to improve public participation in the cleanup process.

Mr. President, I was again then chairman of the subcommittee, and everybody worked hard—Democrats, Republicans, the administration, outside groups, be they industry, academic, Government, environmentalist. Everybody pitched in to try to reform Superfund because there have been problems with it. No one can deny that. But its mission is a purposeful one.

As a result of some obstruction, we did not pass that reform Superfund proposal. Frankly, I thought it was an environmental tragedy after so much work and so much agreement had been hammered out with parties that typically disagree, and here we are today now first reviewing the Superfund program. Once again, it is nearing its expiration date. Lots and lots of money has been spent, billions by the way, and much of it in the learning process because, unfortunately, it was not the job that we expected to have to do when we set out to do it. It took a lot more because the toxic contamination was a lot worse, and as a consequence we are now in a situation where the moneys spent up front are beginning to pay off. But we did not get the chance, we did not have the outcome that we wanted to have to speed cleanups and to reduce litigation costs.

Additional changes to speed cleanup are now being considered in the Environment and Public Works Committee, and they are likely to be approved. This bill threatens to go in the opposite direction by increasing litigation, adding more needless analyses and slowing cleanups while saddling EPA with new paperwork burdens.

Now, I am working with the chairman of the Superfund subcommittee, Senator SMITH of New Hampshire, on Superfund reform and reauthorization. We do not necessarily agree about how the program ought to be changed, but the fact is that we are talking, and we are bringing in witnesses, and we have had testimony and hearings. I think it has improved the atmosphere as well as the possibility that Superfund reform is going to be accomplished in fairly short order. I believe that we agree that reform is supposed to increase speed and reduce redundant studies.

This bill is inconsistent, Mr. President, with that vision of reform. It is also inconsistent with a serious effort to get Superfund reformed and reauthorized rather than have this buried as a subsection of this long and complex bill dealing with regulatory reform. This is not the way to do business.

Mr. President, Superfund is not necessarily popular with everybody, but cleaning up our hazardous waste is a mission that all of us I believe can agree upon. It is a very expensive proposition. It has been looked at over the last 50 years, and finally in 1980, a law was established to move the process along.

Now, private parties do not like cleaning up the mess if they caused it or if they are found jointly or severally responsible. Insurance companies do not like it because they have to pay the claims. But the strongest criticism of our hazardous waste cleanup programs is our unending studies to determine the proper remedy.

In fact, Congress recently spoke to this issue. During the last rescissions bill, $300 million was rescinded from the Department of Defense cleanup program because it was felt that too

much money was being spent on studies and not enough on cleanups. This provision would require yet more money be spent on just such studies which would both delay cleanups and leave less money for that task.

I do not want to go back to Superfund sites in my State and explain to my constituents who live near Superfund sites that agreed upon remedies are going to be reopened for a further round of studies.

I do not want to have to explain that a new study phase will delay cleanup for years and years. They do not like that news. I do not want to have to tell them that cleanups already begun will suddenly be halted when they have already lived with threats to them and their family's health for already too long a period of time.

Why is this delay inevitable? Well, in addition to the opportunities it gives to private interests to create delay, look at what it does to the Government's ability to move forward quickly. The EPA now processes about 10 major rules a year. Under this bill, it is estimated that EPA will have to do a complete risk assessment and cost-benefit analysis for about 45 major rules each year for the various programs it administers.

I wish to make clear what happens with a major rule. It involves lots and lots of people. It involves lots of computer use. It involves lots of calculation. It involves lots of time and lots of money. This is not to say that we should not be doing studies. We should. But we have already done them, done them sufficiently I think to answer all of the concerns that people have. But if our amendment fails here and EPA must do a cost-benefit and risk assessment for Superfund sites over $10 million, it will have to do approximately 650 additional risk assessments and cost-benefit analyses.

Mr. President, my argument can be summarized in these three points. First, the bill before us treats Superfund in an unjustified, special, and unique way. It contains a special carveout for the particular interests that want to reduce or evade their responsibility to pay for cleanups.

Second, the bill before us will inevitably delay cleanups, prolonging the risks those toxic hot spots pose to human beings and to the environment. That delay is a function of the overt mechanisms in the bill which require new studies and the practical inability of EPA to conduct the number of studies which will be required.

We want EPA to be an organization that conducts cleanups. We do not want it to devote all of its time to doing studies.

So the bill will cause delay in cleanup, the one thing that we all want to hasten.

And third, there is no finding that these new studies are required. Superfund already has sophisticated cost-benefit and risk analysis. If you think there ought to be changes in the way that analysis is conducted, then require those changes when we reauthorize Superfund in an orderly process. Do not try to force them into a bill that has a much more general goal of reforming the process by which we regulate.

Mr. President, we ought to let the authorizing committee handle Superfund. We are working toward that goal. And when we bring legislation to the floor we can understand it, we can debate it, and justify the decisions that we make. Doing reform in the backdoor manner proposed by this bill is totally unacceptable.

I want to point out what is here on the chart to emphasize, that is, that presently we have already 430 sites where cleanup is underway. We have decisions being made at 211 sites. We have remedy selections at 74 sites and studies already underway at 263 sites. If S. 343 passes as it is, then what we will do is we will have to study 763 sites. It means practically the end of serious decisions about cleanup and beginning the process.

What we will be left with is 215 sites with cleanup underway, as opposed to 430, and decisions underway for 211 other sites. We will move into the study phase. This will turn out to be a calculous laboratory where everybody will be participating in studies and not getting work done and will exaggerate criticism that now exists that all we do is study things to death. We have studied things, I hope not to death, but we have studied them for a long time. The decisions are made on the science available, and there is an orderly process. We ought not tinker with it, but reform it in an orderly way.

So, Mr. President, I urge my colleagues to support the motion that is now before us to strike the special relief language for special interests that are now in this bill. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

I would like to make a few remarks regarding Superfund and the reasons why it is included in this legislation. There are a couple of anomalous things about the Superfund law. One of them is that there is no judicial review. And I think it is no coincidence that one of the laws that is working least well, a point that all of us would agree on, is also a law that provides for no judicial review. The second thing is that the Superfund law actually does provide today for some cost-benefited analysis and risk assessment. So it is not a new concept when applied to this law.

But the bill before us, the Dole-Johnston amendment, would really provide a more precise and meaningful procedure for applying that cost-benefit analysis to Superfund so that the net result should be not more costly studies and delay, but a more precise application of a principle which is already required and which should make much more efficient the process for deciding the priority of sites to be cleaned up, and probably also make it easier if the judicial review provisions are put into place to really test those that need to be tested and allow the others to proceed to clean up.

So we believe that S. 343 establishes strong, good requirements to do the right kind of risk assessment and cost-benefit analysis for Superfund cleanups. And, of course, the point also here is that it is in those cases that exceed $10 million. Now, we have heard arguments here by some that would like to see this section removed from the bill. I will make the point first of all that there is much more than Superfund in the amendment which would be removed from this bill. We will leave that for others to discuss.

But just to focus on the question of whether the Superfund provision should be removed, in many respects Superfund is an example of the best of the worst. Unlike many other programs with tangible results, Superfund has almost nothing to show for its billions of dollars in expenditures of public and private funds, I might add.

And again, this is a point upon which a lot of us would agree: Superfund has just not met the expectations that we had for it at the time that it was adopted. So clearly, more effective risk and cost-benefit analysis are desperately needed for the program. These are the tools that the Government can use in carrying out the requirements of the law.

So instead of trying to remove these provisions from the bill, we ought to be strengthening those procedures so we can really do the prioritization necessary to get to the job of cleaning up the sites that need to be cleaned up and leaving the others alone.

As I said before, also ironically, Superfund already requires cost-benefit analysis. It requires the President to select appropriate remedial actions that ''provide for cost effective response'' and to consider both the short-term and long-term costs of the actions.

It requires the President to establish a regulation called the national contingency plan to carry out the requirements of the statute. This plan has several requirements that would contain methods for analysis of relative costs or remedial actions; means for assuring that remedial actions are cost-effective over time; criteria based on relative risk or danger for determining priorities among releases of hazardous substances for purposes of taking remedial action. 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 supposed to be done right now.

It requires the President to identify priority sites that require remedial action through a hazard ranking system that must—again, I am quoting—''assess the relative degree of risk.''

So to suggest that somehow both cost-benefit and risk assessment are inconsistent with the Superfund is to ignore existing law. It is in the existing law. So by taking it out of that provision, we are not removing that concept. But what we are doing is preventing ourselves from providing a more effective means of applying the cost-benefit and risk assessment to Superfund.

Now what happens at the typical Superfund site? I exaggerate almost none here, Mr. President. You have a release of some kind of hazardous substance discovered. The presence of this substance in the environment may or may not be harmful. Before that is even determined, practically every small business in the community that has ever had any contact with the site at all gets a letter.

The letter basically says, ''We think you are liable. Prove to us that you are not.'' So immediately, you have all of the small businesses and some big businesses, too, immediately put into the position of being in a group of defendants having to try to prove that they are not liable for something that frequently occurred a long time ago without knowledge on their part.

The costs to small business are very high. And it costs more than just money. The cost in time, in terror, literally, in toil and frustration in dealing with the alleged Superfund liability is one of the most gross aberrations in our legal system that we have on the books today, which is one of the reasons why there has been a lot of discussion about the reform of Superfund that hopefully we will get a little later.

But every mom and pop operation that sent trash to a landfill that became a Superfund site knows exactly what I mean. The strict joint and several retroactive liability in this law is dragging down small business for the third time.

And the recourse? Essentially none. Because unlike other laws and unlike S. 343 before us, Superfund expressly prohibits judicial review. Now, is that really what the opponents of this law applied to Superfund want? I do not think it is coincidence, as I said before, that the most oppressive and maligned and dysfunctional environmental program we have is also the one that prohibits redress in the courts. This is something on which we are all in agreement.

So why can we not agree to provide judicial review to Superfund? Why is there opposition to having regulatory reform for Superfund in this bill? Even the administration has said it needs to go forward.

In a memorandum prepared by the Council on Environmental Quality, the administration correctly pointed out the blatant inconsistencies regarding its posture regarding S. 343 and its position on regulatory reform and cleanup statutes.

Here is what this memo states: That opposition to the intent of the cleanup provision in S. 343 is ''inconsistent with several administration policies.''

Quoting again. ''The administration has repeatedly testified that cost-benefit analysis is a 'useful tool' in making cleanup decisions.'' Again quoting. ''EPA, DOD, and DOE have made well-publicized commitments to more realistic risk analysis in cleanup activity,'' exactly what we are talking about in this bill.

Executive Order 12866 requires cost-benefit analysis for regulations over $100 million. Many cleanups exceed this amount and the total cost of cleanup activities approaches or exceeds $400 billion. Quoting from this memorandum:

> It will be hard, politically and logically, to defend application of the cost-benefit comparison to the former decisions and not the latter.

This is the administration speaking.

Now, critics of this section argue that these reforms should be addressed in the Superfund reauthorization, and that is an appropriate place to deal with some of the reforms we are talking about.

That is not to suggest, however, that in a bill dealing with cost-benefit analysis and risk assessment and judicial review those matters should not be dealt with in this legislation.

I know that Senator SMITH, and others who have spoken here, members of the Environment and Public Works Committee, have been working very hard, but Superfund reauthorization may not be completed this year. I know the committee that I sit on, Energy and Natural Resources, understands the toll this program is taking on industrial facilities, small businesses and understands the need to get on with the process of reform of the process as opposed to the substance, which will, of course, be covered in the reauthorization.

We are cutting our training and operation budgets in the military services and yet we keep getting higher price tags for installation cleanups. I cannot even begin to tell you what the runaway cleanup costs translate to in the Department of Energy.

So, Mr. President, in conclusion, I believe that the Superfund cleanup provisions in this legislation are entirely consistent with existing law. They are consistent with planned administrative reforms that the Clinton administration is putting in place even now, as indicated by the memorandum I cited, and, perhaps most important, I think many of us would agree that Superfund is not a level playing field, that small business is being savaged by what amounts to institutionalized extortion from regulations.

Federal and State regulators have ignored the risk and cost considerations throughout the process, in spite of the statutory requirement to consider those factors, and that is why this legislation is needed. The program is so badly broken and so desperately in need of major change, largely because the degree and the costs of cleanup have proceeded virtually unchecked for years. Simply having these provisions in this bill has brought about a new willingness on the part of regulators to be more realistic in the remedial action selection process.

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, intimidating and crushing regulatory programs for small business in the history of this country.

Mr. BAUCUS. I wonder if the Senator will yield to me?

Mr. KYL. I will be happy to yield. Of course.

Mr. BAUCUS. I appreciate the Senator yielding. I heard the Senator say that in the Senator's opinion that the provisions of S. 343, particularly section 628, are consistent with or conform with basically the Superfund cost-benefit or risk assessment provisions now, and because they are consistent and basically conform, there should be no opposition. My question is, if they are consistent, conform, then what is the purpose of this provision? That is, the Superfund already does contain, as the Senator already said, cost-benefit and risk assessment provisions in determining sites and remedy selection and plans for cleanup. I am just curious, what is the need for this provision?

Mr. KYL. Precisely the correct question to ask, and I appreciate it, because it applies not only to this issue but several others in other aspects of this legislation. We have Executive orders since the administration of President Ford, for example, which require cost-benefit analysis, but almost all of us, I think, are in agreement that they have not worked. The procedures are not in place to force compliance and to provide for appropriate judicial review.

So what I am saying is that while there is a requirement for cost-benefit analysis and risk assessment in the existing law, it is not working, and the provisions of this bill will allow it to work in a way which gets to the other point that the Senator from Montana was raising, and that is that we have spent a lot of money and do not have a lot to show for it.

Mr. BAUCUS. I understand. If I might ask——

Mr. KYL. We should not delay any longer. I think this legislation will make the existing regulations workable for the first time.

Mr. BAUCUS. Another question. I am just curious of the Senator's view, what is the precise language in section 628 that will speed up cleanups, that will address the problems small businesses face, that will reduce regulatory red tape, that addresses the joint and several and strict liability problem that bedevils so many parties involving cleanup sites? I wonder what is the precise language in this amendment which addresses the real problems—I agree they exist—that so many people face when dealing with Superfund. Can the

Senator point out some language in the amendment that he thinks will specifically help answer some of those problems?

Mr. KYL. Sure. The entire section that establishes the procedure and the judicial review, which is missing from the Superfund legislation, will make it possible for individuals to insist that proper risk assessment and cost-benefit analysis is applied, and if it is not, a remedy will exist to require it to be applied, something which does not exist today.

Mr. BAUCUS. I am just perplexed, in all candor, because the provisions of section 628 with respect to risk assessment are actually quite different from current Superfund law.

Let me point out some differences. One, under this bill cleanups would generally be required only if the benefits justify the costs. That is a different standard than current law. And second, under this bill only the least-cost cleanup option would be selected. That is now not the case under Superfund.

So they are not the same. Thus, S. 343, including section 628, would, by definition, require EPA, for example, and the States to stop what they are now doing and go back all over again from scratch and start the risk assessment and cost-benefit analysis, which would add more cost, more delay, and more red tape. And because Federal facility sites will cost more than $10 million to clean up, the clean up of each of these sites would be further delayed under the provisions of this bill.

Why does the Senator believe that those provisions would not necessarily stop the present cleanup program and cause more red tape, more delay?

Mr. KYL. First of all, the Senator is absolutely correct. The provisions of this bill are somewhat different from existing law with respect to the specific tests for cost-benefit analysis and risk assessment. That is the whole point.

My point in pointing out that cost-benefit analysis and risk assessment are already part of Superfund was to illustrate two things: First, that the concept is not alien or inimical to Superfund. This is something that we have already said should be a part of our analysis for Superfund cleanups.

Mr. BAUCUS. If I could just——

Mr. KYL. If I could just go on.

Mr. BAUCUS. Sure.

Mr. KYL. And second, to note that while that is true, while it was our intention, while we wrote the exact words in the statute, it has not worked. And I think we agree on that.

So, yes, the answer to the first question is there are different provisions—that is the whole point—to make it work because it has not worked in the past. The administration itself, CEQ, pointed out the fact that it would be pretty inconsistent to argue you should have cost-benefit analysis before, but now it is not appropriate.

But the second question I think the Senator asks is the more difficult question and the one that is really important—and I respect the Senator for raising the issue—namely, we want to get on with the cleanup of these sites. Will this cause a delay or not?

That is a very legitimate question. But I think, again, there are two answers. One, reasonable people can differ whether it will cause delay. We do not want it to cause delay, but we want it to do the right thing, and that is the other point here. We have to do the right thing. A lot of us believe we are spending millions and billions of dollars, really, in activities which are totally nonproductive where the risks are exceedingly low, where we ought not be wasting our money, and there are other sites that just beg to be cleaned up. Perhaps one of them is the example the Senator from Montana cited where we have to get on with it and prioritize those sites and get the job done where the cost clearly is outweighed by the benefits to be achieved. So that is the kind of analysis in which to engage.

Instead, what we have is taxpayers paying lawyers and consultants billions of dollars to essentially waste time, dollars that are not only Government dollars but also small business dollars and other business dollars, and that is what we are trying to resolve with this legislation.

Mr. BAUCUS addressed the Chair.

Mr. KYL. I am happy to yield my time. I have concluded my remarks. If the Senators would like to take it at this point.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I appreciate the comments of the Senator from Arizona. With all due respect, they are really not on target. That is for this reason. We all agree that Superfund has terrific problems. But the problems that it has are not solved by this amendment. This amendment does not even address—does not even begin to address—the problems of the Superfund. In some sense, they are irrelevant to the problems facing Superfund. I will explain that.

One of the main problems of Superfund today is joint and several and strict liability. This amendment has nothing to do with that, despite what the Senator from Arizona would like us to believe. Under joint and several and strict liability standards today, all parties are subject to the same joint and several and strict liability standard. And what happens? Some company—maybe the primary perpetrator that caused most of the toxic waste and hazardous waste at a site and other companies may be partners, or another company may have bought the site later, or a company may have owned the site earlier. A bank might be involved. A bank might have made a certain loan to one of the parties. Under the current law, they are all lumped in together. They are all jointly and severally liable and subject to strict liability. That is the current law.

Here is what happens. Everybody sues everybody else claiming that he is the principal problem—not me but him. Well, everybody that is subject to liability, of course, is jointly and severally liable. That is why there are a lot of lawsuits today. It is the standard which creates the lawsuits. All of the people that are involved are suing each other.

This amendment has nothing to do with that—nothing to do with that. So to stand up here on the floor of the Senate and say this amendment, section 628, is going to solve the problems of the red tape and delay, is a nonstatement, it is not accurate. It is not accurate because the problems facing people that cause all of the problems of the Superfund are caused by the underlying statute, substantive law not addressed by this amendment.

Here is another example. Let us take a small businessman, somebody who has fewer than 50 barrels of hazardous waste at a site, who is a de minimis contributor. Under the provisions of the Superfund reform which we tried to enact last year, small businesses would be either exempt if they are particularly small; or if they are somewhat small, they would be entitled to a very expeditious standard and their liability limited to their ability to pay. That is a problem that the Environment and Public Works Committee tried to solve last year. But section 628 of this bill has nothing whatsoever to do with these real problems—nothing.

All section 628 says is cost-benefit analysis and risk assessment must be prepared. It has nothing to do with the problems of small business, Mr. President—nothing. Last year, we tried to enact Superfund reform—and as the Senator from New Jersey a few minutes ago very ably stated, it was stopped. We came up with a provision that eliminated joint and several liability to those who settled their liability through a new voluntary allocation system and not through court. Under this new allocation system companies would have an allocator decide which company is proportionately responsible for which portion of the waste. And if the company agrees and settles, they could not be sued; they would be immune from a lawsuit. Good idea. Everybody thought it was a good idea. Big business loved it. Small business was ecstatic. Environmentalists thought it was great. All the groups came together and agreed that this is a good, major reform to the Superfund.

There are lots of other reforms in Superfund that we tried to pass last year. Some just did not want it passed. It was a disservice to the country. So here we are all over again trying to reform Superfund. This amendment has nothing to do with any of that. Nothing. N-o-t-h-i-n-g. The way to solve Superfund, Mr. President, frankly, is not to pass this amendment.

What does this amendment do? It says you take the current lousy, botched up, unworkable Superfund program and add to all of the problems—more problems. It says start over again

and add a new kind of risk assessment and cost-benefit analysis. That is what this amendment does. It says, take the current lousy law and delay it further, add more redtape, start all over again. It means fewer cleanups. There are lots of sites in this country, Mr. President, where cleanups are finally agreed to and are in progress. It has taken 10, 12, 15 years in some cases. This amendment says go back and start over again. That is exactly what it does, despite what anybody else says.

So the answer, I think—and I have given a lot of thoughtful consideration to this, not rhetoric or a lot of stuff, not playing to the cameras—a thoughtful solution to this, frankly, is to delete this provision from the bill. It is not going to solve the Superfund problems. Somebody might like to say that it does for the people back home. In fact, it makes it worse.

Rather, let us solve this the only way these problems can be solved; that is, to lower the rhetoric, quit the demagoguery, sit down and work with all of the people involved. You roll up your sleeves and cross the t's and dot the i's and find a solution, which is what happened over a year ago. Many outside groups who know the subject came together, worked hard, and reached an agreement. Most of the insurance industry also agreed. Some of the insurance industry did not agree, but most did.

Let me read some of the supporters of it: Aetna Life Insurance, Allied Signal, American Automobile Manufacturers—this list goes on and on, and I will not bore the Senate. I am glancing here, and these are big, well-recognized organizations and companies. There must be over 100 on this list.

One of the greatest disservices this Congress has performed, in my judgment, in the last several years is the failure to pass Superfund legislation a year ago because it was a solid reform that would have helped people, provided a public service, which is what we are all elected to do. This amendment in this bill, section 628, not only does not do that, it makes a bad problem worse.

I just ask every Senator and every staff person listening to forget the rhetoric, read the provisions of this bill, section 628, read Superfund, and just think. All you have to do is think. If you think, you are going to reach, I submit, roughly the same conclusion and therefore realize that, maybe we should not be including Superfund in this regulatory reform bill after all. And if we are going to do right by our people back home, let us take it out and reform Superfund in the right way, through the committee process, something along the lines that we enacted a year ago.

Mr. JOHNSTON. Mr. President, I yield to no one in this body on my enthusiasm for risk assessment. It was I who first proposed, wrote, and passed twice a risk assessment provision, which did not pass the House, of course, and so we are here today working on this legislation.

I believe the concept of risk assessment is one of the most important things we can ever do for this Government. It will save, I believe, hundreds of billions of dollars. It will relieve taxpayers and citizens of this country of huge and unnecessary burdens and will allow the means that we have, the dollars that we have in this country, to be spent on environmental and health and safety matters, to be applied to environment and safety and health matters and not to waste, as it is today.

Now, having said that, Mr. President, I rise in enthusiastic and very strong support of this amendment. The reason is that this amendment and the application of this procedure to Superfund, as well as to defense cleanups, as well as to cleanups under the Solid Waste Disposal Act, do not fit.

They do not fit, Mr. President. We have been talking about Superfund, and I concur with comments of my colleague from Montana, that that needs to go through that committee. That committee voted out and passed that bill last year. We need to do that again this year.

Mr. President, we have not spoken about cleanup at defense plants. Cleanup at defense plants is an activity on which we are presently spending over $6 billion a year. It is the largest cleanup activity of the Federal Government.

Now, Mr. President, we commissioned a report on the Hanford site, which is the most difficult site and the most expensive site of the DOE. They came back with a horror story about how money is being squandered and nothing is being done. I will not go into all the reasons, but the principal reasons are that the legal matrix, the legal framework that we in the Congress have created for Hanford as well as other DOE sites, does not work.

We not only have the Superfund, which is applicable to Hanford, we have RCRA, which pertains to chemical wastes. We have a tripartite agreement setting standards, dates, and requirements—dates that cannot be met, standards that have not been passed, and using technologies that do not exist.

Moreover, Mr. President, we have superimposed upon that an act we call the Federal Facilities Act, under which the Federal Government can be sued and the Assistant Secretary of Energy can be put in jail—something he is very concerned about—if they do not meet standards and dates that are impossible to meet because there is no place, for example, to store the waste, because the waste isolation pilot plant is not ready, and that is the only place available for some of these mixed wastes.

Mr. President, it is probably only the Congress of the United States which could have designed a legal framework as confusing, as contradictory, as difficult, as unworkable, as unbelievable as we have created for our defense plants' cleanups.

Now, Mr. President, the Senator from Alaska [Mr. MURKOWSKI] and I have proposed legislation for Hanford. We have proposed to deal not only with CERCLA but RCRA, the Federal Facilities Act, the tripartite agreement. We proposed to reconstruct that and do it over again.

It is not that we do not want to use risk assessment. Risk assessment is central to the issue. It is a risk assessment procedure that would be vastly different from that which we have constructed in this bill.

This bill constructs risk assessment principally for Federal rulemaking, EPA-type rules. It is workable, a good procedure, which, Mr. President, I am very proud of the handiwork in the Dole-Johnston bill. I think it is workable. I think it will improve environment. I think it will improve health. It will save lots of money. It is a very, very good bill.

But it does not fit for defense plants' cleanups. We have to deal with those tripartite agreements. They have, Mr. President, as I am sure all my colleagues know, a problem at these defense plants, what we call mixed waste—mixed chemical waste and mixed nuclear waste or radioactive waste. One set of regulations for radioactive waste, one set of regulations for chemical waste, and no technology yet to deal with the mixed wastes. Some promising research is being done, and no place to put the waste.

Literally, our Assistant Secretary of Energy, unless we change the law, can go to jail for not doing what is impossible to accomplish. Absolutely that is true, Mr. President. The waste isolation pilot plant is not ready.

By the way, the reason it is not ready is also because we do not have a well-working risk assessment bill. If we did, they would have done the risk assessment and would not be doing some of the silly things they are doing down in Carlsbad, NM, on delay and unnecessary expense in the plan.

Be that as it may, WIPP is not ready and we have no place to put the waste and we do not have the technology. It is a grand and glorious mess.

What we propose if we can pass our legislation, Mr. President, is create this paradigm, this legal matrix, limit it to Hanford, and then we propose to use that as the model for other defense plants. We will have to modify it—things are a little bit different, at Rocky Flats in Colorado, et cetera. Each one of these sites has their own peculiarities. Some have a lot of plutonium, some have a lot of mixed waste. Hanford has almost every imaginable kind of waste.

Each of those deserves the time and attention, in the case of defense plants, of the Energy Committee; in the case of CERCLA, of the Environment and Public Works Committee. They are different problems from those we seek to serve in the Dole-Johnston bill presently pending.

Mr. President, in including Superfund and environmental cleanup

in the original Dole-Johnston amendment, we knew at the time that we included it that it would be subject to an amendment and that it would probably come out. I say ''we'' knew that; I do not want to speak for anybody else but myself. Let me say that I and my staff knew it and we discussed it, and I think the feeling was at that time that it should be included in the draft in order, first, to draw attention to the issue; second, to give some leverage in assuring that we would deal with the question of Superfund and of defense cleanup.

Indeed, we have had Senator BAUCUS, the ranking member, come and say that he is anxious, willing, and able and can virtually promise that that committee will deal with the issue.

I think there are Members who are so anxious for risk assessment to be made part of CERCLA that they want to get those assurances. I think now we have heard those assurances on the floor of the Senate.

I hope, therefore, with those assurances, that the committee such as Energy and Natural Resources, with respect to defense plants, can proceed and do our business and enact the legislation that Senator MURKOWSKI and I presently have pending. I hope that the Environment and Public Works Committee will expeditiously report out that bill again which we passed last year, and that we can get on and pass this risk-assessment cost-benefit legislation presently pending.

Mr. President, I am getting more hopeful and more confident as the hours pass, that the spirit in this Chamber is such that it will allow the Senate to pass this bill with a strong bipartisan effort. I think acceptance of this amendment will be a strong indication of that. I hope we can vote soon.

Mr. CAMPBELL. Mr. President, I rise in strong support of the amendment by the Senator from Montana.

Count me in among those who believe that there are serious problems with the superfund program and the Energy Department cleanup program. It is plain to me that we are spending a lot more money, and a lot more time, on lawyers and bureaucracy than we are on getting these cleanups underway.

I agree that the superfund program is not working, and I think we need to make major changes to make it work better. But not at the price of further delay and further bureaucracy that will delay these cleanups even longer.

The Rocky Mountain Arsenal outside of Denver was used for years as a production facility for chemical munitions by the Defense Department. Since the 1950's it was used to produce pesticides. The defense department and the Shell Oil Co. left a pretty tough mess.

In 1984 the site was listed as a national superfund site, and it is now more than a decade that the site has been under study, and significant cleanup has already occurred to resolve immediate threats to human health and the environment. Just last month a conceptual agreement was reached on a final cleanup plan at the arsenal. That agreement must go through the public comment process and a final decision should be made by early next year.

If this amendment is not accepted, the door will be open to anyone to file a new challenge to this long, tortuously negotiated accord based on the new rights created under this bill to seek additional cost benefit and risk analysis studies.

Some Senators may be familiar with the Summitville mine disaster; since that mining company declared bankruptcy and left my State with a massive cleanup problem, we've seen decisions made and cleanup projects begun. Again, I don't want this bill to be the cause of any further delay in getting this critical work underway.

I have other, tough cleanup problems in my State, at Leadville, at Clear Creek, and many other sites. I want this program to work better, and I'll be supporting major changes in the program when we consider reauthorization later this year.

As any of my colleagues who are involved with superfund know, that process takes too long and our constituents get very frustrated when they see a lot of planning and not much actual cleanup. I don't want to extend that process even a day longer than necessary, and so I urge my colleagues to support the Baucus amendment.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1031 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we had a lot of discussion in the last 3 days on the need for regulatory reform. We have had a lot of horror stories presented about undue regulation and what it has done to small business people and farmers of the United States. That impacts negatively on everybody as it inhibits the creation of jobs, as it brings undue costs to the operation of a business and, in many instances, with harm to the public if nothing is changed.

I have taken the floor several times to discuss some of these problems with existing rules and regulations, or the implementation of those rules and regulations. I want to address another issue like I did yesterday on the subject of wetlands.

Before I do, I want to visit a little about the general atmosphere of the debate here on this regulatory reform bill in the U.S. Senate. We are led to believe that all of our concern about public health and safety and the environmental policies are going to be thrown out the window with the adoption of a regulatory reform bill. It is not, because our bill does not change any of the substantive laws that are on the books in each one of those areas.

If it did, that is what we would call, in this body, a supermandate, one law overriding others. In fact, we recently adopted an amendment just to make it more clear that there is nothing in this legislation that is a supermandate. And we have also been hearing a lot of other concern expressed, mostly on the Democratic side of the aisle, about bad aspects of this legislation.

I would plead with the Democratic Members of this body who have been fighting this bill so hard, that they should want Government to work well. They should want Government to work efficiently. They should want Government to work in a cost-effective way. They should want Government to serve people rather than people serving the Government.

Another way to say that is, they should want Government to be a servant of the people rather than a master of the people.

I know Democratic Members of this body believe that all Government is good. And I know that they believe that basically Government means well and does well, and they are willing to give the benefit to big Government, that when there is some doubt about whether Government is really going to do well, that we ought to err on the side of Government doing it. That is a legitimate political philosophy that I find no fault with. I do not accept it, but it is a legitimate political philosophy that we can have in our system of government.

What does that have to do with the bill that is before us and my pleading with the Democratic Members of this body? There is nothing wrong with believing in big Government. There is nothing wrong in believing, if you think it is best for the country, in a regulatory state. There may not be anything wrong with believing that regulators ought to dominate more so than the free market system determinations made in our economy.

But the very least, if you believe all those things, you should make sure that the regulatory state, that the big Government you believe in, will actually work well and effectively deliver the services that you want delivered. And the fact of the matter is this big Government, this big regulatory state that you like so well not only does not deliver well, but the rulemaking process is much more costly than it need be. It impinges upon the marketplace much more than need be to protect the public health and safety and the environment. And it just does not work very well because it never delivers a decision. You know it is just awfully difficult to get a decision out of the Government, and particularly when

you have two Government agencies fighting each other.

The very least—I plead with you—if you believe in the big Government that you practice, that you ought to be for making it efficient and effective. And your big Government and your big regulatory state, we are saying on this side of the aisle, does not work very well, and we see S. 343 as a process of making sure that it is cost effective because of the cost-benefit analysis, that it has a sound basis because we require scientific determinations and risk assessment, and that it should not be a law unto itself. We protect against that in this legislation through congressional review of regulatory action and through judicial review of regulatory action.

I hope during this debate—and this will be the fourth time I have been involved in an example just in my State—my State is only 1.5 percent of the people in this country, but some horror stories have taken place in my State. Remember the first day I spoke about EPA enforcing one of its rules on toxic waste. They had a paid informant that was a disgruntled employee of a local gravel company, the Higman Co., in a little town of Akron in northwest Iowa. The information was not correct, but they decided to invade his place of business. One quiet morning they came in with their shotguns pumped, their bulletproof vests on, 40 Federal and local law enforcement people to find that toxic waste and to arrest the manager.

He tried to find out what was the big deal. They told him to shut up. They stuck the gun in the face of his accountant. She is a nervous wreck yet as a result of that action. It cost him $200,000 of lost business and legal fees to defend himself on a criminal charge that he was not found guilty on because there was not any toxic waste buried in his gravel pit because this process of making a determination was bad.

I told you the next day about how there is an EPA regulation on the books under the Clean Air Act affecting the grain elevators in the rural communities where farmers send their grain for processing and for sale. We have 700 of these grain elevators in my State. They are charged with proving to the Government that they do not pollute. The initial determination of that is to fill out a 280-page document for EPA, which some of these elevators are paying $25,000 to $40,000 of consulting fees to help get filled out properly. Then once they are filled out properly and go to the EPA, only 1 percent of the 700 are going to come over the threshold determined by EPA that you are a polluting business.

But what really is strange about that rule is this: EPA assumes that you are going to be polluting 365 days a year, 24 hours a day, when the problem that EPA is trying to get at is a seasonal problem in which the elevators are operating for about 30 to 45 days out of a year in which there might not be any problem whatsoever.

They have each one of these little grain elevators supposedly in business processing grain every day of the year, every hour of the day. Any one of these, under that assumption, would have to have the entire corn crop of the entire United States, 10.03 billion bushels, processed through any one of these little businesses.

Then I told you next about the farmer in Mahaska County, IA, that bought a farm in 1988. And in 1989 he got permission from the Soil Conservation Service for clearing some trees and improving the drainage system. He had the approval of a Government agency of everything he did, even the approval of the Iowa Department of Natural Resources.

Within just a few months the Corps of Engineers threatened to fine him $25,000 a day because he was doing something without one of their permits saying it was a wetland when it was not a wetland. All you have to do to prove that is to drill little holes in the ground and find out how close the water is to the surface. And it was not 4 to 5 feet. In order to be a wetland you have to have 7 days of continuous water on the land. Yet, they wanted to fine him $25,000 a day for what another Government agency said he could do. Then later on that first Government agency said he could do it. They backed off and said they had made a mistake. Then he appeals it through the local, the State, and the national office. Here it is 1995, and he still does not have a determination of what he can do with that land.

As I said to the big Government Democrats that are opposing our bill, it seems to me that, if you want to believe in big Government, OK. But at least Government ought to be able to give a constituent some sort of an answer. If you say they have done something wrong, they ought to be able to get an answer. You ought to be able to have the Government agencies agree among themselves on what the policy is.

This is a perfect example of Government out of control. This young Mahaska County farmer still does not know where he stands with this land. He could potentially pay a lot of fees. In the meantime, he has paid a lot of money to try to get what he thought he had the right of in the first place by getting a Government agency to say what he can do and not do to some of his land.

There is no reason why we need four different Government agencies' definition of what a wetland is. How do you expect a poor farmer to understand what a wetland is, or even a rich farmer understand what a wetland is if four Government agencies do not know what a wetland is?

In fact, in the farmer's case I just told you about, the determination of what was a wetland or not a wetland was based on a 1989 Corps of Engineers manual that is not even being used anymore.

(Mr. GRAMS assumed the chair).

Mr. GRASSLEY. Mr. President, in my opinion no other area of regulation needs reform as desperately as wetlands regulation. No less than four Federal agencies claim jurisdiction over agricultural wetlands and these agencies often use conflicting manuals and procedures in delineating and regulating the use of wetlands.

I have addressed this body several times in the past regarding the complex, confusing, illogical, and downright burdensome way that the Federal Government regulates wetlands in agricultural areas.

Most of my colleagues must agree with this assessment because in March, the Senate passed by unanimous consent, a moratorium on new wetland delineations. Subsequently, the administration agreed with the Senate and imposed its own moratorium. This will allow Congress the opportunity to reform existing wetlands policy.

Even if Congress does not act, however, S. 343 will force agencies to recognize common sense and sound science when promulgating wetland regulations. And when agencies begin to act in a rational manner, maybe we can avoid situations like the one in Iowa that I am about to describe.

Mr. President, as I travel across my State and talk to farmers and other property owners, I hear many stories of senseless regulations and bureaucratic nightmares. But the problems of a farmer in Greene County, IA, may be the most vivid example of the need for common sense in rulemaking.

This particular farm in Greene County has been continuously cropped for almost 90 years. The original drainage system was installed in 1906.

As this chart illustrates, from 1906 until 1992, the land was framed and no wetland existed on this part of the farm. In 1992 this all changed.

During the summer of 1992, the local drainage district decided to replace the original system with an open ditch. This was all carried out in consultation with the Soil Conservation Service.

Prior to the construction of the ditch, the owner of the farm was informed by the SCS that the ditch would result in the creation of a small wetland, about 150 feet on each side of the ditch.

After the ditch was installed, however, the SCS district office changed its mind and classified 14.2 acres as ''converted wetland.''

Now once a farmer has part of his farm declared a wetland, it can no longer be cropped. So in effect, the Government is depriving this farmer of the economic use of his own property, even though the farmer did not create the wetland, and even though the land had been farmland, not a wetland, for the past 90 years.

At that point, the only recourse available to the farmer was through

the appeals process. In this case, however, the appeals process only made the situation much worse.

Before the first appeal, the SCS had already changed its initial wetlands classification of 14.2 acres to 10.8 acres. The SCS area office confirmed this designation during the first appeal. At the second appeal, the State SCS office decided that the wetland was actually 17 acres. And at the final appeal level, at the SCS national office, the wetland was determined to be 28.2 acres.

Mr. President, as you can see on this chart, this farm was cropped from 86 years. But then, through no fault of the farmer, the SCS decided there was a wetland on this land. And this wetland apparently was expanding rapidly—from 10.8 acres to over 28 acres in less than 2 years

Keep in mind that nothing had happened during this time that actually changed the size of the wetland. The farmer did not farm the land. The drainage system was not expanded. And no additional water was present in the area.

The only difference was the way each level of the agency interpreted the wetland regulations. And undoubtedly, the lack of common sense contained in the underlying regulations caused this confusion within the agency.

All of this sounds ridiculous until you consider that a real price is paid by our citizens who are subject to these regulations. The farmer in Greene County, IA will lose thousands of dollars in future income because the bureaucracy decided that he could not farm his land. Even though this land had been farmed continuously for the past 90 years.

It is cases such as this that undermine the faith that Americans have in their Government. It is cases such as this that motivate the electorate to throw out a party that has been in control of Congress for the past 40 years. And if S. 343 will help just one person like the farmer in Greene County, IA, then the Senate should pass this bill and the President should sign it into law.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am about to propound a unanimous-consent request that I think will get us to the Boxer amendment. I ask unanimous consent that, following the remarks of myself and Senator MURRAY—I will not be very long—the Johnston amendment be laid aside and that Senator BOXER be recognized to offer her amendment.

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

Mr. JOHNSTON. Reserving the right to object. And I appreciate my friend from Utah working on this issue of the environmental cleanup, and I hope we will successfully do it. I note that we have been on the amendment for about 3 hours and that it is not a delay coming from this side. I simply mention that to say that I hope we will be able to get time agreements from now on and be able to move expeditiously. We made great progress today so far. And we will continue.

Mr. HATCH. I appreciate that.

Mr. GLENN. Reserving the right to object. I wonder if it will be possible to get a time agreement. Will the Senator give us any idea how much time it will take? We are going to try to—I will tell everybody I would like to get time agreements on everything that comes out from now on.

Mr. HATCH. I do not think Senator BOXER——

Mr. GLENN. We have to wait on the time agreement. She can go ahead and proceed. I will not object to the UC.

Mr. HATCH. Can I reverse the UC, because I understand Senator MURRAY is only going to take 3 or 4 minutes.

Mr. GLENN. Senator BOXER has to come to the floor.

Mr. HATCH. Senator MURRAY is going to speak on Superfund. Why do I not reverse that, have her speak first, I will speak second, and then Senator BOXER can offer her amendment.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Utah. I simply rise today to support the Johnston-Baucus amendment that strips the Superfund provisions from this bill. It touches on one of the most pressing issues facing my home State of Washington: the cleanup of the tons of nuclear waste that is contained at the Hanford Reservation.

The bill before us specifically targets Superfund sites and subjects activities costing more than $10 million to immediate cost-benefit analysis and risk assessment. This assessment will be required even where agreements have been reached and cleanup has already begun. All cleanup would come to a screeching halt so that the Government could analyze the benefits of cleaning up toxic waste.

Hanford cleanup has come under intense and justified scrutiny by this Congress. Its critics have railed that it has cost billions of dollars and has resulted only in reams of documents, not any actual cleanup. This bill would only exacerbate those problems. Cleanup that is finally getting underway would stop while the Department of Energy conducted potentially dozens of more analyses on the benefits of cleaning up the nuclear waste that today is seeping toward the Columbia River.

Mr. President, there is a lot we do not know about the risks of radioactive waste. We do not know how to clean it up, where to store it, or how fast it migrates, or any number of things. Because so much is unknown, a detailed generic cost-benefit analysis and risk-assessment process would be endless and very costly.

Let me add, however, that while I do not support the cumbersome approach taken in the current bill, I do believe the Hanford site and other Superfund sites will benefit from a cost-benefit analysis. In fact, I will encourage us to move toward a bill that incorporates risk assessment and cost-benefit analysis into the decisionmaking structure at Hanford. We should try to develop a bill that requires consideration of costs but does not impose inefficiencies or unnecessary taxpayer-funded analytical costs that result only in reports, but we should not do it on this bill.

Finally, I would like to remind this body that the Department of Energy is facing tremendous budget cuts and possibly elimination. Burdening it with this review process while at the same time demanding that it improve the pace of its cleanup and reduce costs is a recipe for disaster in my home State.

This bill is not the place to make the reforms most of us believe are necessary to improve Superfund. The place to make those changes is in reauthorization of CERCLA before the authorizing committee with its indepth knowledge of this important law.

For these reasons, I urge my colleagues to support the Johnston-Baucus amendment to strip the Superfund provisions from this bill. Both current and future citizens who live near our Nation's nuclear waste facilities will thank you.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

RACIST ACTIVITIES AN OUTRAGE

Mr. HATCH. Mr. President, I am going to divert from this bill for a minute on a matter that I consider to be of extreme importance. I have been reading some accounts in the newspaper, and I would like to take a moment to address something that deeply distresses me.

According to certain press reports, several current and former Alcohol, Tobacco and Firearm agents participated in a so-called good old boys roundup, an event that is alleged to have involved hateful, racist conduct.

As many of my colleagues are no doubt aware, this event involved hundreds of Federal, State, and local law enforcement agents. When African-American agents tried to attend the event, however, they were turned away. According to various news reports, participants at the event displayed blatantly racist signs and sold T-shirts displaying, among other things, Dr. Martin Luther King's face behind a target and a picture of an African-American man sprawled across a police car with the words ''Boys on the Hood.''

Apparently other things were available for sale that are, frankly, too despicable to even be mentioned on the Senate floor. I can only express my outrage and anger that such activities of this type could occur in America and especially when law enforcement officials are involved.

Mr. President, it means something to me and I think every American—it means something—for a person to be a law enforcement officer. Among other things, it means that the American people have placed their trust in that law enforcement officer. It means that they represent the people, all the people. And it means that they have taken an oath to uphold and enforce the law, and if we cannot rely on law enforcement officers to do that, upon whom can we rely?

That any American, but especially any law enforcement officer who holds a sacred trust, would engage in these racist activities is an outrage, and it must be condemned. To be an effective law enforcement officer, you must have the trust and the respect of our people. Indeed, law enforcement officers take an oath to defend the community. When law enforcement officers engage in racist activities, they betray the trust of the people and they disgrace the uniforms that they are empowered to wear.

This is not only a concern of African-Americans, this is a concern to all Americans. We have a right to expect that our law enforcement officers will treat all citizens equally. If the press reports are true, and these officers engaged in hateful racist conduct, not only must their actions be condemned, but they should be dismissed from their positions, for no one in whom the people's trust is placed should be allowed to destroy that trust by engaging in such hateful behavior.

No doubt some of the participants will say that they were aware of what was going on but did not directly participate. I would ask them, What were you thinking? If you were at a party and people were selling drugs, would you not do something as a law enforcement officer? Those who would stand by while others engage in this kind of conduct are no less guilty than those who turn their heads when crimes are committed on the street. We simply cannot tolerate any sort of racist conduct on behalf of our law enforcement officers, not of any sort by any law enforcement officers.

I hope Director Magaw will take swift action to determine whether these allegations are true and, if so, to dismiss those who are involved.

Similarly, I would tell State and local law enforcement agencies to purge themselves of agents who would violate the people's sacred trust by engaging in such hateful activities. This is America. We are one Nation under God. We are a Nation that guarantees liberty and justice to all people. When one citizen is mistreated regardless of race, color, or creed, all citizens should be outraged. And when a person clothed with the authority of the people engages in hateful conduct, that person's conduct must be condemned by the people. We simply cannot condone racial discrimination in any of its vile forms.

Having said that, I have to say almost all law enforcement officers are good, decent people, but those who betray the public trust by displaying deplorable judgment and terrible prejudice, they forfeit that trust.

Let me be clear that this is not the voice of political correctness. Being a law enforcement officer is a public trust, because public-safety matters of life and death are in the hands of law enforcement officers. The overwhelming majority of our law enforcement officers are really good people. But if someone authorized to wield a gun in the name of the law can organize and find comfort at gatherings such as the one I have described, that person does not deserve the people's trust.

Faced with a threatening situation, or the perception of a threat, can we be confident that such an agent would not react based on prejudice if the situation involved an African-American or some other minority person?

This is not a matter of concern only to African-Americans, I might add. Prejudice is not so readily limited. But I would not want someone exhibiting such terrible judgment and prejudice enforcing the law with respect to me either. If it is determined that these various officers have done these things and that these accounts are true, then, I reiterate, those law enforcement agents who knowingly participated ought to be fired. They ought to be terminated. We should not have them in positions of trust among the people. They should certainly not wear the badge of the Alcohol, Tobacco, and Firearms Bureau.

Having said that, I hope that the director will get behind this, find out exactly what the true facts are, determine who the people are who are culpable and responsible for this kind of activity. I think they should be fired on the spot.

It is just one of those things that you just cannot tolerate in a society as great as ours.

I yield the floor.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I know there has been a unanimous-consent agreement. Do we have any time agreements or just consent to start something?

Mr. HATCH. We did not have any time agreements because the Senator from California was not here. Now that she is, we would like to work out a time agreement.

Mr. GLENN. If the majority leader will yield, we are going to try to get time agreements for everything coming to the floor from now on. I hope we can get 15 minutes a side for everything that comes to the floor. We are going to propose that. I hope people listening can think about this and agree to it. We have been wasting time with people talking, and also on various subjects that do not have anything to do with the legislation that we are considering here. So I hope everybody can come up with time agreements, if possible.

Mr. DOLE. In some cases, there may be second-degree amendments on either side. So it may take a bit longer than 30 minutes.

Mrs. BOXER. Mr. President, I ask the majority leader, if he will yield on that point, I feel very strongly that I want to have a vote on my amendment. If there is going to be a second-degree, I will not agree to a time agreement. I will be happy to agree to 15 minutes on each side, but if there is a second-degree, I cannot agree because there is no way for me to get a vote on my underlying amendment. It is a problem for me.

Mr. GLENN. I think that would be the general attitude all the way through this thing. Unless we know what is coming up on the second-degree amendment, we are not likely to agree to a time agreement on it. If we can agree to these things without second-degreeing everything——

Mr. HATCH. But we do not even know the form of the amendment.

Mr. DOLE. We do not even know what the first-degree amendment is.

Mr. HATCH. That is the way the Senate operates.

Mr. GLENN. Then maybe we cannot get time agreements.

Mr. DOLE. Mr. President, at 11 o'clock, we said we were going to start mowing them down around here, and I know the Senator from Louisiana was surprised when I filed cloture. But, frankly, I was surprised when he offered an amendment to knock out Superfund. I did not know that was going to happen. So there has been a double surprise here. We are trying to come to grips with that amendment.

In the meantime, I think there has been agreement to go to the amendment of the Senator from California. But to suggest that we cannot get time agreements and you cannot offer second-degree amendments, then I think we are going to be in real trouble, because both sides always reserve the right to offer second-degree amendments. It seems to me that it is something we need to work out before we start.

Mr. President, the liberal opponents of commonsense regulatory reform must be celebrating after watching some of this week's reports on the evening news, and reading some of the stories and columns in some of our most distinguished newspapers.

Last night, a report on ABC's ''World News Tonight'' claimed Republican supporters of regulatory reform are ''on the defensive.'' And it is no wonder, considering how the media have fed the American people a steady diet of phony claims that we are out to promote tainted meat and unhealthy food.

Liberal New York Times Columnist Bob Herbert a few days ago took a page

out of the liberal consumer activist playbook, labeling our regulatory reform bill ''An all-out assault on food safety regulations,'' adding that it ''Would block implementation of the Agriculture Department's meat safety initiative for 2 to 3 years, and probably longer.''

If this outright distortion wasn't enough, listen to this from Margaret Carlson's ''Outrage of the Week'' on CNN's ''Capital Gang'': ''Senator BOB DOLE, under the guise of regulatory reform, is letting the meat industry lawyers block this [meat safety test].'' Wrong again.

One network aired a report Monday night that included the following, and I quote:

With Senator Dole's regulatory reform bill, industries could challenge rules they considered too costly or too burdensome. Thirteen-year-old Eric Mueller died in 1993 from E. coli poisoning after eating a fastfood hamburger. His father says any delay in adopting new meat inspection rules is a travesty.

This is indeed a tragic story. The only problem is, this report, like so many others, was simply wrong in its suggestions about this bill.

Our legislation has always made it explicitly clear that regulations are exempted from any delay if there is ''an emergency or health or safety threat.'' Additionally, the Agriculture Department has already conducted a cost-benefit analysis of the meat inspection rule and it passed. But the facts did not stop that network from reporting Monday night that, ''A delay is looking more and more likely.''

However, on Tuesday, if it was not clear enough already, we specifically added to the bill the words ''food safety, including an imminent threat from E. coli bacteria.''

But that did not stop the media's drumbeat on food safety. Last night, a network anchor for whom I have great respect claimed that on regulatory reform, Republicans ''went further than the public may want on the issue of food inspection.'' Wrong again. I do not know how many times we have to say it to get the media to understand the fact that this bill does not compromise food safety. Yesterday, the former head of the FDA and four eminent scientists and physicians spoke at a press conference to explain how our bill protects food, health, and the environment—but the media did not seem to notice. I did not see it anywhere. It was not on ABC News, CBS or NBC. They get some liberal Senator on the floor to make some claim, and that was the news. That was the liberal spin and the one the media jumped to in a second.

But ABC did not stop with the issue of food safety. Then they broke out the chainsaws, the strip mining, pesticides, potentially dirty drinking water, and cute endangered animals in their effort to explain the impact of regulatory reform. They do not know any bounds once they get carried away with the liberal spin in this body.

Mr. President, these are just a few examples of the kinds of distortions we have had to confront on this bill. And I am not the only one who has noticed this trend. According to a study released last week by the Advancement of Sound Science Coalition, ''media coverage of the congressional debate over environmental regulatory reform slants 'clearly against the regulatory revisions.''' According to Dr. Robert M. Entman of North Carolina State University, who conducted the study, there was a 3-to-1 negative imbalance in news stories about reform between last November and this May 11. Not surprisingly, the study claims that 74 percent of paragraphs that evaluated reforms were critical, criticism reached 87 percent on editorial pages, and 70 percent of the stories on the commercial television networks and in weekly news magazines criticized reform. I ask unanimous consent that the Advancement of Sound Science Coalition's statement about its study be printed in the RECORD.

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

MEDIA REPORTS SLANTED AGAINST REGULATORY REFORM EFFORTS, STUDY SHOWS

WASHINGTON, DC, July 7, 1995—Media coverage of the Congressional debate over environmental regulatory reform slants ''clearly against the regulatory revisions,'' according to a study released today by The Advancement of Sound Science Coalition (TASSC).

''While some outlets refer in favorable terms to the general idea of reform, most devote far greater space and time to denouncing the specific legislation calling for rigorous application or risk and cost benefit analysis,'' according to the study, conducted by Dr. Robert M. Entman, Professor of Communication, North Carolina State University and Adjunct Professor of Public Policy, University of North Carolina (Chapel Hill).

''This study demonstrates once again that the media, whether it is consciously aware of it or not, is portraying important, scientific issues in the same 'who's up, who's down' play by play style of reporting that they use in describing political campaigns or football games. While all stories deserve more balanced treatment, stories involving science cry for more fair reporting,'' said Dr. Garrey Carruthers, Chairman of TASSC, a national organization of scientists, researchers, academicians and others.

The most striking finding in Dr. Entman's study is the ''negative imbalance in covering the proposed reform legislation.'' Dr. Entman said that there was a three-to-one negative imbalance in news stories about reform. Fully 74 percent of paragraphs that evaluated the reforms were critical. On editorial pages, criticism reached 87 percent, a seven-to-one negative ratio. Among his other findings:

70 percent of the stories on the commercial television networks criticized reform.

Weekly magazines surveyed also were 70 percent critical.

Certain key words function to reinforce negative impressions. For example, the word ''lobby'' or related words show up 10 times as often when referring to those supporting reform as those opposing it, even though both sides are lobbying the Congress.

Headlines, which frame the audience's emotional response to the content of the story, were often emotional or slanted opposed to the reform ideas. For example, Time magazine's ''Congressional Chain Saw Massacre'' or Newsday's ''GOP Frenzy Is Gutting Safety Rules.''

Visual images portrayed supporters of reform as enemies of the environment. For example, scenes of industrial plants with numerous pipes and tanks; smokestacks spewing smoke; a large bulldozer. Viewers were repeatedly exposed to ''archetypal images of pollution and danger,'' the report states, images likely to ''stir negative emotions toward reform.''

While analysis of the ''why'' of this media slant was beyond the scope of Dr. Entman's study, the report says, ''reasons go beyond the standard interpretation of liberal bias. They include the media's tendency to oversimplify; journalists' lack of training in policy analysis; and the commercial incentives that news organizations interpret as requiring appeals to emotion over cognition.''

Dr. Carruthers said TASSC commissioned the study because ''we want to offer information on how scientific issues are communicated to the public as another means of ensuring that only sound science is used in making public policy decisions.''

''Too often, legislation or regulations are the result of political decisions, where the science does not back up the action. One way to better understanding this phenomena is to understand how the media portray scientific issues. TASSC is committed to pointing out not only when unsound science is used to make a decision, but also to point out the media's important role in the public's understanding of science and research,'' Carruthers said.

To conduct his study, Dr. Entman examined 29 major newspapers across the country, Time, Newsweek and the three broadcast network evening news programs. Stories review included those published or broadcast between November 1, 1994 and May 11, 1995.

Mr. DOLE. Mr. President, I know the media have a tough job to do. But if I believed everything I saw on the evening news or in the newspapers, I would vote against this bill, too. I imagine if all of the anchor people were on the floor, they would vote against it because they would not read it. They would just listen to some liberal on the other side of the aisle and swallow it all and say ''I am against it.'' Fortunately, the facts are on our side, even if some folks in the media are not.

This is not a question of partisanship, not a question of anything but commonsense reform. Maybe those who report the news at the big networks do not worry about things that people have to put up with, the people in my State of Kansas, like businessmen and women, farmers, and ranchers. That is not their concern. They buy into ''the more Government the better.'' If you have little Government, let us have a little more regulation, which costs the average family $6,000 a year.

So we will continue to try to correct the record. We know that it will never make the news. In fact, I challenged the media yesterday, when we had all these imminent scientists and a former FDA commissioner there, to report something they said. There was not one peep, because they were trying to give us facts, not the liberal spin. It makes a great difference in this body and in this town.

Mr. GLENN. Mr. President, I would like to reply to the distinguished majority leader's statement. I want to make it very clear that in S. 343 we say

that if there is a real problem, the agency can make an exception and say that the rule can go in.

But the rule that could involve safety, health, E. coli, and cryptosporidium and all the rest of these things, in the original legislation, could only be in effect 180 days, to give them a chance to take into account all the requirements of the law, and then unless they had it done within 180 days, the regulation that protected the health and safety of people in this country would be negated. It would no longer be effective.

Now we have changed that on the floor this evening with the proposal by Senator JOHNSTON that makes it 1 year instead of 180 days. Most of these regulations take 3, 4, 5 years to come into final form. We still have the danger there that we can, with this legislation, have a requirement to complete all this re-analysis in 180 days. It is not done, the regulation goes out, and whether it dealt with E. coli, cryptosporidium or the other things that have caused actual deaths in the country and we know are dangerous, and not need a new investigation, but the regs would be knocked out.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. GLENN. I am happy to yield to the Senator.

Mr. ROTH. It is true under the original legislation that not later than 180 days after the promulgation of the final major rule to which the section applies, the agency shall comply with the provisions of the subchapter, and as therefore necessary revise the rule.

But I am not aware of anywhere where it says the rule is terminated.

Mr. GLENN. The rule could be judicially challenged because it had not complied with the requirements of the legislation, so there would be a judicial challenge. The Senator is right. There would have to be a judicial challenge, but we are such a litigious society today, I do not doubt there would be multiple lawsuits if there is any crack in the law that can benefit a meatpacker or food processor or whoever it may be.

Mr. ROTH. I do not think the court would terminate the rule. A person could go into court and ask that they force the agency to comply with the requirement that the analysis be made.

I think the important point to recognize and understand, there is nothing in this legislation, unless the distinguished Senator form Ohio knows something I do not know, that provides for the termination of the rule.

Mr. GLENN. Let me reverse this. Does the distinguished Senator from Delaware——

The PRESIDING OFFICER. Under a previous order, the order of business was to recognize the Senator from California. If the Senator would wrap this up in a few seconds.

Mr. GLENN. Mr. President, I ask unanimous for 2 more minutes.

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

Mr. GLENN. I ask my distinguished friend from Delaware, is there anywhere in there that says there cannot be a judicial challenge? I know there is not. That means there would be a judicial challenge, the analysis would not be completed, the time would have run out.

Mr. ROTH. The question is, was it violated? If they do not make the study within the times required, then, yes, they can go into court and force the agency to make the study.

There is nothing in it that requires the termination of the rule.

Mr. GLENN. The Senator does not think there would be a judicial challenge?

Mr. ROTH. Not under these circumstances.

Mr. GLENN. I think that is guaranteed in this. We would have a judicial challenge to this, and the rule would be out because the studies had not been completed.

Mr. ROTH. It says here in the legislation a major rule may be adopted and may become effective without prior compliance with the subchapter. It specifically provides the rule shall become effective.

Mr. GLENN. Followed by subchapter—if the agency in good cause finds conducting cost-benefits impractical and so on, but then not later than 180 days, which is now changed to a year after promulgation.

The final rule to which this section applies, ''the agency shall comply with the provisions,'' if they have not done so, it would be subject to judicial challenge. With the provisions of this subchapter, each one of those subchapter provisions would have to be met, or the judicial challenges, and it is thereafter necessary to revise the rule, and if they have not done that, it would still be subject to judicial challenge.

Mr. ROTH. But nowhere does it say the rule terminates. In fact, to the contrary. It says the rule goes into effect. The language that the Senator just quoted does give the right to go into court and require the agency to make the appropriate study. That is all it does.

The PRESIDING OFFICER. Amendment No. 1517 is set aside. The Senator from California is recognized to offer an amendment.

AMENDMENT NO. 1524 TO AMENDMENT NO. 1487

(Purpose: To protect public health by ensuring the continued implementation of mammography quality rules)

Mrs. BOXER. 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 California [Mrs. BOXER], for herself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. DORGAN, Mr. KENNEDY, Mr. REID, Mr. BUMPERS, Mr. BIDEN, Mr. LEAHY, Ms. MOSELEY-BRAUN, and Mr. DASCHLE proposes an amendment numbered 1524 to amendment No. 1487.

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Is there objection to dispensing of the reading of the amendment?

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

The PRESIDING OFFICER. The clerk will report.

The amendment is as follows:

On page 19, line 7, strike the period and insert the following:

''; or (xiii) a rule intended to implement section 354 of the Public Health Service Act (42 U.S.C. 263b) (as added by section 2 of the Mammography Quality Standards Act of 1992).''.

AMENDMENT NO. 1525 TO AMENDMENT NO. 1524

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1525 to amendment No. 1524.

The amendment is as follows:

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

It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, or water or food borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious and parasitic diseases.

Mr. DOLE. Mr. President, I believe this is a responsible second-degree amendment, that we can dispose of a number of these issues in the spirit expressed this morning by the Democratic leader and managers of the bill so we can move on and try to complete action on this bill no later than next Tuesday. It is offered in that spirit, the spirit of cooperation.

My view is it is a good amendment. I hoped it might be acceptable. It seems to me that it would save hours and hours of debate here and put to rest all the arguments that some people like to make about which party or which side of the aisle is more concerned about some of the health and safety regulations. We are ready to stipulate we are just as concerned as they are on the other side. We think this would lay that to rest. I would hope the amendment would be accepted.

Mr. HATCH. Mr. President, we have now been on this bill 6 days and we have handled very few amendments. One reason is that everyone wants to exempt some rule or other, or some special interest or other, or some issue or other, from the provisions of this

bill. This bill's whole purpose is to make sure that the best available science is applied to regulations.

Now, the distinguished Senator from California is very sincere in bringing up her amendment. But, it is another in a series of amendments that we will spend the next 3 months debating if we do not find some way of making clear that the only purpose of this bill is to improve the regulatory process and that everybody should support that goal.

No one is more concerned about breast cancer than I am. It is a grave, grave disease, and each and every Member in this body is disturbed about its incidence and the increase in its incidence. I do not want to see standards delayed unnecessarily any more than Senator BOXER or Senator MURRAY or Senator GLENN.

First of all, I think it is important to know that the Mammography Quality Standards Act was enacted in 1992, 3 years ago. If the proponents of this amendment want to talk about hamstringing the FDA from issuing regulations on the bill, I think they ought to ask themselves, ''What has the FDA been doing in the almost 3-year period since the bill's enactment?'' They have controlled the FDA for a year and a half of that time.

I understand that my colleagues have stated today that new, proposed regulations are expected this fall to implement the bill. I think we ought to ask ourselves, ''Why has the FDA allowed almost 3 years to elapse before the regulations are issued?''

I can answer part of that question. The program is already up and operating. The program is already up and operating.

As I believe Senator GLENN noted earlier, the program is operating under interim final regulations issued on December 23, 1993. Interim final regulations are, by definition, final. They have the full force and effect of law. There is no requirement that they be made final.

I would just like to ask my colleagues, ''What public health issues have been raised that need to be addressed now in new regulations?''

The second thing I would ask is this, ''If these regulations are such a priority and are needed to save women's lives, then why, on May 8, when the administration issued its regulatory agenda for the year—and I am holding the Federal Register which contains that agenda—then why did the administration when it issued all of its regulatory priorities and set target dates for each regulation, why did they not list a projected date for the MQSA final regulation?

In fact, they did not list an October date or a September date or any date. Ten weeks ago they talked about the current interim final regulation. They did not even mention a new, proposed regulation in the book that was supposed to outline the whole regulatory agenda for the government. In other words: It was not a crisis then, so why is it a crisis today?

I know my colleague, Senator BOXER, is worried that the Act would get caught up in the $100 million threshold in the bill and would be subject to cost-benefit analysis. In fact, in the administration's own regulatory plan, issued only 10 weeks ago, that is just 2½ months ago, the administration printed the following in the Federal Register: ''Mammography Quality Standards Act of 1992, Anticipated Costs and Benefits: Direct Federal costs in 1994 are $13 million.''

That is $87 million less than what would trigger this bill's cost/benefit requirements.

The administration goes on to say:

> There are approximately 10,000 mammography facilities in the United States. Approximately 8,200 have accreditation or have applied for accreditation and will not incur significant additional cost. The remaining 1,800 facilities will incur approximately $26 million in one-time costs, and recurring costs of about $27 million. Amortizing the one-time costs, the annual costs of the interim rule is about $33 million.

This $33 million is still $67 million less than needed to trigger the effect of this bill.

Thus, the OMB certified estimate, printed in the Federal Register only 10 weeks ago, was $33 million. That was 10 weeks ago.

How can it be over $100 million today? Or anywhere near $100 million now? Or even within the next number of years?

I would like to ask my colleagues who offer this amendment another question: ''Why will it take years for FDA to do a cost-benefit analysis on something as important, as significant, and as understandable as the Mammography Quality Standards Act of 1992?''

I suspect part of the reason is that FDA historically has not had a very good record of moving things through very quickly. This is abundantly true with drug approvals, now taking 10 to 15 years at a cost of hundreds of millions of dollars for a major drug. No other country in the world takes that amount of time.

Medical device approvals are also lagging way behind the expectations of Congress. This is true for countless other regulatory undertakings.

In fact, with the FDA we have an agency which is fighting S. 343 as hard as it can.

We have an agency which is sending up packets of information, raising all sorts of red herrings about this bill. We have an agency who wants business as usual, who wants to preserve the status quo, who does not want the pressures that this bill will bring upon them to do their job in a better fashion and in a better manner.

I am not sure we can count on the FDA to seriously take into account the mandates of this bill with this kind of attitude.

I would also like to ask why women should not have access to the most cost-effective procedures? I think it is important to note that our bill does not have the so-called supermandate provision. Our bill does not change any existing requirement of Federal law with respect to the need for quality standards for mammography clinics, including the quality of the mammograms, the training for clinic personnel, or recordkeeping.

All our bill does is say that in implementing the law, the agency must act in a way so that benefits outweigh costs. It goes to the process of implementation, not the need for implementation.

As one who, as I think everybody in this body knows, was very involved, with Senator Adams and Senator MIKULSKI, in drafting the Mammography Quality Standards Act of 1992, as one who has been a leader in this effort, I wish to point out that I recognize the need for that law.

But I also think both the Act and American women can benefit by subjecting the law to a cost-benefit analysis. Especially if the costs of regulation under this law reach a threshold of $100 million in this country.

I am aware that last year one rural hospital in Utah had to close down its mammography machine because of the implementing regulations.

I would suspect that this has not led to better quality mammograms for the citizens of that rural area. I suspect what it means is that women in that rural area will not get mammograms at all, because of some of the bureaucratic ensnarlments which occur in the implementation of legislation, and indeed at times, in the legislation.

S. 343 is essential and it should not be continually tested on this type of basis—which some believe is purely a political basis—when it only delays going forward on this bill.

I do not think that my constituents in that rural Utah community have benefitted by this situation. I do not think that is the way the law or the regulatory process are supposed to work.

I think that the FDA is fighting this bill with everything it can because this bill will correct a lot of the excesses out at the agency, and, indeed, at every Federal agency. It will make them do better, do a better job of regulating.

So it keeps coming back to the question of why women should not have access to the most cost-effective procedures?

As I say, I was involved in writing the MQSA. I have been involved with this issue for years, and with virtually every other health care issue.

I understand how important the MQSA is. Frankly, this bill would not have the dire effects on the MQSA that proponents of this amendment allege, even if the costs of regulation under the law should rise to the level of $100 million—which they will not according to an official appraisal by the administration just 10 weeks ago.

Let me just mention what the second-degree amendment that Senator DOLE has filed says:

It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, water or food-borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious and parasitic diseases.

You know, the 10 leading causes of death have just been pretty well defined in this sense-of-the-Senate resolution. It makes it clear the Federal regulators can go right ahead and promulgate regulations that are necessary in this area.

What this bill requires is that they do it in a good, cost-efficient manner with good risk assessment considerations as part of the process.

This makes sense.

But the reason we listed all of these diseases in the amendment is that we know we are going to get papered to death on the other side with amendment after amendment with every special interest trying to exempt themselves from the effects of this bill, when in most cases they would be exempt anyway, just as mammography is. This is all for the purpose of making political statements.

We think it is time for the Senate to get around to passing this bill. We need to get time agreements and debate the serious issues that are really needed to resolved, including the amendment of the distinguished Senator from Louisiana.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Ohio.

Mr. GLENN. Mr. President, I point out that the second-degree amendment starts out with ''It is the sense of the Senate.'' That is all it is, a sense of the Senate. It does not give anything binding and has no standing in law whatsoever. It just says the thoughts of the Senate at the moment happen to be that.

What we are talking about is giving real protections here that the Senator from California is offering as a proposal to exempt this from some of the requirements that would be imposed upon it by S. 343.

One of the reasons she is concerned about this, of course, is because the existing rule, as has already been pointed out, is going to be improved. They have an improved regulation coming out supposedly in October. That would be subject now to all of the review processes. It would have to go back through all of the requirements that are in S. 343, the Dole bill. That does cause delay.

My colleague from Utah asks: Why can we not get it out? They have 3 years. What is the delay? If they are concerned about this, why do we not get that out?

I think there is a lack of knowledge around here about what a regulation is and how voluminous it could be. We used as an example yesterday just one. Let me give an example. This is important for people to understand. Regulations are not something you go over there for and have a little meeting, decide this is what you are going to put out, and then you put out the regulation. They are required by the law that we passed here to go through multiple procedures such as peer review, public meetings, and scientific analysis in all of these areas.

I use this as an example to show why it is not so easy to get a regulation out.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. GLENN. I would rather go through my statement. Then I will yield.

The Clean Water Act passed in 1972; was amended in 1972; an amendment passed in 1977; in 1987, it had another amendment. For the Clean Water Act, one of the things that was required was effluent limitations on metal products and machinery. It took 8 years to get that one regulation out of EPA. Could they have done it faster? I do not know whether they could have or not. But for the ''Effluent Limitations Guidelines and Standards for Metal Products and Machinery'', which is the title of it, it took 8 years to get out. This is just the index of that regulation, what is covered. I do not know how many pages it is. It is several hundred pages.

The other document we have here—this is what they were required to do by the law which we passed here. They do not dream these things up. They are by law. This is the development document for how they do the index and how they do the regs. This is the guideline for it—2 inches thick of fine paper.

Listen to this: The final documents on this regulation cover shelf space of 123 feet. To give some idea what that means, we asked the Architect yesterday how high this Chamber is. It is about 42½ feet. The regulations on this one regulation out of several hundred put out pursuant to the Clean Water Act of 1972 are 42½ feet. That means the documentation would be three piles of paper in this well to the ceiling right here—three piles of paper, and that is just one regulation and the backup substantiating documents.

Why do we need that much? I do not know. Look in the mirror, Members of Congress. Look in the mirror, Members of the Senate, as to why we required that much. We are the ones who put out the guidelines for the people as to what is required, what they have to do, and all the studies they have to make in order to make this whole thing work. That is what is required just in one regulation. That is the reason you cannot get these things out in such a short period of time.

We have had, under the Presidential Executive order, requirements to do some of the cost-benefit analysis and to do some of the risk assessment and so on that is being asked for here. Some of those things are already underway. But when we ask why they cannot get these things out faster, that happens to be one of the reasons.

I just hope that the public and the media that have been excoriated here a little bit this afternoon—not on this side of the aisle—but I hope the public and the media have been paying attention to the debate on this bill, because yesterday we spent most of the day trying and finally succeeding in getting votes on two proposals to exempt two rules now in the pipeline designed to protect our people from illness and from death:

The Daschle amendment to exempt from the potentially destructive provisions of this act a rule that protects meat and poultry from contamination with E. coli was defeated by a vote of 51 to 49; the Kohl amendment to exempt from the potentially destructive provisions of S. 343 a rule to protect our drinking water from contamination from cryptosporidium was tabled 50 to 48.

What do we want to conclude from those votes? What principles should we draw from those votes?

S. 343 has a number of exemptions built into it. No one seems to have pointed these things out. There are a number of exemptions already in this thing.

For instance, first, the IRS rules or other rules concerning assessment and collection of taxes and duties—these are all exemptions.

Second, any rule implementing international trade agreements. The Maquiladora in Mexico get an exemption, protection. For the safety and health of Americans, we do not.

Third, any rule that authorizes the introduction into commerce of a product like a bioengineered tomato is free and clear, for instance. It is exempted.

Fourth, any rule or agency action relating to the public debt—that is, selling a Government bond—is exempted, and should be. I agree with these.

Fifth, any rule required to be promulgated at least annually pursuant to statute. For instance, duck hunting rules. I favor this. We exempted duck hunting rules that have to be put out by Federal mandate each year. Duck hunting rules are exempt from this bill. But serious health and safety protections are not.

Sixth, any rule that approves corporate mergers and acquisitions. Wall Street gets an exemption. But the average American's protection from bad meat and bad water does not get an exemption. It does not get that same kind of exemption.

Seventh, any rule relating to the safety and soundness of banks and lending institutions is exempted.

Eighth, any rule by the FERC [Federal Energy Regulatory Commission] that reduces regulatory burdens is exempted. Electric utilities, for instance, get an exemption. For protection from bad meat and bad water, we could not even get that same kind of exemption.

Mr. President, I do not object to the above exemptions. I favor those exemptions. But I say along with it, do we not want to hit some balance and say that the health and safety of our families, of our children, our fathers and mothers, deserves similar protections?

The health and safety concerns addressed in the E. coli and the cryptosporidium votes yesterday are not imagined. Those dangers are not dreamed up dangers or mere possibilities. Quite the opposite. E. coli and similar foodborne illnesses kill some 3,000 to 7,000 people every year in this country. A couple of years ago in Milwaukee, cryptosporidium in the water supply made over 400,000 people seriously ill and 100 of them died.

So these are not imagined dangers, they are real dangers. We know the danger from them. They are not fictitious thoughts that need more and more and more review to determine if there is a danger. Nothing should be permitted to hold up the corrective regulations as could happen under S. 343.

I wish to protect the exemptions listed above. I think they are correct, and I am glad they are in there. Yes, we want to protect those, of course. But I would note that with the exception of duck hunting and the Federal Energy Regulatory Commission, the other six exemptions deal with economic matters.

Now, that, too, is fine as far as I am concerned, but I also firmly believe that we should show the same concerns for known health and safety matters with all of our people.

Mr. ROTH. Will the Senator yield for a question?

Mr. GLENN. Just a moment until I finish my statement here.

Now, it was also brought up that our side of the aisle, apparently it is being talked about that we are delaying things somewhat. It was said that the administration is sending up red herrings. Last night, the distinguished majority whip, I believe, termed them nit-picking on our side.

Yesterday, since we started debate on this bill, we have had 16 amendments put out, 11 by Republicans; 6 of those were withdrawn; we had five votes on Democratic matters here and these were on such things as E. coli, killing 500 people a year; cryptosporidium, from which 100 people died—foodborne diseases kill 3,000 to 7,000 people annually—votes on Abraham and Nunn on small business matters; Senator DOLE put forward an E. coli amendment himself; Johnston-Levin combined to deal with supermandate problems.

So I do not see that these are nitpicking, and these are not red herrings. These are very substantive amendments, most of them dealing with the health and safety of the people of this country.

What the Senator from California is talking about is something that is very important—mammography, the standards for it, and surely having that exempted so that they would not have rules delayed for several years, or the potential for the new and improved rules, they hope, to be delayed for several years, while S. 343, if passed, would force them to go back into a reanalysis that could take a lengthy period of time, as I indicated, from what happens under just one regulation and all the voluminous paperwork which is part of that process.

I do not see these things as being nitpicking as they were referred to last night, nor do I see them as a red herring now.

So I would like to point out once more before I yield the floor here that the second-degree amendment by the distinguished majority leader is a sense-of-the Senate and nothing more. It is not binding in law. And that is what the Senator from California is talking about. I do not disagree. I do not know whether I would vote for this sense-of-the Senate or not. I presume that I would. But it still does not have standing in law. And so it means nothing except it is filling up the tree and trying to delay things further, I guess. Delay on this one certainly is not coming from our side of the aisle.

I yield the floor.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. ROTH. Will the Senator yield for a question?

Mr. GLENN. I suggest the absence of a quorum temporarily.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON. Mr. President, I was going to ask the Senator from Ohio and perhaps the Senator from Delaware to tell me about the status of the rulemaking under mammography. What I wish to know is if the information I have is correct, which is that there is an interim final rule which has been published and is in effect on mammography. Is that correct? I ask the Senator from Delaware, does he know that, or the Senator from Utah?

Mr. HATCH. Yes, that is correct.

Mr. JOHNSTON. It is. And it has the effect of an interim final rule?

Mr. HATCH. That is correct.

Mr. JOHNSTON. And as I understand it, in October there will be a proposed rule to be published by the FDA. Some say it is not on the President's schedule; some say it is on the President's schedule. Does the Senator from Utah know?

Mr. HATCH. We have been told that that is the case, that there will be a proposal in October. However, it was not listed in the May 5 Federal Register which outlined the administration's regulatory program for the year. But we now have been told by the FDA that it is proposed for October.

Mr. JOHNSTON. There is in fact some doubt as to whether that will be——

Mr. HATCH. I do not think there is much doubt. I think it will happen, but I cannot guarantee it.

Mr. JOHNSTON. But it is a proposed rule to be published in October, by some statements?

Mr. HATCH. That is right.

Mr. JOHNSTON. There may or may not be doubt about whether they will actually go to the proposed rule, but they might as of October go to a proposed rule.

Mr. HATCH. That is right.

Mr. JOHNSTON. Now, that proposed rule——

Mr. HATCH. The odds are they will.

Mr. JOHNSTON. That proposed rule is not an effective rule; it is, in effect, a proposal for rulemaking which will require the full rulemaking process. Is that not correct?

Mr. HATCH. That is correct.

Mr. JOHNSTON. Now, I also understand that their analysis shows that it has a $97 million impact, and under the President's Executive order, which calls for risk analysis, which has a $100 million cutoff, that would not qualify under the President's order as a major rule?

Mr. HATCH. That is correct.

Mr. JOHNSTON. They are, however, as I understand it, treating this as a major rule. Is that correct?

Mr. HATCH. We are told that, but we do not know that. That is the rumor.

Mr. JOHNSTON. I understand that they are treating it as a major rule, that they are proceeding with a risk assessment and with a cost-benefit analysis as though it were a major rule.

Mr. HATCH. That is our understanding.

Mr. JOHNSTON. Now, I also understand that under the President's Executive order, this risk analysis which they are getting ready to perform and the cost-benefit analysis which they are getting ready to perform—first of all, has that been done, the risk assessment and cost-benefit analysis? Has it been done or is it a plan to do?

Mr. HATCH. We do not know whether it has been done. Certainly they should plan to do it.

Mr. GLENN. Mr. President, I was going to put in a quorum call because the distinguished Senator from California had to unavoidably be absent for a few minutes, and she asked I put in a quorum call. I did not know whether this was going to go on very long or not. I would like to wait until she comes back. She will return within 10 minutes, I understand. And I hate for all the discussion going on on her amendment without her being in the Chamber. She asked me to put in a quorum call for just a few minutes, and I will do that and delay things for just a few minutes. So I suggest the absence of a quorum.

Mr. ROTH. Will the Senator withhold that request? I had a question or two I would like to ask him.

Mr. GLENN. This is all on the same subject, though.

Mr. ROTH. Regarding the statement the Senator just made, a question referring to that.

Mr. GLENN. It is all on the same subject. I would rather wait until she gets back. I let this go a while in spite of her request. It is going to go on here for quite a while apparently, so 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. ROTH. I ask unanimous consent that the order for the quorum call be rescinded

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

Mr. ROTH. Mr. President, I would like to raise two or three questions with my distinguished colleague, the Senator from Ohio. I would like to point out that the legislation of the distinguished Senator from Ohio, S. 1001, of course, contains cost-benefit analysis, the same as does the bill before us. But in contrast to the legislation that we are considering which has an exception to the cost-benefit analysis, I wonder if the distinguished Senator from Ohio could tell me where S. 1001 contains any exception from the cost-benefit analysis where it is impracticable because of an emergency or health or safety threat?

Mr. GLENN. I would reply to my friend from Delaware that I think the major difference that protects the health and safety of the people in this country is that all the rules that are under S. 1001, all the rules in the pipeline stay in effect. We would not knock any of them out. We did not send them back and make them go through another long and lengthy process during which time the people would not have the same protection. And also we have no petition process in S. 1001. These things can be bogged down.

Mr. ROTH. I would point out to the distinguished Senator, what we are talking about is a future rule. And if we are not in the immediate case, there are going to be other situations where there are going to be serious threats to health or safety. My question to you is, where is the exception in your legislation where it is impracticable to be making a cost-benefit analysis?

Mr. GLENN. I am not sure in the future it is any different from this bill at all, as far as in the future. What we are talking about are all these things like E. coli, and cryptosporidium that there could have been a challenge made to them in this interim period after the April 1 cutoff.

Mr. ROTH. Let me point out that in S. 343, it specifically provides that ''A major rule may be adopted, 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 that is likely to result in significant harm to the public or natural resources.''

My question to you is, where is there that kind of exception, that kind of waiver in 1001?

Mr. GLENN. Well, let me tell you about E. coli in particular as it applies here. The agency has told us the rule that includes E. coli protection is a general one and cannot legitimately be considered an emergency rule. Accordingly, the emergency provisions of S. 343 do not apply to the regulation in the pipeline concerning E. coli. And the Dole amendment on E. coli does not prevent the USDA proposed regulation on meat and poultry inspections from being sent back to square one again for cost-benefit analysis and risk assessment.

Mr. ROTH. Again, as far as E. coli is concerned, that specifically is covered in our legislation. But again I would like to know the line and page in S. 1001 where there is an exception to the cost-benefit analysis along the same lines contained in S. 343.

Mr. GLENN. I cannot give the line and the page right now. But I will look it up here. We will try to get an answer very shortly.

Mr. HATCH. Will the Senator yield?

Mr. ROTH. Yes.

Mr. HATCH. The fact of the matter is that if there is no emergency, then why not do a cost-benefit analysis?

If there is an emergency, there is nothing in Senator GLENN's bill that takes care of it.

But there is in our bill which is now under consideration on the floor. Under section 622(f) and section 632(c)(1)(A), cost-benefit analysis and risk assessments are not required if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

There are no exemptions in the Glenn bill at all for cost-benefit analysis where there is an emergency.

I did not mean to interrupt you, but I wanted to point that out.

Mr. ROTH. I think it is important to understand that, in a case of health or safety threat. It does not have to be an emergency. The legislation provides that an exception can be made in the case of an emergency or health or safety. So there are three different exceptions. So there does not——

Mr. GLENN. I would point out——

Mr. ROTH. Or a threat.

Mr. GLENN. I would point out to my friend from Delaware the exception for that would only be for 180 days. Then it has to go through all the reanalysis and may be held up for years.

Mr. ROTH. That is totally inaccurate. There is nothing in the legislation that says the rule terminates.

Mr. GLENN. But it is judicially challengeable. And there is nothing in there that says it is not challengeable.

Mr. HATCH. We just accepted an amendment this morning to make 1 year.

Mr. GLENN. One year. I am corrected on that. The original language was 180 days in the legislation. And the Senator from Louisiana changed that to 1 year. And that is correct. That has been changed.

Mr. ROTH. I reemphasize a point I made earlier that it can only be challenged in court to have the analysis made. It does not result in the rule itself being terminated. As a matter of fact, this section starts out that a major rule ''may be adopted and may become effective without prior compliance with the subchapter.''

But a second question I would like to ask the distinguished Senator from Ohio is, he spoke about E. coli and of food poisoning and a number of others. And yet I do not find any of those matters to be listed in the Democratic list of concerns with S. 343. There were presumably 9 major problems with the legislation plus another 17 minor problems. But I do not recall seeing any of these issues being included as part of the problems with the 777 version of the Dole-Johnston substitute.

I have in my hand the document given to us by the Democrats as areas of concern with the legislation before us. At 9:30 this morning, we were supposed to have a discussion of these provisions or concerns. That was not held. But nowhere—but nowhere—do I see the issues raised in this paper that the distinguished Senator raised this afternoon.

Mr. GLENN. Obviously, we missed one. We have one more to add. Put it on. Fine.

Mrs. BOXER addressed the Chair.

Mr. GLENN. I am serious about that. One comment and then I will yield.

Mr. ROTH. I yield to——

Mr. HATCH. May I ask one question?

Mr. ROTH. May I ask who has the floor?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. HATCH. If I may ask one question of my colleague?

Mr. ROTH. I am happy to yield for a question without losing my right to the floor.

Mr. HATCH. If I may ask one question, whether it is 1 year, 180 days or 1 minute, is it not true that the rule will not terminate?

Mr. ROTH. Absolutely. That is exactly the point I have been making.

Mr. HATCH. The rule continues to remain in effect.

Mr. ROTH. Absolutely. There is nothing in the legislation that terminates the rule.

Mr. HATCH. That is true on the rule on mammography, is it not?

Mr. ROTH. Absolutely.

Mr. HATCH. So, what are we arguing about?

One reason we filed this perfecting amendment is because there is no need for this amendment from the distinguished Senator from California, because the bill addresses the issue. There is an interim rule. The fact they do not have a final rule is the fault of the administration and the FDA.

I will say that the amendment of the Senator from California will bring

about a beneficial but unintended effect, because I am quite certain the FDA is going to work hard to get their rule done by October. So that will be a good effect of this amendment, in my opinion, but I still believe there is no reason to keep making these special exemptions for anything. Is that not true?

Mr. ROTH. That is absolutely correct.

Mr. GLENN. No, that is not——

Mr. ROTH. Let me——

Mr. JOHNSTON. Mr. President, will the Senator yield for a question or series of questions, or does he want to finish his statement?

Mr. ROTH. I would rather continue just for the moment. I will be happy to yield in just a few minutes. I think it is extremely important to understand that in the Dole-Johnston legislation, on page 25, we have a specific exception to cover the case of emergency health and safety from the general rule of requiring a cost-benefit analysis.

Again, I find no such exception in S. 1001. As a matter of fact, I look on page 5 of S. 1001 and it says that:

> The term ''rule'' shall not include—
>
> (A) a rule of particular applicability that approves or prescribes for the future rates, wages, prices—

So forth and so forth.

> (B) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;
>
> (C) a rule relating to the safety or soundness of a federally insured depository.

It goes on with various housing, foreign banks, so forth.

> (D) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission pursuant to section 203 of the Communications Act of 1934.

Those are the exceptions to the rule, in contrast to our legislation where we specifically provide a generic waiver.

Nor do I find anywhere, and I again ask the distinguished Senator from Ohio, where there is any kind of exception in the case of E. coli or breast cancer in the legislation proposed by him.

Mr. GLENN. I reply to my friend from Delaware, in our legislation, S. 1001, rules in the pipeline are permitted to go ahead and be in effect, where under S. 343, they would have to go back and would have 1 year to comply. If they did not comply, then I do not see anything in here at all that says it could not be judicially challenged, which it could.

Mr. ROTH. What about next year under your legislation?

Mr. GLENN. You cannot guarantee getting these things through. Ours leaves things in the pipeline, and we have no petition process. The rules in the pipeline would stay in effect. That is what we are talking about.

Mr. ROTH. The question I am raising, if you have a situation arise where it is an emergency, a safety threat or a health threat in the future and it is impractical to make a cost-benefit analysis, where is the exception in your legislation?

Mr. GLENN. In the future—if we are talking about in the future, I think both pieces of legislation are pretty much identical to what happens in the future. We are talking about the interim period.

Mr. ROTH. That is the point I am making. Our legislation, S. 343, on page 25 has a specific exception to cover these situations. There is no such exception, no such waiver in S. 1001. If I am wrong, I ask for the page and line number.

Mr. GLENN. I think the difference on this, I reply to my friend, is that you have so many more decisional criteria that have to be complied with in this and all complied with within a year, which is not likely, in most cases, to be completed within a year.

Mr. ROTH. But I think the complaint, I will say, is the time that would take in making the cost-benefit analysis.

Let me ask you this. Does your legislation exempt E. coli? Does it have any exemption covering E. coli?

Mr. GLENN. It would not have to because in the pipeline that is covered, and we have no cutoff threshold that would knock it out of the pipeline, we let things in the pipeline stay in there. So E. coli—incidentally, while we are on the subject of E. coli, here is out of Tennessee right now, July 4, five cases of E. coli being treated. One woman, I think one child has already died, I believe it is. These are the press reports I was just handed a few moments ago, multiple newspaper reports about an E. coli outbreak in Tennessee right now. So these were not theoretical things we were talking about on the floor yesterday.

Mr. ROTH. The point I would like to make is, yes, there are going to be serious health, safety and other problems. But the important difference between the legislation before this committee and the amendment being proposed by the distinguished Senator from Ohio is that there is a waiver that anticipates what might happen in the future. That is a critically important difference.

Today it may be E. coli, tomorrow it may be heart disease, a third day it may be something else. But under our legislation, we have anticipated that situation by having a generic exception that covers those situations. That is the reason it is not necessary to spell out each of these exceptions as being proposed, except for public relations reasons.

Mr. GLENN. Let me ask this, then. Does the Senator from Delaware believe that rules in the pipeline now that deal with health and safety should be permitted to remain in effect without having to go through a whole new series of hoops?

Mr. ROTH. Well, we voted yesterday April 1 to make those effective under the Johnston amendment.

Mr. GLENN. I am talking about things in the pipeline that are not to be completed until after April 1. That is the whole area of contention right now—E. coli, cryptosporidium, and all the rest.

Mr. ROTH. Here the exception applies. That is the purpose of this exception. It applies to those that are in the pipeline.

Mrs. BOXER. I have a parliamentary inquiry.

Mr. ROTH. It applies in the future.

Mrs. BOXER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mrs. BOXER. I have a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Delaware yield?

Mr. ROTH. No, the Senator does not yield.

The PRESIDING OFFICER. The Senator has the floor.

Mr. ROTH. Mr. President, I think it is critically important to understand that the argument made by the proponents of the pending amendment is that a future anticipated regulation on mammograms would be delayed by compliance with S. 343, and that during such delays, lives would be lost.

In order to address such issues, the majority leader last Tuesday offered an amendment, which was adopted by the Senate, that provides that in exactly those circumstances described by proponents, the relevant agency may issue the rule first and allow it to take effect and, thereafter, finish compliance with S. 343.

Through the Johnston amendment, adopted today, the agency would have 1 year to finish its compliance. The language of that amendment says that a rule, such as the mammogram rule, ''may become effective without prior compliance''—Let me read that again: ''may become effective without prior compliance if the agency, for good cause, finds that conducting cost-benefit analysis is impractical due to a health threat that is likely to result in significant harm to the public.''

Mr. GLENN. Will the Senator yield for a question?

Mr. ROTH. Yes, I will be happy to yield for a question.

Mr. GLENN. But in that case, the rule would still have to go back and go through the new requirements of S. 343 on being reanalyzed, and a new rule as an improvement would not be able to go into effect until that had been completed, which may be several years later.

Mr. ROTH. No, no, that is not correct. Again, I will reread what I read twice. It says, ''may become effective without prior compliance * * *'' That is critically important.

What we are trying to anticipate in the language on page 25 of S. 343 is making certain that where a situation arises because of cancer, because of heart disease, or whatever it may be, the rule can become effective without making the cost-benefit analysis if the agency finds that conducting such analysis is impractical due to a health

threat. Our language is generic. It anticipates that there may be many different situations. That is the reason we do not want to get into spelling out exception by exception.

Mr. GLENN. Might I ask a question?

Mr. ROTH. Yes.

Mr. GLENN. I ask this question with specific reference to the mammography proposal. Would it be the opinion of the Senator from Delaware that the mammography proposal and the proposal that will be made in October, and on which a lot of work has already been done, those should be permitted to go through and be in full effect without having to go back and comply with a lot of new rules and regulations, as required in S. 343? In other words, it could go into effect and stay in effect.

Mr. ROTH. The agency has that authority under our legislation, that is correct.

Mr. GLENN. Without any challenge, without having to go back and go through the requirements of S. 343, is that correct?

Mr. ROTH. Basically, that is correct. They are expected to go ahead and make a cost-benefit analysis the year following. They are required to make it. But that, again, in no way terminates the rule. The rule continues so people are protected. That is what the whole point of the exception is.

Mr. GLENN. A point I made a while ago on what is involved in a regulation is that the likelihood of this being completed in a year is probably not very good. It is probably pretty remote. Most rules take several years to finalize. What happens at the end of that 1-year period? It would be judicially challengeable and could be knocked out. That is the uncertainty we do not want to leave people with. That is the construction of the argument right there.

Mr. ROTH. An individual can go into court and ask that the analysis be made. But that will, in no way, terminate the rule.

So the important fact is that we are protecting the American people, the American public. And where there is a health problem, an imminent threat, or whatever, an exception to the rule is allowed. So what we have done in S. 343, in contrast to S. 1001, has anticipated this need.

So, again, the distinguished Senator from Ohio made many complaints that, as I said, seem curious to me. He complains that the emergency is exempted and S. 343 is insufficient. Yet, his bill, S. 1001, has no exemption at all. The question is, why? Is it not needed? Again, he complains that S. 343 has no individual listing on the E. coli or mammography rule. Yet, his bill, S. 1001, has no exemption at all. Why? It is not needed.

Mr. GLENN. Are you asking me a question?

Mr. ROTH. No.

Mr. GLENN. Everything that is in the pipeline stays there. It does not have to go back for reanalysis. That is the reason.

Mrs. MURRAY. Will the Senator from Delaware yield for a question, Mr. President?

Mr. ROTH. My question is—

Mrs. MURRAY. Mr. President, will the Senator from Delaware yield for a question?

Mr. ROTH. In just a moment. Again, I want to point out that, in the future, a situation can arise under S. 1001 where there is a threat to health or safety, or an emergency and, yet, there is no exception, no waiver permitted under S. 1001. The important point, of course, is that this situation has been addressed in S. 343.

Mr. HATCH. Will the Senator yield for another question?

Mr. ROTH. I am happy to yield.

Mr. HATCH. Excuse me. We want to make sure this is understood. Is it true that this interim rule was issued in December of 1993 on mammography?

Mr. ROTH. Yes, that is true.

Mr. HATCH. Is it not also true that it was in the pipeline before April 1 of this year?

Mr. ROTH. Yes.

Mr. HATCH. Which is the date in this bill, and we protect rules in the pipeline, also, do we not?

Mr. ROTH. That is true.

Mr. HATCH. I think what the Senator is trying to explain here is that the Glenn bill has no protection, no exception at all for E. coli, mammography, or any of these other items. And we do. We provide that if there is even a threat, they do not have to do cost-benefit analysis or risk assessment.

Mr. ROTH. That is correct.

Mr. HATCH. If there is a threat, we do not have to do cost-benefit analysis or risk assessment.

Mr. ROTH. That is correct.

Mr. GLENN. No, it is not.

Mr. HATCH. Yes, it is.

Mr. GLENN. What the Senator says is not correct, no matter what you say. Our bill has the Administrative Procedure Act to go along with——

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. GLENN. Will the Senator yield for my statement?

Mr. ROTH. Without losing my right to the floor.

Mr. GLENN. The Administrative Procedure Act says that when the agency, for good cause, finds and incorporates the finding and a brief statement of reasons therefore——

The PRESIDING OFFICER. The Senator can only yield for a question. Does the Senator from Delaware yield for that purpose?

Mr. GLENN. Well, I will ask a question. Would the Senator agree with the Administrative Procedure Act, that it covers our bill, in that when it says, ''When the agency for good cause finds and incorporates the finding and a brief statement of reasons there in the rules issued, that notice and public procedure thereon are impracticable and unnecessary and contrary to the public interest,'' it would also mean that the agency could control what is an emergency and not? In your bill, it goes back for a year's reanalysis. It is required.

Mr. ROTH. I point out that the Senator is making my argument. That legislation applies, obviously, to S. 343. So what you are, in effect, saying is that none of these exceptions that have been discussed in the last 3 days are necessary because they are already covered by the Administrative Procedure Act.

Mr. GLENN. Well——

Mr. ROTH. That is the main point I have been trying to make, that these specific exceptions are not necessary. If you want to put it on the basis of the basic rule, fine. But I will also point out that, in our specific legislation, we have waivers both with respect to cost-benefit and with respect to risk assessment. So that is the reason we do not think any of these special cases are necessary.

Mr. GLENN. Would the Senator agree, then, that we should change S. 343 to just say that rules in the pipeline stay in effect?

Mr. ROTH. Mr. President, I would not.

Mr. GLENN. That means they have to go back through a whole new procedure that will delay them for years and years.

Mr. ROTH. The Administrative Procedure Act exception, as I said, applies to S. 343 equally. But we do have a better exception. The APA exception only applies to notice and comment for the rule. The exception in S. 343 applies to cost-benefit analysis, and that is what is critically important.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President. I ask unanimous consent to have printed in the RECORD a clip regarding E. coli that has been occurring in Tennessee in the last few days.

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

[From the News Sentinel, June 30, 1995]

BACTERIA STUDIED IN ILLNESS OF BOY, 11

(By Ken Garland)

MARYVILLE.—State health officials hope to know by this afternoon if an 11-year-old Maryville boy—hospitalized since Sunday—is suffering from a severe form of sometimes-fatal E. coli bacteria.

Logan Duckett, son of John and Debbie Duckett, was in fair condition Thursday and is expected to suffer no lasting effects from the illness, said Dr. Charles Raper, his doctor.

The boy was hospitalized after suffering since June 22 with diarrhea, Raper said. Preliminary test results by the hospital laboratory indicated he might be suffering from 0157:H7, the name for the severe form of E. coli.

The state health department is conducting laboratory tests. ''We're waiting on confirmation,'' said Dr. Paul Irwin, East Tennessee director of the Tennessee Department of Public Health. ''We know it's E. coli; we just don't know if it is 0157:H7.''

E. coli is a bacteria found in meat that has been tainted, usually with feces, Raper said. Proper cooking of the meat will kill the bacteria, officials said.

Mrs. BOXER. Mr. President, I am very pleased to get the floor more than an hour after I introduced a very important amendment. There is a lot of talk about the bill in general. I guess it is time to give a little bit of a wake-up call to some of my colleagues.

This second-degree amendment which would act as a substitute for the Boxer-Murray-Mikulski amendment is the most cynical parliamentary attempt to gut an amendment that I have ever seen.

I have only been here a few years. I have seen a lot of second degrees from both sides. Usually when you second-degree an amendment, it has something to do with the underlying amendment. The underlying amendment that I have put forward would say that the rules regarding mammography shall move forward and they will not be encumbered by this bill.

We have heard three learned Senators squabbling over there for 60 minutes. No one understands anybody else. Ask what is on page 9, page 4, line 1—if these three cannot agree, and they are friends—imagine the field day the lawyers will have.

Should we move this mammography rule forward? Is it stuck? Is it stopped? I want to say I do not want to play Russian roulette with the women of this country.

When I laid down my amendment, it was very clear. I am really glad we can talk about it. It basically said it was very important to keep this rule moving. It is interesting that my friend from Utah complains it has taken so long.

On the one hand, he says there is too much regulation and the bureaucrats cannot wait to regulate; on the other hand, he complains that this regulation is taking too long. We cannot have it both ways. Better they are careful with this rule.

I will go into what this rule does. It is complicated. The fact is, we should not derail it now; 46,000 women every year die of breast cancer, and many of them, tragically, die because the mammogram they took was inaccurate or the technician was not highly trained, or the equipment was not good, it was slipshod.

Then I am told that I am offering a special-interest amendment. I take great offense. What is the special interest? The women of America? Give me a break. The women of America want this amendment.

I have a letter on all Members' desks, supporting this amendment, from the National Breast Cancer Coalition. Is that a special interest? If women who have had breast cancer, who have had loved ones have breast cancer, survivors, if that is a special interest, I do not know what is going on around here.

I will name the special interests—the people who do not want to be regulated, who do not want to upgrade their mammography equipment, who want to get away with hiring people to work for them who are not as well trained and maybe come at a cheaper price. We should talk the truth around here for a change.

Mrs. MURRAY. Mr. President, will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mrs. MURRAY. Mr. President, I ask my colleague from California, her amendment specifically exempts the Mammography Quality Standards Act regulation from the underlying bill, is that correct?

Mrs. BOXER. That is correct.

Mrs. MURRAY. The second-degree amendment placed on the desk by Senator DOLE is simply a sense of the Senate, is that correct?

Mrs. BOXER. That is correct. It is a sense of the Senate that does not even deal with this subject matter. It just says that nothing in this bill will harm anybody.

Mrs. MURRAY. If the Senator from California will let me ask another question, certainly she sat with me throughout the budget debate and listened to our colleagues say sense-of-the-Senate resolutions are not binding, and I assume she feels as I do, and I will ask the Senator, will the Senator be able to go back to her friends diagnosed with breast cancer or to women in her State and say, ''Don't worry, we have taken care of you with a sense of the Senate that is not binding?''

Mrs. BOXER. I say that any Senator who went to someone who was worried about breast cancer and said the sense of the Senate was going to do one thing to move forward the rule on mammography would simply not be telling the truth.

Of course, the Senator is correct. We cannot tell anybody who cared about this issue that the Dole substitute does a thing to help move the mammography rule along.

Mrs. MURRAY. I thank my colleague.

Mrs. BOXER. Thank you.

I had the feeling that my Republican colleagues would offer a second-degree amendment like this because they have done it before on other amendments.

They did not tell me they were going to do this, but they wanted a time agreement, and I said absolutely. I would give 15 minutes on my side, 15 on their side if there were no second-degree amendments. They said, ''Gee, we have not seen your amendment, Senator, how can I do that?''

I gave my amendment, and miraculously in 30 seconds the majority leader appeared with this sense-of-the-Senate substitute. That was fast work. But it will not work. It will not work. I am telling my friends that 46,000 women die of breast cancer every year, so I will stand on my feet for 46,000 minutes or 46,000 hours or whatever it takes, and I know my friend from Washington is in complete agreement so there are two of us, at least.

And by the way, there are a lot more on this amendment and I will mention who they are.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. KENNEDY. The Senator has in a very important way changed this debate from just the questions of regulations of rules into real terms.

What we are talking about as the Senator from California and the Senator from Washington, we are talking about mothers, we are talking about sisters, women in our society for whom the incidence for cancer has grown significantly over the period of recent years with regard to breast cancer.

Does the Senator realize that when the Senate, in the last Congress went on record, it was a unanimous vote, unanimous out of our committee to develop these regulations, unanimous in the U.S. Senate to move ahead, unanimous in the House of Representatives in their committee, and unanimous on the floor to develop the regulations? The need is out there.

Can the Senator possibly explain to any Member why, when it was the result of careful consideration both in terms of the committees and the debate here, the recommendations that were made by the testimony that was given overwhelmingly favorable with a sense of urgency in asking not to delay and to move ahead, and now we have the final regulations just being brought up, that we are asked to follow through some other procedure, some other procedure, some other words, which we find out the meaning of which is still very much left in doubt?

I do not know whether the Senator from California was here when we debated the Civil Rights Act, when we spent months here trying to debate the difference between significant and manifest.

Here we have a change in the food standards into insignificant risk without definition. We will come back to that later during the course of the debate on food standards and food safety.

Can the Senator explain to the American people why, if there was such a sense of urgency that Republicans and Democrats, all Americans, are getting behind and say get about the business of doing it? Does it make any sense to the Senator?

Mrs. BOXER. I say to my friend, who is such a leader in all health issues, including this breast cancer issue—it makes no sense to me. And that is why I committed myself, and I know my colleagues have as well, and I am so appreciative the Senator was able to get to the floor at this time, to focus on this issue.

Mr. KENNEDY. Just finally, is the Senator concerned, as I would be, that there may be manufacturers who are out there, who are producing equipment today, that do not meet the standards, and that would be put in a position to question the standards in the future because their equipment does not meet those standards, and they would be able to delay the implementation of those standards? Or there may be groups out there that are going

to question and challenge it because they do not have the training and they do not want to comply with the various things. We have heard that, as a reality. We have heard of manufacturers. We have heard of corporate interests that want to resist these kinds of standards.

But what we are faced with is why should we side with those interests when we have something which is of such importance to women, not just to women in our society, to mothers in our society, to sisters, to wives, to members of our families—that is so important.

Why should we desist and give in to these special interests, which are the special interests which are the manufacturers that will be able to tie this up, even under the existing standard, with the look-back provisions, and all the other kinds of mechanisms which have been reviewed? I would like to stay away from those. We can get into those in debate, because there are those here in the Senate who would like to just tie us up and talk about procedure when the Senator is talking about the impact on real people. Why should we side with those companies or manufacturers who will delay this rather than with the sound health policy that would implement it?

Mrs. BOXER. Let me say to my friend, he is so right, because he worked so hard on getting the bill through and getting the law passed in 1992. Now the rule is coming to fruition in October. We are going to have the rule.

If the Senator would have been here, I say to my friend from Massachusetts, three friends from the opposite side of the aisle could not even agree on how this new legislation is going to work. What we are saying is, do not put at risk the women of America for this battle over words. The Senator is so right. We get down to this battle over words and lines on pieces of paper. I am just so pleased the Senator from Massachusetts came here because, after all, why do we have rules? Because we pass legislation.

And the Senator reminds me—which I frankly did not remember—that Republicans and Democrats voted unanimously for the legislation that is leading to this rule that is coming forward in October. Why on Earth we are going to get into a delaying tactic here, I do not know.

I say further to my friend, I am worried even about this debate, that people listening to this debate, business people, may think we are losing our will to move forward with safer standards. It is not just the Senator from California, or Massachusetts, or Washington, who are fearful of this. We have the agencies telling us very clearly that if this bill passes without amendment, this rule will be derailed. If we are going to make a mistake—and our colleagues assure us they are wrong—I do not want to make a mistake in this subject area. Frankly, there are other areas I would not get so upset.

What I find very interesting is the Senator from Utah said we cannot take this anymore. It will be 3 months. It will be exemption after exemption after exemption from this bill.

The bill has a ton of exemptions for business. But when the Democrats offer exemptions for E. coli—which we just heard there is another problem in Tennessee in the last few days on that; and we offer an amendment on cryptosporidium, and today on mammography—oh, we are trying to slow it down. We are standing here for the special interests.

God, I hope the American people are watching this.

The majority leader's sense of the Senate has no force of law. We have already stated that. It has nothing to do with the underlying bill on mammography. It is a general statement which we all can agree with. In nothing that we ever do, do we intend to hurt the fight against disease. But yet, the underlying Boxer amendment, which we are going to get a vote on—because, unlike my Republican friends, I am going to clearly state what I intend to do, so I hope they are listening. I intend to get a vote on the underlying amendment, period. You can second-degree me all night and all day tomorrow and the day after and the day after and the day after and the day after—we will have a vote on the underlying amendment.

So I hope sooner rather than later we can come to that agreement. We did come to that agreement on the E. coli amendment, where the Senator from Louisiana had his second-degree voted on separately and then the underlying amendment came after. Sad to say, we got 49 votes.

Everything you could think of is in the second-degree amendment, in the substitute, except that you should not beat your wife. That was not in there. But nothing specifically to do with exempting the mammography rule.

Let me tell my colleagues what they are stopping here, if we do not get to the underlying Boxer amendment: Specifying performance standards for x-ray equipment. I would say that is rather important, because if you get a mammogram and the x-ray equipment does not meet the standard, or a high enough standard, they can miss the cancer.

I had a friend who had her mammogram; they told her it was fine, but thank God she found the lump herself and we hope she will make it. They missed it. How am I going to tell her that, oh, I just decided for convenience I would not press my amendment and we are going to vote for some sense of the Senate? I cannot.

(Mr. GREGG assumed the chair.)

Mr. KENNEDY. Will the Senator yield on that point?

Mrs. BOXER. Yes, I will.

Mr. KENNEDY. I do not know if the Senator is familiar with the 1992 study by the Physician Insurers Association of America that found that 35 percent of all claimants with breast cancer had a negative mammogram and 14 percent had equivocal mammogram results.

This is prior to the time when we took action to pass this legislation, the rules of which are about to go into effect to protect American women.

Mrs. BOXER. So is my friend saying that half of the mammograms may not have been fully accurate?

Mr. KENNEDY. Mr. President, 35 percent false negative; 14 percent were equivocal—in the 1992 study, which is the most comprehensive study. As compared to the mammography, the most recent studies now, according to the GAO report, find that high-quality mammography can find 85 to 90 percent of breast tumors in women over 50, and discover a tumor up to 2 years before a lump can be felt.

That is in 85 to 90 percent, with the high-quality mammography, with well-trained people, versus the recent study, the 1992 study, that showed 35 percent false negatives with another 14 percent that were equivocal. This is what we are talking about: Real life and death.

I think that the Senator would agree with me that we are not saying that these mammogram standards will solve all of the problems and that all breast cancer is going to be resolved. We are not going to be able say that all of the people who should have those tests and who should receive them will receive them. But it is a beginning.

Final point this: We heard so much that one of the first orders of business by our colleagues on the other side of the aisle was medical malpractice reform. You can do more about medical malpractice reform by implementing these mammogram standards because you are going to get accuracy and you are going to save lives and not have the resulting kinds of challenges that come out.

So I think the point that the Senator was talking about, a friend that experienced these tragic or unfortunate kinds of results, is illustrated by all of the testimony that we had, which, as the Senator from Washington and the Senator from California and others have pointed out, is the reason we got the unanimous results.

So it is important, I think, to understand what is before the U.S. Senate; that is, whether we are going to go forward with a procedure—could we have order, Mr. President?

The PRESIDING OFFICER. Would the Senators please take their conversations to the Cloakroom?

The Senator from Massachusetts?

Mr. KENNEDY. I thank the Chair.

The Senator from California has the floor, but I think the Senator from California and the Senator from Washington will agree that we are talking about a process and a procedure that will be able to really have an impact and save real people's lives. We know that will be the result based on the information that we have, and that under

this legislation we are putting them at risk.

There will be those though say, ''Well, we have a new kind of way, a new process and procedure. We do not know how it will be interpreted. But why don't you take your chance and roll the dice?'' Would the Senator be willing to do that with her daughter? I certainly am not prepared to do it with mine. And I do not think any American family would be prepared to do it with their wife, daughter, or their mother. Why should we ask the American people to go ahead and take that chance and not address that issue during the course of this debate?

Mrs. BOXER. I want to say to my friend from Massachusetts—and I thank him for bringing those statistics to our attention—that 35 percent of the women are told they are OK, there is nothing wrong, when in fact there was a lump present. The Senator is so right to come to this Chamber to talk about his daughter and to talk about my daughter. One of the things I said is that the first time a Senator's wife has a problem, they will be on this floor saying, ''Oh, let us pass the Boxer amendment.'' You know it hits home.

Mrs. MURRAY. Will the Senator from California yield on that question?

Mrs. BOXER. Yes.

Mrs. MURRAY. I want to make sure I understand the process here because I am very concerned about the 46,000 women every year who die because of breast cancer. Friends of mine, friends of yours, and relatives want to make sure that we have in place the best possible assurance that when those women have a mammogram it will be safe and it will be accurate.

If the current bill passes as written, there is a real concern that the rules and regulations that are going to go into effect can be challenged, that they will not be put into place.

Is that correct?

Mrs. BOXER. The Senator is absolutely correct. As we said, and we saw on this floor arguments over interpretation, this bill is a lawyer's dream. I am not willing to put the women of America at risk so that a bunch of lawyers can go to court and squabble like we just saw happen on the floor of the U.S. Senate.

The Senator is right.

Mrs. MURRAY. So the underlying amendment will assure those regulations will go into place after October and women can have a mammogram and know that there is a degree of assurance of accuracy in it that does not exist today.

Is that correct?

Mrs. BOXER. That is true. The rule is going to specify performance standards for X ray equipment; it is going to expand and standardize requirements for recordkeeping on medical records and reports.

By the way, many times women are not notified in a timely fashion of the results of their mammogram. It sounds strange. But it is true. That is one of the areas this rule will cover.

Lastly, there will be expanded quality assurance to allow flexibility for review based on achievement of objectives.

The fact of the matter is that there will be more specific personnel requirements of the people who take these mammograms to ensure that they know what they are doing and do not miss a lump. They will specify procedures and techniques for mammograms of women with breast implants.

As I know the Senators know, we have worked on this issue. It is a big problem when a woman has a breast implant to figure out what is behind that implant. And it could be breast cancer that is undetected.

All of this will be in the rule. My friends on the other side of the aisle think so little of this amendment and this rule that they are willing to second degree it with a litany of wonderful promises that have absolutely no force and effect and impact of law.

Mrs. MURRAY. On that point, would the Senator from California agree that if the sense of the Senate passes, there is no way to go home and assure our mothers and sisters and our daughters that they are going to have safe, accurate mammograms?

Mrs. BOXER. I would say to my friend that not only is there no way to assure them, but I would warn them that a bill that had unanimous support has essentially been derailed, and a rule that was about to be promulgated was taken off track.

So I think the Senator is exactly right in bringing this home to a person-to-person discussion.

I am happy to yield.

Mr. KENNEDY. Let us come back just for a moment and look at where we are. We have accepted now the NUNN amendment, which provides certain provisions or procedures that are going to affect the small business. Now, we have the response of one of the floor managers which said that since this does not reach the capacity, that you might not even be affected. Under the NUNN provision, this would be affected.

Under the criteria for the examination, one of the matters that they have to look at prior to the implementation is voluntary compliance. That is one of the provisions. We have the voluntary compliance. We have geographical distribution, and other requirements for other provisions which I know others would love to be debating all afternoon about. But there are the voluntary requirements.

There will be those who will say, ''Why should we go ahead? Let us see what we can do from a voluntary point of view.''

Let us look at what happened when we had the voluntary compliance. Prior to the passage of the law, the American College of Radiology had a voluntary quality assurance program, and 38 percent of the clinics failed. Here they tried to do it voluntarily.

People asked why we need regulations. What we are saying is that those mothers who went in and got tested, and with inadequate manufacturing, inadequate procedures, and poorly trained people, thought they were free, and then come down with breast cancer when it could have been avoided, or at least their recovery could have been assured.

They say, ''Well, you have that heavy hand of Government regulation over there.'' I certainly would want that heavy hand if it is going to protect any member of my family. And I think most Americans would, because individuals cannot make air clean, they cannot make water clean, and they cannot solve all of their problems in terms of pesticides and other factors.

Let us see, voluntary—what happened in this particular issue affecting so many of the women in our country? We had a voluntary quality assurance program, and 38 percent of the clinics failed and a third did not even participate in the program. They said, We are not even going to participate. We do not know what happened because a third refused to participate in a voluntary program. That is an alternative.

We could go back into those kinds of procedures when we are about to see the implementation of something that is going to give assurance to the American public that we are going to have quality in terms of manufacturing, well trained, with a good kind of enforcement, hopefully, and assurance.

I just am amazed that—I am not really amazed because we go through this on many different issues. But this is really one of just such enormous importance and consequence to the families in this country when they say, ''Well, let us just try and not have regulations. Let us just have a voluntary process.''

Mrs. BOXER. If I may on my time ask my friend a question, that is, or my friend from Washington, how many times have you been in a community meeting in your home State of Massachusetts or your home State of Washington where a constituent has come over and looked you in the eye and grabbed you by the sleeve, and said, ''Please, Senator. Please, Senator, don't regulate mammograms. Don't regulate food and safety. You are doing too much to make the water safe''?

I really do not understand what is behind this bill. I mean, I do. I do. I think there is a lot of speculation behind it. But from the standpoint of the overall issues, has my friend ever been told that the heavy hand of Government is making mammograms too strict? I ask him.

Mr. KENNEDY. Absolutely not.

I think the American people hopefully are beginning to understand what this debate is about. Even with regard to OSHA, with 10,000 rules a year, if you had 99.9, or your child got 99.9, you would say, ''Pretty good; pretty good.'' Well, if you said 99.9 percent of the regulations were not tested, I am not even prepared to say that, and neither is the

head of OSHA. But if you are up to, say, 99.9, you would still have 100 regulations that made no sense, that none of us would support. And we are hearing them every morning, we hear our favorite 10. They are using that to undermine the importance of the protection of mammography or for our food or for our air, for our water. The American people, hopefully, are beginning to understand this.

All of us understand the importance of making progress and reducing the regulation and releasing the energies and expansion and trying to eliminate bureaucracy and duplication and overlap, and the leadership is being provided by Senator GLENN, by Senator LEVIN, and others in a bipartisan manner—Senator ROTH I see in the Chamber at this time. It has been bipartisan efforts that have come out of those committees virtually unanimous, Republican and Democrat. But we are throwing these over, at least not being able to address those kinds of issues and are being asked now to suspend, or effectively emasculate this particular kind of provision on mammography. That makes no sense.

I wish to commend the Senator and ask if she would agree with me that just doing a sense-of-the-Senate is really, I think, trying to raise a false sense of expectation. Would the Senator not agree that we are really doing something when we are not? And for all the lists that are made out there that the majority leader—I mean we will take some time and go through other kinds of diseases that may not have the total numbers of the ones that have been included, but nonetheless, unless they are listed or exempted, otherwise would fall under this process and procedure and put at risk families in this country. That would be unacceptable. Is the Senator troubled by that process as well?

Mrs. BOXER. I am troubled by this process. I think it is a back-door way to undo legislation that, as my friend has pointed out, was unanimous—everyone agreed with the legislation—but when it comes to the rulemaking, they try to stop it.

It is interesting; I do not know if my friends saw the poll which was done that clearly showed that when the American people were asked, ''Do you want to cut regulation that has to do with protecting health and safety and the environment?'' 62 percent said no.

Well, what does that mean? It means you do not go at the Clean Water Act, you do not go at the Clean Air Act, and you do not go at the Mammography Quality Standards Act, and you do not go at the Safe Drinking Water Act, but you back door it. And this is a clear-cut example of back-door politics. You do not take it on because the American people would be in an uproar. They want clean air. They want clean water. They want protection when they go for a mammogram or another medical procedure. They are fearful without standards.

We already know we have problems. The Senator pointed out that we have problems in this area. Is this a time to turn back when a third of the women get a result which says they are fine, there is no lump found, and in fact it is a false reading? My goodness, I think they would want us to do more, and that is what the rule is all about.

Mr. KENNEDY. Could I just ask one question? And I see others who want to inquire. Does the Senator find it somewhat ironic? Here we have seen in terms of national health policy that women have been effectively shunted aside. That was a tragic reality. It was tragic in terms of the NIH programs and investigation in osteoporosis, breast cancer and ovarian cancer, a wide range of different areas, even though there is basic research that is being done at the NIH in terms of clinical applications. But by and large one could say that women's health issues were not a matter of central importance in terms of the American health agenda. Now we have seen in very recent years, in the last Congress, one of the earliest pieces of legislation was to ensure that there was going to be a fundamental commitment in terms of the NIH for women's health-related issues for research. We are gradually catching up.

I would like to hear in this Chamber why we have the fact that women have half the number of heart attacks as men but only have half the recoveries men do. What is it about that? I mean why? We are putting resources in terms of research into these areas which affect real people and affect our families, and now we have seen that at last, under this administration with the leadership of President Clinton, Mrs. Clinton, BARBARA MIKULSKI, and both of our distinguished Senators who are here, Senator BOXER and Senator MURRAY, we have seen the effort to make sure that we are going to continue that progress. And here we have at the start of this Congress rolling into July a major assault on a major health issue that affects better than half of our population.

Do the Senators find in their own mind, I would ask either the Senator from California or the Senator from Washington, some puzzlement when we have been so far behind on women's health issues—and certainly that has been true in research in these other health policy questions—on one extremely important matter, and that is in terms of breast cancer, which affects so many, and increasingly so, and we know that we can make progress—there are so many areas that still escape us about what we can do in terms of making progress, but we know that in this area we can make a difference in terms of giving some assurance to women that there is a better chance of curing and treating breast cancer with these kinds of standards, that when we do have that opportunity, there are those who want to say no, or let us just go a different way and maybe we will end up with the same result. We do not know quite what these words mean. But why do the women of this country have to jump through these additional hoops as well?

Does the Senator find that somewhat ironic, that we find ourselves in that position on a Thursday afternoon when we ought to be trying to find out and be debating what more we could do in terms of women's health issues, children's health issues, parents' issues in this Chamber rather than try to put them at greater risk?

Mrs. BOXER. Not only do I find it puzzling, but I have to say to my friend, as he put his question forward, I realized something very interesting, and that is this is the third exemption amendment, as the Senator knows, that we are facing. The first one was E. coli, which is that bacteria that is found in hamburger meat and kills kids mostly and old people, and we have a case now in Tennessee—I do not know if the Senator is aware of it.

Mr. KENNEDY. We had Mrs. Sullivan from Haverhill, MA, who works hard all day—I address the Senate; I will not take much time—works all day, goes to school at night, active life, whose greatest problem was she ate a hamburger and $300,000 later and in a most painful, excruciatingly painful kind of condition at Mass General Hospital has been able to survive but is still today in a weakened condition. And we had, earlier this morning, her sister, who happens to be a nurse, and obviously because she was a nurse was able to, I think in a family situation perhaps, get somewhat earlier kind of treatment for that extraordinary woman whose life will never be the same—that with regard to food health standards. And then we have, as the Senator pointed out, the machine in here that is rolling over the protection of food safety for the American people. I just wonder why the Senator thinks this is the case.

Mrs. BOXER. I think if you read the Contract With America, there was a guideline in there. But what I wanted to make a point about, I say to my friend from Massachusetts, is this. When he asked the question, is it not interesting whenever an issue of women's health comes up we cannot seem to get any forward movement? What I wanted to point out to my friend from Massachusetts is this. When the E. coli amendment came up, I say to my friend, there was a substitute second-degree amendment that tried to deal with the E. coli problem. So there was a second-degree amendment to deal with the E. coli problem. And unfortunately it passed. It was not an effective way to go. We lost by two votes. Then the cryptosporidium one came up. They defeated that, up or down. But now that the Senators from California, Washington and Massachusetts and the other women in the Senate on the Democratic side, put together an amendment on breast cancer, guess what? What is the second-degree

amendment, I say to my friend? It has nothing to do with breast cancer. It has nothing to do with mammography. What is wrong?

Mrs. MURRAY. Would the Senator yield?

Mrs. BOXER. Yes.

Mrs. MURRAY. Is this the first sense-of-the-Senate that we have dealt with as well?

Mrs. BOXER. Oh, yes. This is the first sense-of-the-Senate. They substitute a very strong amendment to move forward mammography rules with a big fat nothing. A sense-of-the-Senate that does nothing and does not even mention women's health or mammography. It is extraordinary. And that is why I am willing to stand here day after day, and night after night, and morning after morning, with my friends, until we get a vote up or down on the mammography issue, and if my friends want to stay here through the weekend and through next weekend and the weekend after that.

Mr. KENNEDY. Would the Senator yield?

Mrs. BOXER. Yes.

Mr. KENNEDY. I want to commend all those who have been involved with this. But would she not agree with me—I did not want to take the focus off the issue really of the mammography—but basically what we are talking about—I call this the ''Polluters and Poisoners Protection Act.'' We are basically talking about not only in terms of questioning the safety on terms of breast cancer mammography standards, but we are talking about unsafe drinking water that will affect that family, and unsafe meat and the E. coli which you just referenced on that, and we are going to come down here to the change on the unsafe fruits and vegetables, and the unsafe baby foods with the changes in the food standard.

And as the Senator has focused on the E. coli, cryptosporidium debate last night, and now the mammography standards, basically we are talking about these other elements. Would the Senator not agree with me?

Mrs. BOXER. Absolutely. This is part of the process.

Mr. KENNEDY. This is part of the whole process. I want to indicate that the Senator has really brought the focus and attention on this area. We cannot solve all of the problems in these areas of drinking water, and meat and the vegetables and baby foods. We can make them a great deal safer. We think that we are putting at very significant risk all these kinds of protections for the American people. But the Senator from California is saying on the mammography we have specifics. ''Do not take this away from protecting the American women. Take your hands off these standards that can make a real difference for the protection of mothers and sisters and daughters.'' And I just want to commend her and thank her very much.

But I did want to inquire whether the Senator from California or the Senator from Washington agreed with me that we have parallel threats to these other areas in this legislation. And that the American people ought to understand that as well.

Mrs. BOXER. I certainly hope that the American people are watching this debate. You know, you can get off on these different sections of the bill. The lookback procedures, the petitions, all the rest of it. And that is what I believe the proponents of this bill want us to debate. They want to debate, how many days will it be reviewed? How many months will it be reviewed? The bottom line is this bill, if it passes without substantial amendment, is going to derail an urgent rule that is coming forward in October that will provide standards for those who are in the business of providing mammography, the majority of which are terrific people, but there are always those who cut around the edges. And that is why we need these rules, these national standards, so that a woman in California gets the same quality mammogram as a woman in Massachusetts or Tennessee or New Hampshire or Vermont or Rhode Island or Louisiana or Washington.

Mrs. MURRAY. Will the Senator from California yield?

Mrs. BOXER. Or Minnesota.

Mrs. MURRAY. Will the Senator from California agree with me—because I feel very puzzled and baffled and really concerned—that this amendment which deals very specifically with women, our mothers, our sisters, our daughters, our friends, who have had breast cancer, and who are counting on us as the Nation's leaders to assure them that when they go in for a mammography, that they have strict standards; that this amendment that deals with women, and women alone, has a sense-of-the-Senate second-degree; that I believe, if I am not mistaken, when the Senator spoke to it this morning she was not even able to send her own amendment to the desk. When her amendment was at the desk we were not allowed to speak about breast cancer for over an hour, but we did listen to a long litany about charts and graphs and process and long words and ambiguities. And we are finally here able to speak to the realness of this. But I also heard when this was being discussed before, ''Do not worry about this. It is only going to cost $98 million.'' Is that what the Senator from California heard as well?

Mrs. BOXER. Oh, yes. Yes. They say, ''Oh, the estimate of cost is $98 million. Since our bill says if you are under $100 million you do not come under this, do not worry. Do not worry.''

Mrs. MURRAY. Would the Senator yield?

Is it not clear that $98 million is darn close to $100 million, and could reach $100 million? And not only that, it is my understanding that in the House bill that has passed the threshold is $25 million.

Mrs. BOXER. Yes.

Mrs. MURRAY. When it gets to conference we will see somewhere between $25 and $100 million. So mammographies will be impacted.

Mrs. BOXER. Absolutely.

Mrs. MURRAY. Would the Senator not agree, in this legislation as currently drafted, it says if there is a significant impact on a substantial number of small entities it will be exempt as well? This amendment will not only be applicable because of the cost but it will also be because a substantial number of mammograms are done by small entities.

Is that not correct?

Mrs. BOXER. My friend is so correct. And I do not like to use—well, I will be as delicate as I can. I think claims on this Senate floor that mammography improvements are safe, without the Boxer-Murray amendment are false claims, because of what my friends have pointed out in this question time.

First, the fact that we know $98 million is the cost of this regulation. And that is about as close as you can get to $100 million. And, of course, when this bill goes to conference, with Newt Gingrich and his friends, they have a $25 million trigger. You do not need to go to Poli Sci 101 to know where the numbers come out. We will be lucky if it is $50 million. So ipso facto, protection gone.

And the second point that both my friends pointed out, which is important for this debate, is that under some amendments that we passed here, small businesses will be exempted if a substantial number, by the way not defined, talk about a lawyer's dream, substantial number of small businesses are impacted.

We are talking about endangering the lives of women. And when my friend says our sisters, our grandmothers, our daughters, our granddaughters, I think it affects our grandpas and our dads and brothers and our husbands too. When a woman gets breast cancer this is not only her fight. It is a family struggle. And when a family finds out that it was a mammogram that was not read correctly, or an x-ray machinery was defective, imagine the feeling that they lost a member of their family that could have been saved. And that is what we are talking about here. So if they want to talk on the other side about lookbacks and sunsets, and waivers and all the rest—it is new speak. We now have new speak around here. We do not get to the issues. Thank God for the Senator from Massachusetts for coming over here and helping us focus. Thank God for him for all these years fighting these battles, sometimes quite a lonely fight. I hope the American people listen, listen up. I am going to get a vote on the underlying amendment.

Mrs. MURRAY. Will the Senator from California yield?

Mrs. BOXER. Yes.

Mrs. MURRAY. Then I assume the Senator from California feels, as I do at this point, that we will not be dismissed by a sense-of-the-Senate

amendment; that on the underlying amendment, that clearly says to all women in this country that we will continue forward and put in place assurances for them on mammographies, there will be a vote on this floor.

Mrs. BOXER. We both guarantee that, and I know the Senator from Massachusetts joins us in that, as I am sure the Senator from Minnesota does, who is here listening and I am hoping will be asking us some questions in a short time. We are going to have a vote on the underlying amendment, period. Period. There is no recess that is going to stop us, either. You want to push us up against the recess? OK. Forty-six thousand women a year die of breast cancer. We will stay. We will stay through the summer. We will stay through Thanksgiving, Christmas. We will stay. We will stay through Hanukkah, Passover, Easter.

Mrs. MURRAY. The next Congress.

Mrs. BOXER. The next Congress, and none of us wants to have to do that because we have families, too. We have families, too. But we will do that because one in nine women is going to get breast cancer. Count up the women in this Chamber. Somebody is going to get breast cancer.

I will say this, sometimes you cannot help what happens. Sometimes you cannot help what happens. But many times you can, and we know that early detection is the major tool that we have in the fight against breast cancer.

Mr. WELLSTONE. Will the Senator yield for a question?

Mrs. BOXER. I will be glad to yield to my friend.

Mr. WELLSTONE. I will not take but a couple of minutes. I have from my office watched the Senator from California, the Senator from Washington, and the Senator from Massachusetts out on the floor, and I really have been moved by what you have said.

My wife, Sheila, is not here today. But her mom passed away from breast cancer, and we feel very, very strongly about these issues.

The Senator talks about having an up-or-down vote and we will be here for as long as it takes. If I could just ask my colleagues, why do you feel so strongly about this? Let us just forget all the statistics, all the charts, all the numbers. Why do you feel so strongly about this?

Mrs. BOXER. Well, I thank my friend for asking the question. I feel so strongly about this because I think that this bill is a backdoor attack on a very important series of laws that were passed in a bipartisan way to protect the American people. I feel very strongly it is a backdoor war on these laws. That is how I feel, because I do not think there would be support for repealing any of these acts. There are a lot of special interests out there that do not want the Clean Water Act and the Clean Air Act. Why? Because they feel it in their pocketbook.

While we all agree we do not want unnecessary and burdensome regulations, and all of us are willing to vote to end that, we feel deeply committed that we will not reverse years of progress. I do not care if it is in the Contract With America.

So I feel very strongly that when there is an attack on a law that protects the health and safety of the American people, it is an obligation of U.S. Senators to point it out and to stand on their feet and to fight. I think that is what we are doing.

We all know people who have been misdiagnosed.

I talked about a friend of mine who, because the mammogram was not read properly, suffers terribly, and we pray that she will make it. But every day is like a nightmare because she did not catch it early.

Mrs. MURRAY. If the Senator from California will yield.

Mrs. BOXER. Yes.

Mrs. MURRAY. The Senator has asked a critical question, why would somebody be willing to stand out here on their feet and speak over and over until they are given an up-or-down vote on a very simple amendment. It is because of the women we know—personal friends and personal relatives who have died from breast cancer because it was not detected early. One out of nine women today will be diagnosed with breast cancer. Nine out of ten women will survive if it is detected early. I am determined to make sure that on my watch on this floor of this Senate that I will not allow any of those women to go undetected. I think it is incumbent upon all of us to see that that occurs.

Mr. HATCH addressed the Chair.

Mr. KENNEDY. Will the Senator yield?

Mr. HATCH. Will the Senator yield?

Mrs. BOXER. I am not yielding at this time.

The PRESIDING OFFICER. Will the Senator yield to the Senator from Utah?

Mrs. BOXER. No, I will not. When I simply asked for a parliamentary inquiry before, Senators would not yield to me.

Mr. HATCH. I would have yielded to you. You did not ask me.

Mrs. BOXER. I yield to my friend for a parliamentary inquiry without losing my right to the floor.

Mr. HATCH. I appreciate that. I thank you. Let me make a couple comments. There is nobody on this floor that feels more deeply about mammography than I do. Nobody.

Mrs. BOXER. I ask, is this a parliamentary inquiry?

Mr. HATCH. Yes, I am going to ask a question, and I want to make a few statements so I can get to the question.

There is nobody on this floor who has worked harder, as one of the prime cosponsors of the mammography bill. But is it not true that there is an interim rule in effect on mammography?

Mrs. BOXER. The interim rule does not affect the issues that I read to the Senate. I will reread them. It does not go to these issues. These issues are of crucial importance. They involve the performance standards for x-ray equipment; expanding and standardizing requirements for recordkeeping; expanding quality assurance; clarifying personnel requirements; and specifying procedures and techniques for mammography for examinees who have breast implants.

Mr. HATCH. Are they not in effect now?

Mrs. BOXER. No, there is no rule. I will be happy to share this with the Senator. This is a description of the rule that is going to go into effect in October.

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. Yes; I will be happy to yield.

Mr. KENNEDY. As I understand, if the Senator stated it accurately, the new rules are likely to be significant improvements to the interim rule. They include performance standards for radiological equipment; standards for uniform imaging of women with breast implants; and establishing consumer plate procedures.

None of these areas are addressed in the interim regulations. So the interim rule, although much better than what would have existed, still will be strengthened with the permanent requirements.

I see others who want to speak, but let me mention, I was listening to the exchanges. I was going back into the hearing record and the testimony of Dr. Roper, who was the head of the CDC when we were having those hearings, and pointing out the controlled studies have shown that a 35- or 40-percent reduction in mortality related to breast cancer is possible.

I will make a comment and ask the Senator whether she agrees with this. Does the Senator agree that Dr. Roper's testimony was powerful testimony when he pointed out that controlled studies have shown that a 35- or 40-percent reduction in mortality related to breast cancer is possible? However, in order to achieve this level mammography, clinical examination must be performed, interpreted, and reported as accurately as possible. Subsequent steps, including biopsies and other followthrough procedures, must be timely and of high quality.

We, along with the Public Health Service Agency and relevant professional organizations, provide leadership to aggressively pursue a program designed to ensure the highest standards of excellent and early detection of breast cancer with mammography and assure the maximum benefit for lifesaving technology for all Americans.

This is the testimony in favor of this legislation by the head of the Centers for Disease Control, appointed by the previous administration. Controlled studies have shown that a 35- to 40-percent reduction in mortality for cancer is what we are talking about for women.

Let me just ask the Senator whether she would agree with what was a very powerful comment, and that was during the course of our hearing, Mrs. Langor, who is the head of the National Association on Breast Cancer. This is her statement. I ask what is the reaction of the Senator from California.

We hear many sad things at NABCA, but one of the saddest is the story of the woman who has done everything correctly. She scheduled her mammogram, has received a clean bill of health, then she finds she is dying of breast cancer, not always due to negligence, but rather due to inexperience, poor equipment maintenance, or wrong equipment. She was relying on her medical provider to develop quality care. Her life has been destroyed. Her confidence is gone. She has conveyed this message to every woman she knows. A vital element in our attempts to control the breast cancer epidemic is knowing that after our hard work reaching, educating, and reassuring every American woman about mammography, that it is increasingly safe and affordable, mammography is also universally effective. It is the right of American women to receive screening mammography of the highest quality and the responsibility of lawmakers to grant them that right.

You cannot say it any better than that. That is what the mammography standards bill has done. This legislation is putting this at risk. At risk is that very eloquent statement.

I ask the Senator, again, why we should take any risks at all in doing it after we have had all the testimony in the world. We know about the problems we cannot solve. We can make an important impact in terms of the safety and continued life of women in our society. Why should we throw that over and go to some other kind of process and procedure which, for me, is not worth the paper that we have it written on.

Mrs. BOXER. I thank my friend. He is so right. Women are already at risk for breast cancer. Forty-six thousand a year die of it, and now we are going to add to the risk and derail a rule that—no matter how many times the Senator asked me the question, I will come back and tell you, no, there are no final regulations in place for the x-ray machines. There are no regulations. There are regulations in place for accreditation.

Mr. JOHNSTON. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. HATCH. Will the Senator yield for a unanimous-consent request?

Mrs. BOXER. Of course.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. I would like to resolve this.

Mr. President, I ask unanimous consent that amendments numbered 1524 and 1525 be withdrawn.

Mrs. BOXER. Reserving the right to object.

Mr. HATCH. This is agreed to by both sides. We are going to give you a separate vote.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving my right to object.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mrs. BOXER. 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.

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

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

Mrs. BOXER. If the Senator will propound the unanimous-consent request, I think we are ready.

Mr. HATCH. I ask unanimous consent that amendments 1524 and 1525 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So, the amendments (Nos. 1524 and 1525) were withdrawn.

UNANIMOUS-CONSENT AGREEMENT

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

I ask unanimous consent that no other amendments be in order, that a vote occur on the amendment at 5:05 p.m., with the time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. I want to make sure that before the vote on the Boxer-Murray-Mikulski amendment there be 1 minute on either side.

Mr. HATCH. If we hurry, we have almost 8 minutes.

Mrs. BOXER. I want to make sure that there is a little time on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that following the vote Senator BOXER be recognized to offer an amendment, the text of which is amendment No. 1524, and that no amendments be in order to the Boxer amendment, and a vote occur immediately after 1 minute for Senator BOXER and 1 minute for Senator HATCH, without any intervening action or debate on the Boxer amendment.

Mr. JOHNSTON. Reserving the right to object, and I shall not, I have had a conversation with the Senator from Utah and the Senator from Oklahoma about whether we would be able to accept the other pending amendment, which is the Superfund amendment, accept that by unanimous consent. Do we know whether we can do that at this time?

Mr. HATCH. I am not prepared to do that at this time. But we will certainly look at that.

Mr. JOHNSTON. I say to my colleagues that I think that is in the works. That is, I have requested that we be able to do that. And so I hope after the vote on the Boxer amendment, we would be able to accept that by unanimous consent. I would assume that no one on our side would object. But I would like to get that notice out just in case.

Mr. HATCH. Certainly.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

AMENDMENT NO. 1531 TO AMENDMENT NO. 1487

Mr. HATCH. 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 Utah [Mr. HATCH] proposes an amendment numbered 1531 to amendment No. 1487.

Mr. HATCH. 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:

At the appropriate place in the amendment, add the following: It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, or water or food borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious and parasitic diseases.

Mr. HATCH. Mr. President, I ask unanimous consent that no further amendments re: exemptions for mammography be in order during the pendency of S. 343.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. If I can be clear about the order. The Senator from California has 5 minutes and the Senator from Utah has 5 minutes, is that correct? I want to make that clear. Or is the floor open to whoever seeks recognition?

The PRESIDING OFFICER. The time between now and 5:05 is evenly divided between the two Senators, which means the Senator has about 3½ minutes.

Mrs. BOXER. Thank you very much, Mr. President.

I have no objection to voting for the sense-of-the-Senate resolution offered by Senator DOLE. That is fine. It has nothing to do with my amendment, however, which gets to the issue of mammography. I hope Senators, in a bipartisan spirit, will support both.

There is nothing wrong whatsoever with Senator DOLE's amendment. It is just that, for the last, let us see, about 3 hours he intended for it to substitute for the BOXER-Murray-Mikulski amendment which, to this Senator, made no sense, and to many other Senators, it made no sense.

I am not going to yield to anybody because I only have 2½ minutes. I hope that Senators are listening to this debate. It has been clearly demonstrated via the fact that if we do not pass the Boxer-Murray amendment, we are playing Russian roulette with women's lives. Let me tell you why. In October, a rule is going to go on the books that sets standards for mammography. It is carrying out a law that passed in 1992.

This is not fun and games. This is about breast cancer that is going to strike one out of every nine women in this Chamber. The most painful situation is one where a woman was told her mammogram was fine, only to find out the technician could not read it or the machine was faulty and she has to undergo the most radical kind of therapy.

So my friends can argue about line 6 and line 2 and sunset clauses and all the rest. If Members care about this, Members vote yes. Play it safe for the women of this country and do not gamble. The rule that is about to come out is a rule that will make it far safer. Why on God's green Earth do we want to derail that? To score a political point?

Think again. The American people are catching on to this debate. This is a back-door assault on a bill that was passed in 1992 by Republicans and Democrats alike. But rather than repeal sections of it, we are making it so hard that the rule to carry it out will never go into place.

The first day a Senator's wife comes down with breast cancer and it was missed on a mammogram, we will be on the floor changing this bill.

Mr. President, 46,000 women every year die of this disease. We have talked about our moms, our grandmothers, our sisters, and our daughters. What about the fathers and sons and the grandfathers? It affects each and every American, just as when a man gets prostate cancer and is taken away from the family.

If ever there was a time to pull together as Senators for both parties, this is it. Why do we have to fight over everything around here?

Ms. MIKULSKI. Mr. President, I rise today to join my colleague, Senator BOXER, in offering this amendment that protects the public health by ensuring the continued implementation of mammography quality rules.

As the original coauthor of the Mammography Quality Standards Act, I was especially proud when this act was adopted in 1992. The Mammography Quality Standards Act requires all facilities providing mammography to be accredited and certified. This is extremely important in our efforts to detect breast cancer early when treatment is available and less invasive.

For the past year, the mammography quality standards have been reviewed by a Mammography Advisory Committee. It is my understanding that the FDA is now prepared to move forward with the publishing of these rules in October.

The women of America have waited since October 1992 for these mammography quality standards to be implemented. A delay at this time will result in needless deaths and disability by women who are tested by facilities and equipment not meeting Federal, uniform quality standards for mammography.

We are so close in getting these final rules for mammography quality standards approved. We must ensure that the mammogram women receive is of the highest quality possible.

I urge immediate passage of this amendment.

Mr. COHEN. Mr. President, I am pleased to sponsor this important amendment to ensure that regulations providing for quality standards in mammography screening are fully implemented as swiftly as possible.

Despite promising scientific advances in the treatment and diagnosis of breast cancer, this disease remains a major health threat to millions of American women. Breast cancer is the second leading cause of death among women. Last year alone, it is estimated by the National Cancer Institute that over 182,000 new cases of breast cancer were diagnosed and more than 46,000 women in the United States died as a result of this devastating disease.

This disease often strikes women in the prime of their lives and, as women get older, the odds of developing breast cancer steadily increase. One in eight women will develop breast cancer at some point in their lives. With statistics this sober, nearly every family will be directly affected by this disease.

In 1992, I cosponsored the Mammography Quality Standards Assurance Act because I knew of the critical importance of accurate breast cancer screening. Mammograms are among the most difficult tests to perform. If images are not clear or if tests are improperly read, cancers can be missed, leading to delayed treatment and premature death.

Prior to the adoption of this act, only a patchwork of Federal State, and voluntary standards existed for mammography. Women could not be assured that their mammograms were properly administered, interpreted or communicated to them or their physicians.

In absence of a cure, mammography and the early detection of breast cancer is still the most effective weapon women have to fight this increasingly common—and often fatal—disease.

Currently, the FDA has in place interim rules for the Mammography Quality Assurance Act which establish national standards to ensure the safety and accuracy of breast cancer screening procedures. However, the final proposed regulations are not expected until this October. While the interim regulations are enforceable and have established rules for accreditation, certification and annual inspection, it is crucial that we do not delay in full implementation of final regulations.

I am aware that there are questions as to whether S. 343 would have any effect on the implementation of these standards, but I believe that it is critically important to be absolutely sure that these regulations are not derailed, or delayed. The mammography standards were passed nearly 3 years ago and we must move forward on this important women's health issue.

The proposed final regulations further ensure the safety of mammography in significant ways. They specify performance standards for x-rays, develop procedures for examining women with breast implants and standardize requirements on medical records and mammography reports. Each of these reforms are essential to ensuring that all mammography done in this country is as reliable as possible.

Early detection of breast cancer will save countless lives. The Mammography Quality Standards Assurance Act ensures that women get the best possible breast cancer screening and that they will have the best chance of treating their cancer once diagnosed.

We owe it to each family touched by this devastating disease that these critical standards be exempted from any additional regulatory delays and that they become effective before more precious lives are lost to breast cancer.

The PRESIDING OFFICER (Mr. ABRAHAM). All time has expired.

Mr. HATCH. Mr. President, I think this is important, and I am glad to have an opportunity to get the points on the record.

I have to say again that interim regulations are by definition final. Perhaps the new, proposed regulations will be here in October; we have been assured by those on the other side that this is so.

But I have to keep point out that these interim regulations do have the full force and effect of law.

This particular debate is filled with misrepresentations. Nevertheless, I still think it is an important debate and I am glad to have an opportunity to get some key points on the record.

Mammography is an important tool in our effort to fight a dread disease which now affects an estimated one in nine women.

I believe we should do all we can to protect against breast cancer. I am one of the original sponsors to help to write one bill that does this. I am the sponsor of a bill last year to require that another breast cancer screening tool, self-examination, be taught at all federally funded health clinics. My record in this area is clear.

But whether or not we want to fight breast cancer is not the point of this debate. Of course, we all want to fight breast cancer, and all other cancers for that matter.

The point is that there are regulations in effect to implement the Mammography Quality Standards Act. They were promulgated in December 1993, 1½ years ago.

Nothing I have heard in this Chamber changes that or has convinced me a new proposed regulation under MQSA,

would make a significant improvement in the health of women who might get breast cancer.

Nevertheless, in the spirit of moving the larger debate along and recognizing that by the administration's own published estimate, it is likely new rules from MQSA would not be subject to the cost-benefit analysis of this bill, I, personally, am willing to accept this amendment.

If this amendment is necessary to give America's women peace of mind, I think it should go forward, even though I, personally, believe it is not needed.

I do have to underscore again that this bill addresses the mammography situation. It addresses the E. coli. If a rulemaking meets the bill's thresholds, there still can be exemptions for health emergencies or even health threats. It is hard to believe that the administration would not consider the possibility of meat contamination or increased exposure to breast cancer threats to public health.

Our bill allows those exemptions as I have cited before.

I personally resent the representations that have been made on the floor in this regard. It is important that members read the language of the bill; perhaps they have not.

The Glenn bill does not allow such exemptions. We put a lot of effort to make sure we take care of these problems.

I am frustrated because we are undergoing untold hours on the floor just, for the most part, so that political points can be made.

I think it is time to start working on the heart of this bill. If there are major problems in this bill that really need to be corrected, we should address them.

I hate to say this, but I have been working in good faith to try to accommodate the other side, to try to work on this problem and get this matter resolved, and make sure that they are happy with these provisions.

I am concerned because I perceive that we are continuing to get amendments which are permutations of issues which have already been resolved, such as the impact of the bill on the ability of Federal agencies to address public health problems.

One has to conclude that the purpose of all this is to drag out the debate. That is fine.

My personal recommendation is that we should vote for both amendments and get this past us and move on from there. We need to start working on the bill, rather than all these amendments that really do not deserve to see the light of day because we have taken care of them in the bill.

I do not see how anybody can disagree with that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

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

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

[Rollcall Vote No. 304 Leg.]

YEAS—99

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

NOT VOTING—1

Bingaman

So the amendment (No. 1531) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 1532 TO AMENDMENT NO. 1487

(Purpose: To protect public health by ensuring the continued implementation of mammography quality rules)

Mrs. BOXER. Mr. President, I call up my amendment which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. DORGAN, Mr. KENNEDY, Mr. REID, Mr. BUMPERS, Mr. BIDEN, Mr. LEAHY, Ms. MOSELEY-BRAUN, and Mr. DASCHLE, proposes an amendment numbered 1532.

On page 19, strike the period and insert the following: ''; or (xiii) a rule intended to implement section 354 of the Public Health Service Act (42 U.S.C. 263b) (as added by section 2 of the Mammography Quality Standards Act of 1992).''.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, I believe under a previous order I have 60 seconds to present the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, may we have order? The Senator deserves to be heard.

Mr. President, we are not in order. Mr. President, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mrs. BOXER. Mr. President, the amendment that is before the Senate would exempt the new mammogram rules from this bill. When you vote on the Boxer-Murray-Mikulski amendment, I ask you to think about your mother, your sister, your daughter, your granddaughter, and cast a vote that will assure them the best chance to survive breast cancer. And the best chance to survive breast cancer is to have the best equipment run by the best personnel.

That is what these rules are all about. We do not want to derail those rules because, otherwise, the cancer could be missed. And all of us know too many cases where tragedy has ensued. The better standards that are being proposed in the rule that will come out in October will absolutely be derailed because they came out after the April date that is specified in this bill.

So without the Boxer-Murray-Mikulski amendment, and so many other good Senators who are on it, we will derail safe mammograms.

Please vote aye and join with the National Breast Cancer Coalition in support of mammography quality standards.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am going to recommend that everybody in the Chamber vote for this amendment, but I have to say this is another 3- or 4-hour expenditure of time that did not have to occur.

The administration, by its own official publication, said only 10 weeks ago that the anticipated costs of implementing the Mammography Quality Standards Act of 1993, a bill that I helped to write, would be about $33 million.

Now we are told up to $97 million, although the administration has not provided us with any details on that cost estimate or why it has changed so dramatically in 10 short weeks. But in any case, $97 million is still $3 million less than the threshold of this bill and could be made even less if the administration so desired.

On the other hand, I do think we should vote for it, because it may give some peace to some people who do not

understand this matter is already covered.

I continue to believe that our bill would not engender the ill effects the other side believes.

However, breast cancer is a serious, serious problem, and I would not want to create any feelings in that community that the Congress does not take the problem seriously. Because we do.

So I think that we should vote for the Boxer amendment, and then move on.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

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

[Rollcall Vote No. 305 Leg.]

YEAS—99

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

NOT VOTING—1

Bingaman

So the amendment (No. 1532) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

So the motion to lay on the table was agreed to.

Mr. JOHNSTON. What is the pending business?

AMENDMENT NO. 1517

The PRESIDING OFFICER. The pending business is the Johnston amendment No. 1517.

Mr. SMITH. Mr. President, as the chairman of the Senate Subcommittee on Superfund Waste Control and Risk Assessment, and as a member of the Governmental Affairs Committee, I have been closely following the progress of the pending regulatory reform legislation, S. 343, as it pertains to Superfund. I believe this is an important bill, and I think it makes a significant improvement in modernizing an outdated regulatory system.

I have to admit that I have some concerns about Superfund being specifically targeted for reform in this legislation. Before I outline these concerns, however, I think it is important to recognize how we have gotten to this point.

Everyone in this Chamber can agree that our Nation's system of environmental regulations has had its successes: Americans are breathing cleaner air, and drinking cleaner water today than they did a generation ago. Nonetheless, there is uniform consensus that the Superfund program, however well intended, is not living up to its promises. Over the last 14 years we have spent over $30 billion dollars on this program, yet today, we have completed the cleanup at only 70 of the more than 1,300 sites on the national priorities list. Clearly we can and must do a better job of cleaning up these sites.

Beginning this past January, I conducted a series of 7 hearings and received testimony from more than 60 witnesses in an effort to formally incorporate a wide variety of views on the issue of Superfund reform. In addition, Congressman MIKE OXLEY, the chairman of the House Subcommittee on Commerce, Trade and Hazardous Materials, and I met with numerous groups in candid, off-the-record meetings. Participants included: environmental groups, potentially responsible parties, representatives of the environmental justice movement, State and local governments, the Environmental Protection Agency, the Department of Defense, the Department of Energy, the Department of Interior, think tanks, and insurance companies.

After taking the time to digest and analyze the information provided by these groups, I released, on June 28, 1995, a Superfund reform outline which is a comprehensive effort to radically reform the Superfund program. At this time, I ask that a copy of my proposal be entered in the RECORD after my statement.

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

(See exhibit 1.)

Based on comments I have received in response to this proposal, I plan on quickly moving to draft a Superfund reauthorization measure that will be available later this summer. I have pledged to the majority leader, Senator DOLE, that this legislation will be available for full Senate consideration and final passage later this year.

This past Monday, I visited a variety of Superfund sites in New Hampshire. One of these sites, the Coakley Landfill in North Hampton, NH, involved the cleanup of a former landfill site. After 10 years of study, the Environmental Protection Agency determined that in addition to capping the site, it wants to require the construction of a $10-million-dollar groundwater pump and treat system. The EPA is insisting on this remedy even though there are no pathways to human exposure, and even though the pollutant could be addressed in the same amount of time through natural attention. All of the potentially responsible parties, the State of New Hampshire, and the local communities have agreed that this expensive system in not necessary. Nonetheless, the EPA is continuing to go forward.

I can understand the impatience of my colleagues in dealing with this frequently onerous program, and I can appreciate their desire that Superfund be addressed in this legislation. Frankly, in light of its past record, the Superfund program is the poster child for regulatory reform. Nonetheless, given the fact that my subcommittee has been working diligently to quickly develop legislation on this issue, I believe that this matter should be addressed in the context of a comprehensive Superfund reauthorization bill, rather than in S. 343. For this reason, I am asking my Republican colleagues to join me in supporting the Baucus amendment.

I want to make something perfectly clear. Although I would prefer that these issues be dealt with in the context of a Superfund reauthorization measure, I agree in spirit with the changes included in this legislation. The fact is that all too frequently the Superfund program ignores common sense principles when dealing with toxic waste cleanups.

I believe that risk assessment and benefit-cost analysis should be utilized in determining how and when we will be cleaning up these toxic waste sites. While I think it is appropriate that this language not be included in the regulatory reform legislation, I want to make it very clear that the use of appropriate risk assessment and benefit-cost analysis will be part of a comprehensive Superfund reform measure.

EXHIBIT 1

SUPERFUND REFORM OUTLINE

(Introduction from Senator Bob Smith)

The Superfund program has had its successes. It is not, however, a successful program. When seeking input on the future of hazardous waste cleanup in the United States, I held no preconceived notions about what would or would not work. I believed that every legitimate idea had a place on the table, and was guided by one important premise: the Superfund program is in need of dramatic reform. My goal has been—and will continue to be—to solicit input and support from all interested parties to achieve that reform.

Creation of this document was an open process. The Subcommittee on Superfund, Waste Control, and Risk Assessment, which I chair, held 7 hearings and received testimony from more than 60 witnesses in an effort to formally incorporate a wide variety of views on the issue of Superfund reform. In addition, Congressman Mike Oxley, the Chairman of the House Subcommittee on Commerce, Trade, and Hazardous Materials, and I met with numerous groups in candid, off-

the-record meetings. Participants included: environmental groups, potentially responsible parties, representatives of the environmental justice movement, state and local governments, the Environmental Protection Agency, the Department of Defense, the Department of Energy, the Department of Interior, think tanks, and insurance companies. I also solicited the input of all members of the subcommittee, Chairman John Chafee, Ranking Member Max Baucus, and the Majority Leader.

The release of this Superfund Reform Outline is a natural extension of that process. The purpose of the document is to solicit additional constructive comments, ideas and criticisms that can be used during the bill-drafting process. The document is divided into three parts. Section I provides a brief history of the Superfund program, beginning with its inception in 1980 and continuing through to present day. Section II explains the principles that were used to guide the development of the reform measures. Section III provides a detailed summary of my recommended proposals.

The legislative proposals contained in Section III are intended to serve as the building blocks for a comprehensive reform of the Superfund program. They are not intended to be all inclusive, and no signal, either positive or negative, is intended if any item has been omitted from the outline. It is plausible that the final version of a comprehensive Superfund reform program may not precisely mirror all of the elements contained in this document.

I would appreciate that any specific comments on this plan be provided in writing. These comments should include your name, address and phone number, and should be forwarded no later than July 10, 1995, to:

Jeff Merrifield, Counsel, Subcommittee on Superfund, Waste Control and Risk Assessment, Hart Senate Office Building, Washington, DC 20510.

The Superfund program must be transformed into a more responsive, efficient and fair system for cleaning up hazardous waste sites and returning them to productive use. I believe this document provides a blueprint for reaching that goal. I look forward to receiving your input.

SECTION I—BRIEF HISTORY

The Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), also known as ''Superfund'', was passed and signed into law during the post-election session of Congress in 1980. The Superfund program was intended to enhance the federal government's ability to compel parties responsible for causing contamination at sites such as Love Canal, New York, and the ''Valley of the Drums'' in Kentucky, to either clean up the contamination or reimburse EPA for the costs of doing so.

The cleanup program that Congress enacted was premised on the principle that the ''polluter pays,'' through a system of strict, retroactive, joint and several liability. If those responsible for site contamination (potentially responsible parties or ''PRPs'') could not be found, or were unable to pay, EPA could use a special Trust Fund (hence the term ''Superfund'') to pay for the cost of cleaning up these sites. This ''Superfund'' was funded through taxes on the chemical and petroleum industries. Superfund was further amended in 1986 when Congress enacted the Superfund Amendments and Reauthorization Act of 1986 (''SARA''). SARA extended and expanded the Superfund taxes and authorized expenditures of $8.5 billion through December 31, 1991.

Although the Superfund program has achieved some successes, there is widespread agreement that the program is troubled. When CERCLA was enacted, it was expected that only a few hundred sites would need to be cleaned up and that the program would require relatively modest funding. Both of these expectations have proven to be inaccurate. Currently, there are over 1,300 sites on the Superfund list (known as the National Priorities List or ''NPL''), and during the last few years, EPA has been adding an average of approximately 30–40 new sites per year to the NPL. To date, the construction of long-term cleanup remedies have been completed at fewer than 300 contaminated sites.

As the magnitude of the problem has increased, the projected cost of the program has risen accordingly. Congress originally set aside $1.6 billion for NPL cleanups when it created the Trust Fund in 1980. Six years later, Congress increased the amount in the Fund to $8.5 billion. In 1990, Congress added another $5.1 billion. Overall, it is estimated that the total amount of money spent on Superfund since 1980, including the settlement costs of PRP's, is in excess of $25–$30 billion.

Given these problems, the Superfund program has been widely criticized, primarily on the following four major grounds: (1) the liability system is unfair and has resulted in excessive litigation and other transaction costs, diverting attention and money from site cleanup; (2) the cumbersome and often overly prescriptive remedy selection process has delayed clean up actions and driven up cleanup costs; (3) states and local citizens do not have the ability to fully participate in the selection and implementation of appropriate remedies; and (4) the stigma of being listed as a Superfund site often creates economic disincentives for the redevelopment and reuse of contaminated properties.

SECTION II—GUIDING PRINCIPLES

Community Empowerment.—The citizens who are most adversely impacted by the cleanup of hazardous waste sites near their homes should be empowered with a greater role in the decisionmaking process and an increased responsibility in helping to select the remedial action that will protect human health and the environment, foster rapid economic redevelopment, and promote expedited restoration of natural resources.

Enhanced State Role.—The states have developed an extensive and sophisticated level of expertise in addressing the problems of hazardous waste contamination outside of the Superfund program. Reform of Superfund should recognize this level of expertise, and should endeavor, to the greatest extent possible, to empower the states to assume the lead role in the Superfund process. An enhanced state role recognizes that the states have a much greater day-to-day involvement with their citizenry and are in a better position to respond to the needs and desires of the affected communities.

Sensible Cleanup Standards.—The goal of protecting human health and the environment must remain at the forefront of any Superfund reauthorization measure. Nonetheless, sensible Superfund reform efforts recognize that our ability to clean up some sites is constrained by both a technical inability to provide permanent solutions, as well as a limitation on national financial resource. Cleanup decisions should be premised on a careful analysis of the potential risks to human health and the environment, as well as a logical balancing of financial expenditures on remedy selection.

Establish Fairer Liability Requirements.—When Superfund was originally adopted in 1980, its primary purpose was to clean up hazardous waste sites that threatened human health and the environment. The adoption of retroactive liability to pay for this program has unfairly penalized a number of individuals and corporations that disposed of hazardous materials in compliance with then existing federal and state environmental laws. In addition, this liability system created an incentive for litigation which has resulted in slower cleanups and more money going to lawyers. The reform of the Superfund should not only strive to lessen incentives for litigation, but it should also result in a greater percentage of money being dedicated towards cleaning up sites.

Restoring Natural Resources.—The sole purpose of natural resource damages is to provide for the rapid restoration and replacement of significant natural resources that have been damaged by contact with hazardous materials. Financial compensation from persons who caused these damages should be used solely for the purpose of restoring or replacing these resources, and should not serve as a means of seeking retribution or punitive damages from potentially responsible parties.

Expedited Economic Reuse.—Although the original purpose of Superfund was to provide for the quick cleanup of hazardous waste sites, the Superfund cleanup process has resulted in delayed site cleanups, economic uncertainty for affected communities, and a disincentive for industry to redevelop so called ''brownfield sites.'' Reform of Superfund should provide incentives for the voluntary cleanup of industrial sites and the expedited reutilization of urban areas to promote rapid economic redevelopment and reuse.

The Future of Superfund.—Superfund was originally intended to be a temporary program lasting for only a short period of time. A comprehensive reform of Superfund should result in meeting that goal. Over the next few years, this program should be targeted towards completing the cleanup of the Superfund sites remaining on the list, significantly reducing the federal involvement, and allowing states to take the primary role in the cleanup of our nation's hazardous waste sites. While the Environmental Protection Agency should continue to be involved in the emergency removal program and research and development efforts, the eventual elimination of the national priorities list should result in a system where the states, and not the federal government, determine the speed, method and order that hazardous waste sites will be cleaned up.

SECTION III—PROPOSED REFORMS

1. Community Response Organizations (CROs)

A. Creation of CROs.—Under this title, the Environmental Protection Agency (''EPA'') or applicable state (see state role below) will provide for the establishment of community response organizations (''CROs'') to provide direct, regular and meaningful consultation throughout the response action process. CROs shall be established whenever: (1) the EPA or the applicable state determines that such a group will be helpful in the cleanup process; (2) when the local government requests such an organization; (3) when 50 citizens, or at least 20 percent of the population of a locality in which the national priorities list (''NPL'') facility is located, petition for a CRO; or (4) when a representative group of potentially responsible parties (''PRPs'') request establishment of a CRO.

B. CRO Activities.—CROs should comprise a broad cross-section of the community, and its duties should include: (1) serving as a forum to assist in gathering and transmitting community concerns to the EPA, states, PRPs and other Agencies on a variety of issues related to facility remediation, including facility health studies, potential remedial alternatives, and the selection and implementation of remedial and removal action and land use; and (2) serve as a resource for

transmitting site information back to the community. CROs shall be the preferred recipients of any technical assistance grant (''TAG''), and in addition, can receive administrative assistance from the EPA and the States.

C. CRO Participants.—A CRO shall have a membership not to exceed 20 persons, who shall serve without pay. The EPA or applicable state will solicit, accept nominations and select the members of the CRO. The makeup of the CRO shall represent a broad cross section of the local community, including persons who are or historically have been adversely affected by facility contamination in their community. Local residents shall comprise no less than 50 percent of the total membership of the CRO. Membership on the CRO will represent the following groups:

1. persons residing or owning residential property near the facility or persons who may be directly affected by releases from the facility. At least one person in this group shall represent the TAG recipient if such a grant has been awarded prior to the formation of a CRO;
2. members of the local community who, although not residing or owning property near the facility, may be potentially affected by releases from the facility;
3. members of the local medical community and/or public health officials;
4. representatives of local Indian tribes or local Indian communities;
5. local representatives of citizen, environmental, or public interest groups with members residing in the community;
6. local government which may include pertinent city or county governments;
7. workers employed at the facility during facility operations;
8. facility owners;
9. representatives of potentially responsible parties, who represent, wherever practicable, a balance of PRP interests; and
10. members of the local business community.

2. Enhancing the Role of States

A. Empowering the States to List and Delist Sites.—Section 105 would be modified to provide the states with sole authority to veto the addition of any site that the EPA proposes to add to the National Priorities List. States would also be given the authority, with the concurrence of the PRPs, to have sites taken off the NPL to be managed under existing Resource Conservation and Recovery Act (''RCRA'') authorities.

B. State Delegation for NPL Sites.—States would have the option of receiving delegation for the cleanup of NPL sites on either a site-by-site or statewide basis. Under this provision, states would request the delegation of all NPL sites within their state, or they could select specific sites on a site-by-site basis, or the state could choose to assume delegation of no sites.

States that choose to take NPL sites under this delegation plan, would be required to utilize federal liability and remedy selection procedures.

States that currently have authorization for a corrective action program under RCRA, could submit a self-certificate of competence to the EPA. Such certificate shall specify whether the state seeks site-by-site or statewide delegation. The EPA would be required to grant automatic certification of these state programs.

States that do not have RCRA corrective action authority would certify that they have the financial and personnel resources, organization and expertise for carrying out the implementation of the program. Within 90 days of the submission of the state certification, the EPA would be required to review the certification and determine if the state's proposal was sufficient to run a delegated program. At the end of 90 days, if the EPA failed to state an objection to the state certification proposal, the delegation would automatically take effect.

C. Sole State Control of Delegated Sites.—Once a state receives its certification from the EPA, the state will have the exclusive authority for implementing and enforcing the federal Superfund program. Delegated states would have the sole authority for implementing the program, including, but not limited to, remedy selection, enforcement, as well as activities under CERCLA sections 104, 106 and 107. The EPA's periodic review of the state programs shall be limited to auditing the state's use of program funds and a narrow ability to decertify states that fail to materially conduct enforcement and cleanup activities.

D. State Remedy Selection.—States that are delegated Superfund authority would be required to apply cleanup standards consistent with the federal Superfund program. Any state with a delegated program could apply cleanup standards more stringent than those required under the federal program, however, the state would be required to bear the additional costs of such remedies rather than the Trust Fund or the PRPs.

E. Non-Superfund Sites.—The states would be authorized to conduct cleanup activities for all facilities that are not on the Superfund list. This would include, with the exception of the 90 sites added under this proposal, all of the sites which are currently on the Comprehensive Environmental Response, Compensation, and Liability Information System (''CERCLIS'') list.

F. Voluntary Cleanup Programs.—In addition to delegated authorities outlined above, state could also seek expedited EPA approval of state voluntary response programs. Under this provision, a state would be able to establish voluntary cleanups at hazardous waste sites with the exception of the following: (1) portions of NPL sites for which a ROD has been issued; (2) portions of sites where RCRA subtitle C plans have been submitted and closure requirements have been specified in a plan or permit; (3) portions of sites where corrective action permits or orders have been issued, modified, or amended to require specific corrective measures pursuant to RCRA sections 3004 or 3008; (4) portions of sites controlled by or to be remediated by, a department agency, or instrumentality of the executive branch of the federal government; or (5) portions of a site where assistance for response activities may be obtained pursuant to subtitle I of RCRA from the Leaking Underground Storage Tank Trust Fund.

G. State Assistance Grants.—An appropriate level of assistance grants should be provided to the states over a 3 year period to build and enhance state Superfund program capabilities. Additional block-grant funding shall also be provided for voluntary and non-CERCLA cleanups that are administered and conducted by the states.

3. National Priorities List

A. Flexible Cap.—Amend Section 105 to provide that the EPA would be allowed to add a total of thirty (30) new sites to the NPL each year for three (3) years following passage of the bill. The EPA would be required to determine and prioritize, on a national basis, which 90 sites present the greatest threat to human health and the environment. These sites would be added to the NPL only upon concurrence from the associated state (see State Role below).

B. Sunset Provision.—Three years from the enactment of this legislation, the EPA would not be authorized to add any additional sites to the NPL. At the completion of cleanup at sites remaining on the capped NPL, the EPA authority shall be limited of providing a national emergency response capability, conducting research and development, providing technical assistance, and conducting oversight of grant programs to the states.

C. Expedited Delisting.—Amend Section 105 to provide that sites shall be delisted once the construction of the selected remedy is certified as complete. An informal rulemaking shall be completed 90 days after the passage of the act outlining the process through which expedited delisting shall take place. If the implemented remedy includes institutional or engineering controls, then the EPA or the applicable state should conduct a review of the site every 5 years. Delisting shall in no way relieve the EPA or the applicable state regulators from conducting ongoing cleanup activities, monitoring or post-cleanup operations and maintenance requirements.

4. Remedy Selection

A. Enhanced Cleanup Flexibility.—Amend section 121(b) to eliminate the preferences for permanence and treatment in selecting a remedy at Superfund sites. The EPA shall be directed to consider all options for addressing contamination at a site including, containment, treatment, institutional controls, natural attenuation, or a combination of these alternatives, and select the remedy that protects human health and the environment at the lowest cost. The remedy selected shall recognize the limitations of currently available technology.

Interim containment and remediation shall be used at sites where no current technology is available to remediate sites to the containment levels necessary to protect human health and the environment. Interim remedies shall be preferred where: (1) other treatment remedies are available only at a disproportionate cost; (2) innovative treatment technologies will be available within a ''reasonable time'' (3–5 years); and (3) the threat can be contained during the interim time period. The EPA or the applicable state shall review the interim containment plan every five years after the date of construction to determine if a continued threat to human health the environment warrants a modification of the interim containment remedy.

B. Revise the ARAR Mandate.—Amend section 121(d) to eliminate the requirement that remedial actions must meet applicable, relevant and appropriate requirements (''ARARs''). Instead, allow the EPA and the applicable states to utilize remedies that are more responsive to the specific site conditions and risks.

C. Protection of Human Health.—Amend section 121 to specify that selective remedies should be protective of human health and the environment. Remedies shall be judged to be protective of the environment if they (1) protect against significant risks to ecological resources which are necessary to the sustainability of a significant or valuable ecosystem and (2) do not interfere with a sustainable functional ecosystem that is consistent with the targeted land use. The objective is protection of human health and the environment from realistic and significant risks through cost-effective and cost-effective remedies.

D. Requiring an Unbiased Risk Based Analysis.—Amend section 121 to require that risk-based decisionmaking be utilized to: (1) identify the principal elements of potential risk posed by the site, and any cumulative effects posted by adjacent NPL sites; (2) analyze the relative health and environmental benefits of alternative remedies and (3) demonstrate that the approved remedy will protect human health and environment in light

of the actual or planned future use of the land and water resources. The tools that the EPA or applicable state would be required to utilize in making this risk assessment would include:

1. actual or plausible exposure pathways based on actual or planned future use of the land and water resources (industrial, commercial, residential, etc.);

2. site-specific data shall be used in preference to default assumptions; and

3. where site-specific data are unavailable, utilize an acceptable range and distribution of realistic and plausible default assumptions regarding actual or likely human exposures and site-specific conditions, instead of high-end or worst case assumptions.

E. Planning for Future Land and Water Use.—Amend section 121(b)(1) to require EPA or the applicable state to quantify the actual or planned future use of the contaminated land and water resources based on a mix of several factors including: (1) previous use of the landholdings; (2) site analysis and surrounding land use patterns; (3) current zoning requirements and projected future land uses; and (4) input from CROs, elected municipal and county officials, local planning and zoning authorities, facility owners and potentially responsible parties. The EPA or the applicable state shall then utilize the balancing factors listed below in selecting a remedy:

F. Reasonable Remedy Selection.—Amend section 121(b)(1) to require the EPA or the applicable state to select the most effective remedy that protects human health and the environment, unless the remedy is technically infeasible or the incremental costs are not reasonably related to the incremental benefits. The following balancing factors should be utilized in determining the most sensible, cost effective remedy:

1. the effectiveness of the remedy to protect human health and the environment;

2. reliability of the remedy to protect human health and the environment over the long-term;

3. any short-term risks posed by implementation of the remedy to the affected community, and to remediation workers;

4. the relative implementability and technical feasibility of the remedy; and

5. acceptability of the remedy to the affected community.

G. Establishing Reasonable Groundwater Cleanup Strategies.—Section 121 should be amended to require that remedy selection for groundwater should include a consideration of the current and future use of the resource, including both the nature and timing of uses. The remedy selection should consider a range of possible remedies including pump and treat, point of use treatment, containment and natural attenuation. The application of the possible remedies shall be weighed against the balancing factors outlined in section F (above) to determine the most cost effective remedy that protects human health and the environment that is not technically infeasible or where the incremental costs are not reasonably related to the incremental benefits. The type and timing of the resource use, technical feasibility and reasonableness of cost shall also be considered where the contamination threatens uncontaminated, usable groundwater.

H. Enhancing Emergency Response.—Amend section 104 to increase the duration of Emergency Response actions to 24 months, and increase the authorized cap to $4 million per site. Provide increased flexibility to emergency response managers to conduct removal and cleanup activities beyond the currently authorized level, where such action may significantly reduce or eliminate the necessity for further remedial activities at such a site.

I. Reviewing Past Remedy Decisions.—At sites where a record of decision (''ROD'') has not been signed, the EPA or the applicable state shall apply the remedy cleanup provisions contained within this bill. At sites where a ROD has been signed, but where construction has not begun, the EPA, the applicable state or the PRP can request a review of the ROD to determine if the remedy reform changes contained within the bill would result in a lower cost remedy that protects human health and the environment than the one being proposed. At sites where construction has begun, or where construction has been completed, the EPA or applicable state may conduct and implement a modification of the ROD where the EPA or applicable state or the RPR can demonstrate that the changes in remedy selection contained in the bill would result in a total life cycle cost reduction of at least 10 percent. Under no circumstances could a review of a ROD result in the selection of more costly remedies, nor would there be any reimbursement for past costs. Appropriate limitations would be placed on this review process to limit the potential for additional litigation.

5. Liability Standards

A. Repeal Retroactive Liability for Pre-1981 Disposal.—Amend section 107 to provide that no person shall be held liable for the removal or response costs related to hazardous substance disposal at non-federal NPL sites that occurred prior to December 11, 1980. Such costs shall be paid from the Hazardous Substance Superfund (''the Fund''). For those sites where disposal occurred both prior to and after December 11, 1980, the fund would utilize an independent allocator who would apportion the liability for this pre- and post-1980 disposal. Such allocator would also determine the proportionate level of liability for post-1980 disposal as is described below. Retroactive liability repeal would not apply to federal liability that occurred at nonfederal facility NPL sites. This retroactive repeal program would include a mechanism to ensure that PRPs remain on the site to conduct the cleanup program.

The fund would also assume the costs of any ongoing operations and maintenance costs (''O&M) for the proportionate level of pre-1981 disposal activities. The independent allocation process mentioned earlier would also determine the level of pre- and post-1980 liability for ongoing O&M for any facilities that were in construction or had completed construction prior to the passage of this act.

The fund would also assume that proportionate level of liability for pre-1981 disposal activities at those facilities where construction was underway at the time of the act, but where the payment for that construction had not been completed. In addition, the fund shall reimburse PRPs for construction payments made after June 15, 1995, where such activity was incurred to address pre-1981 liability. At PRP led sites, the PRP shall remain responsible for conducting cleanup activities, but shall be reimbursed from the fund consistent with the principles outlined above.

B. Proportionate Liability for Post-1980 Disposal.—Section 107 would be amended to create a proportionate liability scheme for removal costs, response costs and NRD at non-federal facilities at which hazardous substances were released. Such proportionate liability system would utilize an independent allocator that would determine the appropriate level of liability of each party currently liable under section 107(a) of the existing law.

No person shall be held liable for more than the share of removal, response or natural resource damage (''NRD'') costs attributable to that person's conduct. In determining the person's proportionate share of liability, the following factors shall be considered: (1) the amount of hazardous substances contributed by each party; (2) the toxicity of the hazardous substances involved; (3) the mobility the materials; (4) the degree of involvement of each party in the generation, transportation, treatment, storage, or disposal of the hazardous substances; (5) the degree of care exercised, taking into account the hazards posed by the material; (6) the degree of cooperation with federal, state and local officials; and (7) any other equitable factors as the allocator determines are appropriate.

At non-federal sites, the fund shall pay the costs of ''orphan shares,'' which shall be defined to include the shares attributed to bankrupt or dissolved parties, as well as shares that cannot be attributed to any party due to insufficient proof. Any PRP unwilling to pay its allocated share can be sued by EPA for all unrecovered costs at the site, including any orphan shares and de micromis shares. Thus, non-settlors may be held liable for the orphan shares and de micromis shares in addition to their own shares. Settling parties would receive complete contribution protection.

C. De Micromis Disposal Exclusion.—Amend section 107 to provide an exception from liability for certain parties who arranged for, or accepted for, disposal, treatment, or transport of municipal solid waste which contained not more than 110 gallons of liquid materials containing hazardous waste, or not more than 200 pounds of solid materials containing hazardous waste.

D. Lender Liability.—Amend CERCLA to limit the liability of lenders or lessors that: acquire property through foreclosure; hold a security interest in the property; hold property as a lessor pursuant to an extension of credit; or exercise financial control pursuant to the terms of an extension of credit. This section would limit the lenders potential liability to the gain in property value resulting from another party's response action to a release or threatened release. A lender would still be liable if it had caused the damage, release or threat.

1. Fiduciary Activities.—The liability of fiduciaries would be limited to the excess of the assets held in the fiduciary capacity that are available for indemnity. Nonetheless, fiduciaries may be held liable for failure to exercise due care which causes or contributes to the release of hazardous materials. In addition, a fiduciary could be held liable for independent actions taken or ownership of properties unrelated to their fiduciary capacity.

2. Owner Operator Definition.—Amend section 101(20) Superfund to provide that the term owner or operator does not include a person who does not participate in management but holds indicia of ownership to protect the security interests of others, nor does it include a person who does not participate in management of the facility prior to foreclosure.

3. Participation in Management.—Amend section 101(20) of Superfund to provide that ''participation in management'' means actually participating in the management or operation affairs of a vessel or facility, and does not include merely having the capacity to influence, or the unexercised right to control, vessel of facility operations.

E. Response Action Contractor Liability.—(''RACs'') Amend section 119 of the Act to provide a negligence standard for activities undertaken by RACs. In addition, amend section 101(2) to provide that ''owner and operator'' does not include in persons performing on written contracts to provide response action activities.

F. Other Small Business Liability.—There are a variety of other CERCLA liability concerns that have been raised by small business that have not been outlined in this legislative specifications paper. Nonetheless, such concerns are intended to be addressed within the context of a comprehensive CERCLA reform measure.

6. Federal Facilities

A. Enhanced State Delegation.—Qualified states could be delegated CERCLA authority at Federally owned or Federally operated facilities, consistent with certification requirements described above.

Delegation would be contingent upon: (1) states applying identical clean up standards and processes at Federal sites as are applied to non-Federal sites, (2) allowing uncontaminated or cleaned up parcels of property to be reused as rapidly as possible, and (3) applying a definition of uncontaminated property that includes property where hazardous materials were stored but not released.

The Department of Energy's Defense Nuclear Facilities where the federal government is the sole PRP would remain under the jurisdiction of the EPA. In addition, a limited number of Department of Defense sites with exceedingly complex environmental contamination would also remain under the jurisdiction of the EPA.

A risk-based prioritization processes, consistent with remedy selection criteria described above, will be utilized to rank proposed actions at federal facility operable units. Existing Federal Facility Compliance Agreements would be renegotiated based on the identified priorities. These agreements would form the basis by which federal facilities would be regulated by the EPA or the applicable states.

B. Clarifying Radionuclide Regulation.—A minimum standard for radionuclides would be established. Such standard would also account for naturally occurring radioactive materials (''NORM'').

C. Promoting Innovative Technology.—The use of Federal facilities to encourage and promote innovative cleanup technology that can be used at Superfund sites would be authorized. EPA would be required to develop an expedited permitting process to collect cost and performance data on new characterization, cleanup and waste management approaches.

7. Natural Resource Damages

A. Recoverable Damages.—Amend section 107 to provide that natural resource damages shall only be recoverable for actual injury to measurable, and ecologically significant functions of the environment that were committed to allocated to public use at the time of the conduct giving rise to the damage. The recovery shall be limited to the reasonable cost of restoring, rehabilitating or acquiring a substitute or alternative resource as well as the cost of assessing damages to that resource. With the exception of direct monetary damages resulting from a lost use of the natural resource, there shall be no recovery for lost use or non-use damages.

B. *Liability Cap*.—Amend section 107 to clarify that no natural resource damage liability shall result from activities where the release or releases of hazardous substances occurred prior to 1980. Where the placement of hazardous materials occurred prior to 1980, but where additional releases resulting from that placement occurred after 1980, the PRP shall be liable for post-1980 releases with a total potential liability not to exceed 50 percent of the amount spent on remedial action. Where the placement of materials occurred both before and after 1980, and where the release or releases of hazardous substances occurred after 1980, the total potential liability of the PRP shall not exceed 75 percent of the amount spent on remedial action. Where the placement and release of the hazardous materials occurred wholly after 1980, the total potential liability of the PRP shall not exceed 100 percent of the amount spent on medial action.

C. *Evidentiary Standard*.—Amend section 107 to eliminate the rebuttable presumption in favor of trustee assessments for any natural resource damages claim in excess of $2 million. For all claims in excess of $2 million, the trustee shall establish all elements of the NRD claim by a preponderance of the evidence, which shall be reviewed de novo by a court, upon petition of any party who is potentially liable for NRD at the site.

D. *Natural Recovery*.—Amend section 107 to require that trustees shall give equal consideration to actions that promote the use of natural recovery as an acceptable alternative to replicating the precise physical, chemical, and biological properties of resources prior to injury.

E. *Cost Considerations*.—Amend section 107 to require that restoration alternatives should include a consideration of the most cost effective method of achieving the restoration objective (i.e., the restoration, replacement or acquisition of ecologically significant resource functions) and not solely the replication of the resource.

F. *Cleanup Consistency*.—Amend section 107 to require that the NRD restoration standards and restoration alternatives selected by a trustee shall not be duplicative of, or inconsistent with, actions undertaken pursuant to sections 104, 106 and 121 of the act. In addition, trustees should be involved early in the remedy selection process to ensure consistency between resource restoration and cleanup activities.

G. *Double Recovery*.—Amend section 107(f) to provide that there shall be no recovery for NRD under Section 107 if compensation has already been provided pursuant to CERCLA or any other federal or state law.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana, [Mr. JOHNSTON] is recognized.

Mr. JOHNSTON. I ask unanimous consent that the pending amendment be agreed to and that a motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. JOHNSTON. Was that reached, Mr. President?

The PRESIDING OFFICER. Does the Senator from New Mexico object?

Mr. DOLE. No.

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

So the amendment (No. 1517) was agreed to.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I would ask the Senator from Arizona how long he would like to take. We have an amendment that is pending.

Mr. MCCAIN. If there is a pending amendment and the managers are interested in moving forward, I will withdraw that unanimous-consent request, if it is the will of the Senate.

Mr. DOMENICI. Mr. President, I understand there is no amendment pending; is that correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LAUTENBERG. The Senator from New Mexico is right.

Mr. DOMENICI. Mr. President, I wonder if the Senator will let me send an amendment to the desk, and then I will be glad to yield 10 minutes to him.

AMENDMENT NO. 1533 TO AMENDMENT NO. 1487

(Purpose: To facilitate small business involvement in the regulatory development process, and for other purposes)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of myself, Senator BINGAMAN, and Senator BOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BOND, and Mr. BINGAMAN, proposes an amendment numbered 1533 to amendment No. 1487.

Mr. DOMENICI. 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JOHNSTON. Will the Senator yield for a unanimous-consent request?

Mr. DOMENICI. Absolutely.

Mr. JOHNSTON. Mr. President, I have cleared this request with Senator LAUTENBERG and with Senator LOTT.

I ask unanimous consent that when an amendment by Senator LAUTENBERG, which deletes the language of the toxic release inventory, is considered, that there be 1 hour evenly divided; that no second-degree amendments be in order; and that there be a vote up or down on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico still has the floor.

Mr. DOMENICI. I yield to Senator MCCAIN 10 minutes, if the Senate will permit me to do that.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I ask unanimous consent that I be permitted to yield 10 minutes, and when he finishes, the floor be returned to the Senator from New Mexico to debate the pending amendment.

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

Mr. GLENN. Will the Senator yield?

Mr. MCCAIN. I have the floor. I will be glad to yield.

Mr. GLENN. I want to ask a question of Senator DOMENICI. Would he be willing to enter into a time agreement?

Mr. DOLE. Will there be any second-degree amendments on Domenici?

Mr. DOMENICI. Let me say to Senator LEVIN, this has nothing to do with toxic matters, nothing to do with that part.

Mr. DOLE. Mr. President, if the Senator from Arizona will yield to me a moment, we would like to get a time agreement on the Domenici amendment and then whatever we work out on the Lautenberg amendment. We would like to have a window of opportunity from 7 until 8 where there will be no votes. So if we can have one vote before 7, and then any other votes will be after 8 o'clock. Maybe we can work that out during the 10 minutes.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I will be glad to yield to the Senator from West Virginia.

Mr. BYRD. I wanted to ask the distinguished majority leader why we could not just work ahead and not have a window of opportunity?

Mr. DOLE. You mean work right on through?

Mr. BYRD. Yes.

Mr. DOLE. We will both be here. That will be all right with me. I think it is going to work out that way. I do not know how much time the Senator from New Jersey would want. If we reach an agreement, I think it is going to be about an hour on each amendment. I am perfectly willing to continue to operate without any window, but a number of my colleagues have obligations away from the Capitol. Obviously, the important thing is to finish the bill. That is the most important thing.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MCCAIN. I yield to the Senator.

Mr. BYRD. Without the time being charged to the distinguished Senator from Arizona, without his losing his right to the floor.

I can understand the desire of Senators to have a window, but there are some of us who understand that we have to stay here. We do not have any obligations away from the Hill. I have a wife and my little dog, Billy, at home. I would like to get home a little more often a little earlier. These windows of opportunities keep us here, those of us who are willing to, they keep us here in order to accommodate a few who want to run hither, thither, and yon, perhaps for good reason. But it delays the rest of us from getting the work done and getting home.

At the same time when we have these windows of opportunities, who stays around here and listens to the Senators talk? This is a poor way to do business. I do not say this critically of the majority leader, because I have been the leader on previous occasions. I just hope we would not fall into a habit here of having these windows of opportunities and keeping others here who are willing to stay here and work and get home and know what is being said by Senators who take the floor for debate.

Mr. DOLE. I appreciate the comments of the Senator from West Virginia, my friend. I think someone said 2 hours would do. I said, no, an hour should be adequate. Maybe that will not happen. Obviously, the important thing is to finish this bill. I think we have made some progress here, hopefully, this afternoon. If we can have time agreements, if they are less than an hour, there will be less than an hour window. I will work with the Senator from West Virginia. My little dog, Leader, misses me and your old dog Billy, we have not gotten them together yet.

Mr. JOHNSTON. Mr. President, if the leader will yield, Senator LAUTENBERG has a request for a 1-hour time agreement. That would be a good 1-hour window right there.

Mr. HATCH. Will Senator DOLE under the same unanimous consent agree to another comment? Will the leader yield? We also have Senator FEINGOLD. I just want to get it out so people know how many possible votes we have. Senator FEINGOLD has an amendment. We have a couple of other Senators who may want to bring up amendments tonight.

Mr. GLENN. Senator PRYOR has one also.

Mr. PRYOR. Mr. President, I have one.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. HATCH. I just want everybody to be aware.

Mr. DOLE. If the Senator from Arizona will yield to me one additional moment.

Mr. GLENN. Could I have 20 seconds here? All of these agreements on who is going to come up with whatever, all the agreements on time are going to be contingent on not having second-degree amendments. I think we can work out time agreements or an agreement not to have second-degree amendments.

Mr. DOLE. I cannot speak for anybody on that. I do not have any amendments. Others on either side may wish to reserve that right. It is my understanding the other side cannot agree to any vote before 7:15. Somebody on that side must already be out the window.

So we would be happy to try to work it out. We can have two votes at 8 o'clock. If we can get agreements on the Domenici and Lautenberg amendments, we can do it at 8 o'clock.

Mr. GLENN. Senator LAUTENBERG can accept a time agreement, but not if there is restriction on second-degrees.

Mr. DOLE. As I understand it, we cannot give that assurance.

Mr. GLENN. OK. So there will not be any time agreement.

Mr. DOLE. What about Domenici, is that subject to second-degree?

Mr. GLENN. We are still going through Domenici to see what is in it.

Mr. DOLE. Why do we not let Senator MCCAIN proceed? I think he has a very important statement.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

ATROCITIES IN BOSNIA

Mr. MCCAIN. Mr. President, I do not know how many of my colleagues saw the picture on the front page of the New York Times this morning. It is an unusual and historic picture. When you first look at it, all you see is a group of refugees. If you look a little closer, you will see men in military uniform. Those men are part of what has been called the U.N. Protection Force. They are standing by observing men being taken out of Srebrenica who are suspected, by Bosnian Serb forces of ''war crimes,'' young women being taken out for purposes that I cannot describe, old women and children who are starving to death and being forced to walk unknown distances.

Rather than describe it in my words, let me just read:

> In what has been a ritual of previous ''ethnic cleansing'' campaigns by the Bosnian Serbs to rid territories of Muslim populations, the Serbs who took Srebrenica separated the military-age men from the refugees and said they would be ''screened for war crimes,'' a United Nations spokesman here said. The air was filled with anguished cries as the Bosnian Serbs loaded the first 3,000 women, children and elderly . . .

Mr. President, we have gone from a situation where the Europeans were supposed to be protecting people to now sitting by and watching atrocities and war crimes being perpetrated before their very eyes. And they stand by helpless. What could possibly be the effect throughout the world of scenes such as this?

Mr. President, as Senator DOLE said in his recent statement, it is over. It is over, Mr. President.

''It was quite a horrifying scene,'' said Steven Oberreit of Doctors Without Borders. ''There was screaming and crying and panic. They didn't know where they were being taken to.''

> The refugees fled to Potocari on Tuesday night after Bosnian Serb troops swept into the town of Srebrenica, the heart of the United Nations safe area . . .
>
> Today, 1,500 Bosnian Serb troops, backed by tanks . . . overran the base with no resistance after they threatened to shell the refugees and kill the Dutch peacekeepers they were holding hostage if NATO warplanes intervened.

Mr. President, we have crossed the line from danger to humiliation. We have crossed the line from attempts to do the right thing to degradation and dishonor.

Mr. President, we cannot allow this to continue. And if events follow unchecked, next will be the enclave of Zepa, and then Gorazde, and next

maybe even Sarajevo. Mr. President, it is time they got out, and it is time we helped them out, and it is time we help the Bosnian Muslims defend themselves.

Mr. BIDEN. Will the Senator yield for an observation?

Mr. MCCAIN. Yes.

Mr. BIDEN. Mr. President, I am glad to hear the Senator on the floor speaking to this. Would the Senator acknowledge what everybody forgets? I know the Senator is angry about it, as well. I want to remind everybody that the reason why the U.N. observers are there is that the United Nations went in and disarmed—disarmed—not only did we fail to allow the Bosnian Government to get arms, the arms that existed, we went into Srebrenica—the United Nations did, with our support—and disarmed the Bosnian Government, disarmed the Muslims, disarmed the Croats, in return for a promise that we would protect them. And when, in fact, it was clear and the Dutch were called in for air strikes by NATO, Mr. Akashi said no.

I want everybody to remember what the Senator from Arizona is saying here. Not only did we not protect, we affirmatively—the United Nations and the West—disarmed those safe areas, took their weapons and said, ''We promise you in return that we will keep the Serbs from the door.'' But they knocked on the door, knocked it down, and there was nothing there for them to defend themselves with.

Now, as the Senator from Arizona said, they stand by and watch. And it is not the fault of those Dutch blue helmets. It is the fault of the contact group. It is the fault of the West for failing to intervene, at a minimum with air power, significant air power. But I think the Senator is absolutely correct. This is an atrocity. We should lift the embargo immediately and we should make available what, under the law, the President is allowed to do.

Two years ago, this Senate and Congress passed a piece of legislation authorizing the President, in his discretion, to make available up to 50 million dollars worth of weapons off the shelf now for those people.

I stood in Tuzla the last time this happened and watched trucks come into Tuzla loaded with women and children, and I thought they were celebrating when I first saw them because they were holding up children in these dump trucks above their heads. As they unloaded the dump trucks, I understood why the children were being held above their heads and held outside of the dump truck. Do you know why, Mr. President? Because when they opened the gate and got out, there were three children smothered to death in the bottom of those 1995 versions of cattle cars being dragged into Auschwitz. If these were not Moslems, the world would be reacting, just like if it were not Jews in the thirties, the world would react. Shame on the West.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be granted an additional 5 minutes.

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

Mr. MCCAIN. Mr. President, I appreciate the emotion of my friend from Delaware. I appreciate his compassion. I think the challenge before us now is to try to devise, working with the administration, a way to end this tragedy as quickly as possible for a minimum loss of human life, recognizing at this point that there are no good options. There are no good options in Bosnia today. What we need to do is choose the least bad option if we expect to stop this ongoing tragedy.

The reason I pointed out this picture again—this is the first time, I think, in history we have ever seen a picture of people who are in uniform, designated as peacekeepers, standing by and watching people being ethnically cleansed, mass rape, and, of course, the arrest and probable torture of young men. That is what the U.N. Protection Force has been reduced to. That is why, in my view, this was ill-conceived and flawed from the beginning—because it was an attempt to keep peace where there was no peace.

I wanted to give some facts as to how bad the situation is. Let me point out that I believe the United States should be prepared to assist in the effort to help remove the United Nations protection force and remove U.N. and allied forces from Bosnia. I want to just lay out the criteria. I hope at some time we can have a significant debate and discussion of this issue, possibly as early as next week. But I want to lay out the following criteria, because we have to be clear.

The operation must be conducted under U.S. or NATO command. It must have a clear mission objective, precluding any danger of mission creep, and the operational rules of engagement must be established and approved by NATO. Under no circumstances should the United Nations be permitted to participate in any way in the planning or implementation of a withdrawal operation. To allow any U.N. influence would be to risk the same failed policies from which UNPROFOR so clearly suffers. To allow U.N. participation in command decisions would be to risk repeating the gutless refusal to destroy Serb air defenses, a U.N. decision which led to the shootdown of an American F–16 last month.

Mr. President, the administration has committed 25,000 U.S. forces as part of an evacuation force. Once again, we must recognize that we must be willing to devote whatever forces in support that are necessary to successfully complete the mission—an overwhelming force to guarantee the safety of our men and women in uniform and those of our allies.

Finally, Mr. President, clear warnings must be issued to all parties involved in the Bosnian conflict. Should one American be injured or killed while participating in a withdrawal operation, the United States will not hesitate to use its military might to punish such aggression.

I would like to be specific. If the Bosnian Serbs harm Americans while this rescue operation is going on, I suggest the most punishing air strikes imaginable, and going as far away as Belgrade, if necessary.

Mr. President, it is our obligation morally to rescue the U.N. Protection Forces. It is also our moral obligation to do everything necessary to protect the lives of our young men and women who are involved in that operation, and make the cost so extremely high that we can guarantee to a significant degree the safety of those men and women.

Every day UNPROFOR stays, every hostage that is taken, every attack on the safe areas, every strategically ineffectual air strike and every sortie that has no mission but returns safely to base, creates the perception of a feeble Western alliance.

Every day UNPROFOR is in place is another day that the Bosnian Government forces are precluded from protecting themselves against Serb aggression. Remove UNPROFOR, lift the arms embargo and allow the people of Bosnia to fight for their future.

Unfortunately, harsh, cold, military facts will resolve this conflict. One side will prevail. I hope it is the lawful government of Bosnia. I find it very troubling that we have interfered with these realities to the benefit of the aggressor, by imposing an arms embargo on the victim. If we are unwilling to commit American forces to defend Bosnians, we cannot in good faith prevent the Bosnians from defending themselves.

I want to thank Senator DOLE for his proposal on this issue. I hope that next week we will take up this issue as soon as possible. Every hour that we delay, more innocent people will die. Every hour that we delay, will mean more humiliation and degradation of the United Nations and NATO. The repercussions of this kind of dishonor will reverberate around the world. We must bring it to a halt.

I appreciate the indulgence of my colleagues.

Mr. DOLE. Mr. President, first let me commend my colleague from Arizona for his eloquent statement and my colleague from Delaware, Senator BIDEN. I certainly share the views they both expressed this evening.

This is a tragedy I do not believe we will be able to measure for a long, long time. It will have an impact on the West for decades. I hope we can take up the Bosnia resolution as early as next Wednesday or Tuesday.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, we are trying to get some order so Members will know precisely what will happen.

As I understand, Senator DOMENICI is prepared to offer an amendment, and he is prepared to enter into a time agreement. That cannot be done until Senator GLENN has an opportunity to look at the amendment. We are not certain whether or not there will be a second-degree amendment.

I am advised that we can now deal with the Lautenberg amendment without a second-degree amendment, and it will be 1 hour equally divided.

I ask unanimous consent when Senator LAUTENBERG offers his amendment, No. 1535, that no amendments be in order, that there be 1 hour for debate to be equally divided in the usual form, and when the Senate votes, the vote occur on or in relation to the Lautenberg amendment.

Mr. WARNER. Reserving the right to object, I shall not object. Is it possible we could set a precise time on the Lautenberg vote?

Mr. DOLE. That is what we are trying to work out. We will not take up the Lautenberg amendment, I assume, for another 20 minutes, so the vote will not come until the end of that hour.

We hope we get an agreement on the Domenici amendment, also on the Feingold amendment, and also on an amendment by Senator PRYOR.

We are looking at the Feingold amendment. We did not have a copy of Senator PRYOR's amendment.

If we can start getting these agreements, I can advise my colleagues when we will have the vote.

Mr. DASCHLE. Mr. President, reserving the right to object, I guess I am not clear.

The majority leader, then, would not be prepared to set a time for the vote on the Lautenberg amendment until we know whether we can sequence more amendments and determine from that whether we might be able to sequence, then, the votes following consideration of all the amendments.

Mr. DOLE. That is correct. There have been a couple of suggestions made. One, that we can sequence four or five amendments and have all the votes tomorrow morning.

We would be here this evening debating the amendments, and those who had other plans or just wanted to frankly do something else, that they would be free to do that this evening. We would have votes tomorrow morning.

I think that is what we are trying to put together. There are four amendments we are aware of. I think the Senator from Texas, Senator HUTCHISON, has an amendment. We are trying to contact her.

I think fairly soon we will have the Glenn amendment, the big amendment, the substitute amendment, which I assume will probably take some time to debate on that.

Mr. KENNEDY. Mr. Leader, I have one on the OSHA provisions, and I would be glad to enter into a time limit tomorrow if we are sequencing. I would be glad to be in touch with the floor manager staff. We will make a copy available.

Mr. LEVIN. Will the leader yield?

Mr. DOLE. I am happy to yield to the Senator.

Mr. LEVIN. There are many amendments that are outstanding. I just am wondering whether or not the majority leader was suggesting that there was just that limited few amendments that were still outstanding, because there are many, many.

Mr. DOLE. I hope the number is not too large. I know there are a number of amendments.

Mr. PRYOR. If the distinguished majority leader would yield, I have an amendment. I think it could possibly even be accepted by both sides. I am not certain.

Even if it has to be debated and voted on, I would agree to 30 minutes time, 15 minutes equally divided, sometime tomorrow, and no second-degree amendments to be offered.

Mr. DOLE. As I understand, we have a copy of that amendment, and I will have Senator HATCH and Senator ROTH look at it.

I would hope that even if we reach some agreements that Members with amendments would stay tonight and try to dispose of those amendments. They may be acceptable or reaching some agreement, where we could have the vote, if not tonight, sometime tomorrow morning.

I think there is good-faith effort on the part of the leaders to keep this bill moving. I think we have gone over a couple of large hurdles this afternoon. If we can make some progress this evening, even though there might not be any votes after a certain point, we could still stay here. The managers are anxious to be here late tonight, to deal with amendments.

Mr. DASCHLE. If the majority leader would yield, would it not be in the interest, for the benefit of those who are waiting to offer amendments, to at least provide a sequence? We have Senator DOMENICI prepared to go now, and then Senator LAUTENBERG immediately after that. If it would be appropriate then for Senator FEINGOLD and Senator PRYOR to follow Senator LAUTENBERG —if we know the sequence perhaps we could then——

Mr. DOLE. I make that request.

Mr. DOMENICI. Reserving the right to object, what we intend to do is to speak for 20 minutes on our side on this Domenici amendment, giving your side a chance to look at it.

We will yield the floor and then permit going to Senator LAUTENBERG. That hour will elapse and then by that time your staff can have looked at ours, we will come back to it and finish it—whether it is 10 minutes, 20 minutes—and then of course you can go to the next one.

So that is understood as the sequencing for the conclusion of the Domenici amendment.

Mr. DASCHLE. That was my understanding, that we were going to set aside the Domenici amendment in order to accommodate the other amendments, and come back to the Domenici amendment after we had a chance to look at it.

Mr. DOLE. Following the Pryor amendment, the amendment by Senator HUTCHISON, an amendment on reasonable reliance.

If I could renew that request, that following the debate by Senator DOMENICI, 20 minutes, we then move to the Lautenberg amendment, and after completion of debate on the Lautenberg amendment, be followed by debate on the Feingold amendment, to be followed by debate on the Pryor amendment, to be followed by debate on the Hutchison amendment.

Mr. DASCHLE. If the majority leader would yield, I am informed Senator FEINGOLD has a second amendment very similar in nature to the Pryor amendment that he would be willing to accept a short time agreement on, so if we could put that on the list as well, I think that could accommodate Senator FEINGOLD.

Mr. DOLE. And that he would follow the Hutchison amendment; is that all right?

Mr. DASCHLE. That is correct.

Mr. JOHNSTON. Mr. President, reserving the right to object, were there any—did this ask for no second degrees on any of those amendments?

Mr. DOLE. Not at this point. We are trying to get the sequence. If we cannot agree on second degrees, that will present a problem. We are at least trying to sequence amendments so Senators will know when they may be expected to be here to offer their amendments, and obviously we would like to have additional amendments if anybody has an amendment. The Senator from Massachusetts will do his, I understand, tomorrow?

Mr. KENNEDY. I would prefer that.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, technically you did not say upon completion of Lautenberg we would return to Domenici before we go to the next amendment, and that should be there.

Mr. DOLE. I thought I did.

Mr. DOMENICI. You did not.

Mr. DOLE. Did not. All right. I guess I could not remember your name.

Mr. DOMENICI. It is pretty hard.

Mr. BYRD. Reserving the right to object—I have no intention of objecting—may I ask, is it the intention to vote on all these amendments this evening? As I understand it, we are only sequencing the amendments now. Some of them may be played out on tomorrow?

Mr. DOLE. That is correct. Some may be accepted, as I understand it. Some may need rollcall votes.

Mr. BYRD. And some might go over to tomorrow.

Mr. DOLE. Some might go over. I am not quite ready to announce that, but I

agree with the Senator from West Virginia, we are going to take them up. We can either vote as they come up or we can stack the votes, if that is satisfactory.

Mr. BYRD. Mr. President, I can understand the necessity for stacking a few votes, but I would object to stacking a great number of votes.

What do we mean by a great number?

Mr. DOLE. Right. I would say two or three—that is a small number.

Mr. BYRD. Yes. I have no problem with two or three. But I think we ought not to stack a great number of amendments.

Mr. DOLE. If we did, we would check with the Senator from West Virginia and provide for a little debate between each.

Mr. BYRD. That is all right up to, say, three.

Mr. DOLE. But if we decided to do three this evening and the balance tomorrow morning, would that be satisfactory?

Mr. BYRD. I have no problem with three votes. I hope we will stay here and do them. But there are many of us that sacrifice a great deal in order that one or two Senators, on this side of the aisle and on that side of the aisle, keep an engagement off the Hill. The rest of us are pinned down here waiting on action. We sit here for an hour or 2 hours before we get a vote.

I am not attempting to get in the majority leader's way or the minority leader's way. I am not attempting to force my will on the Senate. But I am one Senator who sits here and waits on action that does not accommodate me at this hour of the evening, to stack votes, hold off votes, or to have a window. There are a lot of other Senators here who would rather be home with their spouses than to be sitting around waiting on a window to expire so we can get down to business to accommodate one or two Senators.

Mr. DOLE. I understand. I hope this will work to everyone's satisfaction. We will keep that in mind.

Mr. BYRD. I thank the majority leader.

Mr. NICKLES. Will the majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. NICKLES. For the information of my colleagues, I was the one who requested that we stack the vote and maybe several votes for tomorrow morning. The reason I was doing that is because a lot of us do have families and would like to have dinner with their families. I cannot do that tonight because I am involved with some of these amendments, so I am not speaking for myself, but I know a lot of colleagues—some of our colleagues do not live real close to the Hill, either. They might live 20 miles away, so they cannot really wait for 2 hours.

So it is my suggestion that we do as many amendments as possible. Maybe some of these amendments—we now have an order for five amendments. It may well be that we can accept two or three of these amendments without rollcall votes. In all likelihood, the Lautenberg amendment will require a vote. I am not sure about the Feingold amendment or the Pryor amendment. Maybe we can accept the Pryor amendment.

I would like to see us make as much progress as possible. We have a lot of work to do. I also hope the majority leader will say that this is not the end of the work tonight.

I hope we plow ahead, because I know people said they have amendments and I know we are running out of days. So I hope the leaders and the managers of the bill will be willing to stay in and work through as many amendments as possible and stack whatever rollcalls are necessary until possibly 9 o'clock tomorrow morning.

Mr. JOHNSTON. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. DOLE. Let me respond. I do not disagree with the Senator from Oklahoma or anybody else. I think we all have the same objective and that is to try to finish the bill. As long as we are moving. What we do not want to do is sit around and wait for somebody to come back from somewhere, so 80 of us wait for 5 to come back. I have done that before, as the Senator from West Virginia has. But I think we have a sequence now and we have the people here who will be here and be debating these amendments. I think for the next hour and a half, we are going to have total debate without, probably, a single quorum call. I think that should satisfy everyone.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. DOLE. This is the late night, I might add. Thursday is normally the late night. We are going to continue.

Mr. JOHNSTON. I think we have a good chance of being able to work out some of these without a record vote. We have some changes I think we can work out with Senator DOMENICI and then, at least from my standpoint, that would probably not require a record vote.

Senator PRYOR's amendment does not sound as though it would require a record vote. At least, speaking for myself, it sounds reasonably noncontroversial.

Mr. PRYOR. Fine.

Mr. JOHNSTON. So you have—that is five. If two of them do not require record votes, that is a maximum of three, and we could let our colleagues go home and see their dog Billys.

Mr. DOLE. I think the best thing we can do now is start the debate.

Mr. GLENN. Will the majority leader yield for a question? As I understood this, and so we straighten it out—I checked with the Parliamentarian a moment ago. I think there was a little doubt as to the order here. As I understood it, it was this: Domenici, 20 minutes; Lautenberg; back to Domenici, then at the end of that; then Feingold, Pryor, Hutchison, back to Feingold again, and Kennedy tomorrow probably; is that correct?

Mr. DASCHLE. That is correct.

Mr. DOLE. Unless we can finish this evening. I think we will probably be on it tomorrow.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Hearing none, it is so ordered.

Under the previous order, the Senator from New Mexico is recognized.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is my understanding I have 20 minutes to be used as I see fit; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1533

Mr. DOMENICI. Mr. President, this amendment is made up of two parts. The second part is an amendment proposed by the chairman of the Small Business Committee, who is present on the floor, Senator BOND. So I will try to divide the time rather equally, using 10 minutes and yielding 10 to him—maybe a little more on my end, in proportion. There are more words in my amendment than his, which probably means I should talk a little longer.

I am glad the Senator finished. I yielded 40 minutes ago, I thought, and we would have already been finished with me, but we got a lot of work done so I am pleased to have yielded.

Mr. President, I sent this amendment to the desk in behalf of Senator BINGAMAN, Senator BOND, and myself. I think all of us have had experience in our home States, in one way or another, talking to a lot of small business people, men and women, sometimes couples, and a lot of minority businesses and a lot of women-owned businesses that are small and startup.

Frankly, when it comes to regulations, the most consistent complaint is that the regulatory process never involves small business until it is all finished and it is too late. They are not around to make practical suggestions to seek just some ordinary, common sense in this process. Many regulations take a long time from beginning to end. As a matter of fact, some take 2 years, Mr. President, 2½ years.

What we seek in the first part of this amendment is precisely what the small business people have told us, and told this administration, that they desperately want. Last year, five agencies, including the Small Business Administration, EPA, and OSHA, held a forum on regulatory reform. Let me quote what they said:

> . . . the inability of small business owners to comprehend overly complex regulations, and those that are overlapping, inconsistent and redundant.

They have indicated that:

> The need for agency regulatory officials to understand the nuances of the regulated industry [small businesses, women-owned businesses, minority businesses] and the compliance constraints of small business.
>
> The perceived existence of an adversarial relationship between small business owners and Federal agencies.

All of these were statements made at that forum that this administration held with small business for small business.

So let me read one more time:

The need for more small business involvement in the regulatory development process, particularly during the analytic, risk assessment and preliminary drafting stages.

That is what they said was the paramount problem. It is in their own report.

Mr. President, this amendment has a lot of pages to it because, whenever you start mentioning Federal agencies and bureaucracies, you have to make all kinds of references. Essentially this would create a partnership, not an adversarial, not a take-it-to-court, not a mandatory situation, but would create panels wherein small business would become partners with the agency officials that are doing this work. So that before the regulations are finalized, they would have some input into what the regulations have to say, whether they are consistent, whether they are too confounding, too complicated, where they do not make sense. All of that, in my opinion, should be part of a well-run executive branch with reference to regulations that OSHA and the EPA put out right now.

I just tried to construct a way to set these panels into existence so that they will be ongoing and each State will have small business input within their States through this process to get small business input. It will be a small number of businesses—just three. There will be a group of bureaucrats or agency people who move this along and make sure that the input is given and passed on where it should be. If it works right, in our sovereign States a few small business people become part of an ongoing dialog regarding regulations that, I think, be it utterly simple, could have a profound effect on what currently is a very bad situation.

Who has not heard a small business say that, ''Government regulators treat us like enemies''? If you have not heard it, you have not been among them. If you have not heard them say, ''They do not care what we think,'' you have not been among small business people.

We are trying in a simple way to see if in time we can get those kinds of things wiped away from the scene as far as the regulations, and that there be more partnership-type exchange between those that create the jobs in America, that pay the bills, and those that attempt to regulate them and their lives and their businesses sometimes in very wasteful and unreasonable ways.

So, Mr. President, there may be room to change some of the words to make it very clear what we intended. We will work with Senator JOHNSTON's staff and Senator GLENN's staff. We have already talked at length with the chairman of Governmental Affairs, Senator ROTH, and his staff. They tend to think this is a good amendment and should be adopted.

Mr. President, almost all of the small business owners I talked to—who are the people who create almost all of the jobs in my State—told me just how smothering this explosion in regulations has become.

Further, almost without exception, these small business owners identified the Occupational Safety and Health Administration [OSHA] and the Environmental Protection Agency [EPA] as the two Federal agencies which promulgate the most unreasonable and burdensome regulations.

Further, Mr. President, because a great number of new businesses are being started by women, some of the most vocal critics of EPA's and OSHA's unreasonable regulations are women-owned businesses.

I believe one of the biggest reasons for these attitudes among America's small businessmen and women is that they are just not adequately consulted when regulations affecting them are being proposed and promulgated.

I am not alone in this belief.

Last year five agencies—including the Small Business Administration, EPA, and OSHA—held a Small Business Forum on Regulatory Reform.

Let me quote from the Administration's own report summarizing the principal concerns identified at the forum:

The inability of small business owners to comprehend overly complex regulations and those that are overlapping, inconsistent and redundant.

These panels will be responsible for providing technical guidance for issues impacting small businesses, such as applicability, compliance, consistency, redundancy, readability, and any other related concerns that may affect them.

These panels will then provide recommendations to the appropriate agency personnel responsible for developing and drafting the relevant regulations.

The panels will be chaired by a senior official of the agency and will include staff responsible for development and drafting of the regulation, a representative from OIRA, a member of the SBA Advocate office, and up to three representatives from small businesses especially affected.

The panel will have a total of 45 days each to meet and develop recommendations before a rule is promulgated or before a final rule is issued. Forty-five days, in the context of rules that are years in development, is not a delay.

In fact, these agencies know months in advance that they will be preparing these regulations. Sometime during this period, the agencies can seek these panels' advice.

This will allow the actual small business owners, or their representative associations, to have a voice in the massive regulatory process that affects them so much.

Finally, this amendment will also provide for a survey to be conducted on regulations. This idea is analogous to what the private sector routinely practices.

A customer survey, contracted and conducted with a private sector firm, will sample a cross-section of the affected small business community responsible for complying with the sampled regulation.

I believe that this panel, working together so all viewpoints are represented, will be the crux of reasonable, consistent and understandable rulemaking.

Further, my amendment enjoys the support of the National Federation of Independent Business.

Also, I previously spoke of the Small Business Advocacy Council which I set up in my State.

Mr. President, I believe this amendment will help reduce counterproductive, unreasonable Federal regulations at the same time it is helping to foster the non-adversarial, cooperative relationships that most agree is long overdue between small businesses and Federal agencies.

CONCLUSION

Mr. President, a second part of this amendment would greatly aid small businesses as they deal with these seemingly endless Federal regulations.

For a further explanation of these provisions, I would like to yield to my good friend and chairman of the Small Business Committee, Senator BOND.

Let me conclude that the National Federation of Independent Businesses wholeheartedly supports this amendment as a bona fide effort to get small business involved in a non-advocacy manner but regular and ordinary involvement in the preparation of regulations that affect them.

I ask unanimous consent that the letter from the National Federation of Independent Businesses be printed in the RECORD.

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, July 12, 1995.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express NFIB's support for your legislation, the Small Business Advocacy Act, as an amendment to S. 343, along with Senator Bond.

Small businesses have long been at a disadvantage in accessing the regulatory process. They simply do not have the time or resources to closely follow the Federal Register and work with agencies to ensure that regulations are not unnecessarily burdensome. This issue is of such importance that it was voted the number three recommendation in the recent White House Conference on Small Business.

Your legislation provides a mechanism, through its establishment of small business review panels, to ensure that the small business voice is heard as regulations are being developed. As a result, regulators are more likely to achieve their implementation goals at a lower cost and with less burden on small businesses.

Further, your legislation establishes a small business and agriculture ombudsman

in federal agencies where small business owners can confidentially report on compliance and enforcement proceedings. The ombudsman can then issue findings and recommendations to improve enforcement activities and ensure that regulations are understandable and reasonable for small businesses.

NFIB supports your efforts and will work with you to enact your amendment.

Sincerely,

DONALD A. DANNER,
Vice President.

Mr. DOMENICI. I yield to my friend, the chairman of the Small Business Committee, Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am pleased to join with my very distinguished colleague from New Mexico and the other Senator from New Mexico, Senator BINGAMAN, in offering this amendment. I commend Senator DOMENICI for all of the work that he has been doing on the very difficult budget process, and for the great work he has put in this early on this year.

He asked if I would join him to listen to the small business people who had come to him in New Mexico and who wanted to share with us in Washington the concerns they had about how the Federal Government was making it far more difficult for small businesses to thrive and even to survive.

We had an excellent field hearing in Albuquerque, NM, where we learned a great deal about the concerns of small businesses about excessive regulations and excessive and abusive enforcement tactics by Government agencies.

Here in Washington those might seem like overused phrases. But outside the beltway, in the real world, where the men and women of small business are trying to earn a living for themselves and their families, to create jobs and to improve their communities, they are suffering real harm from precisely those excessive regulations and excessive and arbitrary enforcement.

We heard from Ms. Angela Atterbury, owner of a small business in Albuquerque, NM. She told us of a small businessman who was a first-time offender of an OSHA regulation and was fined $8,000; no education or explanation, just a fine, which almost put the man out of business. She told us of a small pest-control company transporting one to two pints of pesticide who must comply with the same regulations as a large shipper of chemicals. And a candymaker who cannot legibly print all the information required by the FDA on the candy bar wrapper.

You have to have a separate sheet of paper attached to each candy bar to get all the information on it.

We also heard from Mr. Gregg Anesi, a small businessman from Farmington, NM, who testified that too often there is no practical recourse for a bad regulation or a bad regulator.

This is something that we have heard time and time again. Many, many small businessmen and women have asked us, ''What do you do if you are small business and you cannot afford to hire a hoard of lawyers, and you cannot afford to carry on a battle with an agency? You have somebody who seems to be overstepping their authority or misinterpreting regulations. How do you get out of it?''

This is really a crushing problem for many small businesses who run head on into the Federal Government and feel like they have been hit by a truck. And many, many more small businessmen who were literally drowning in the flood of government regulations.

The Small Business Committee has held field hearings in several other States since that time, and the message from small business owners at each of these hearings is strikingly similar. In my own State of Missouri, I heard from Mr. Leon Hubbard, the owner of a small homebuilding company in Blue Springs, MO. Mr. Hubbard persuasively describes the disproportionately burdensome impact on a company like his of regulatory paperwork obligations. OSHA requires companies like his to have files of Material Safety Data Sheets for all hazardous products on a home construction site, in spite of the fact that most products carry their own warning labels and despite a 1992 OSHA study that indicated less than 1 percent of all construction fatalities resulted from chemical exposure.

We know from other instances where people have been hit by OSHA because they did not have a safety material data sheet on a bottle of Dove soap, the kind that any of us may use in household cleaning activities. This is the length to which some of them have gone.

He also pointed out the unfairness of OSHA's multiemployer work site policy. Arbitrary enforcement of this rule makes builders like himself legally responsible for the safety practices of employees of independent subcontractors working on the same job site even though he might not have any direct authority over the employees. This means that one employer could be cited for safety violations of another employer.

Another piece of very compelling and interesting testimony came from Mr. James M. White, senior program director for the Local Initiative Support Corp. in Kansas City describe his frustrations with the problems created for central city redevelopment by the unpredictable enforcement of environmental regulations. Mr. White is a senior program director for a national non-profit organization funded by the private sector to provide support to community development corporations. He testified about his personal involvement in six proposed development projects in central Kansas City where the projected development costs were escalated to excessive levels by uncertainty over cleanup requirements under environmental laws. The defensive and over cautious approach taken by lenders and others as a result of inconsistencies and uncertainties about potential environmental liabilities dramatically increase project costs and reduce redevelopment opportunities. Factories and jobs often are driven to locate in distant suburbs rather than in the central city where they would be welcomed by thousands of job seekers.

As a result of our hearings, Senator DOMENICI introduced S. 917, the Small Business Advocacy Act—to give small business a greater voice in development of regulations of EPA and OSHA—and I introduced S. 942—to give small business a greater voice in dealing with the enforcement of regulations, to give small businesses who feel they are being oppressed either by excessive regulations or by the enforcement of them some place they can go, some voice where they can be heard.

The amendment that Senator DOMENICI, Senator BINGAMAN, and I have proposed draws on both bills to produce what we think is a strong amendment for small business.

The part of the amendment drawn from S. 942 is designed to give small businesses a place to voice complaints about excessive, unfair or incompetent enforcement of regulations, with the knowledge that their voices for once will be heard. The amendment sets up regional small business and agricultural ombudsmen through the Small Business Administration's offices around the country to give small businesses assurance that their confidential complaints and comments will be recorded and heard.

I cannot tell you how many times a small businessperson has come up to me and said, ''Man, this inspector from OSHA was really tough on me, but I am scared to death because if I complain to his supervisor, I am going to get it doubly bad the next time.''

Well, there ought to be some kind of check, some kind of confidential process in which he can place that complaint. And if there are others like him who are also being abused by that particular inspector, perhaps the ombudsman can do something about it.

The ombudsman also would coordinate the activities of the volunteer Small Business Regulatory Fairness Boards, made up of small business people from each region. The board would be able to investigate and make recommendations about troublesome patterns of enforcement activities. Any small business subject to an inspection or enforcement action would have the chance to rate and critique the inspectors or lawyers with whom they deal.

Now, they may not like them all, but you can sure find out, when you listen to the people who are subjected to the inspections and the regulations, who are the responsible officials and who are the overly aggressive and excessively burdensome and overbearing regulators.

In dealing with small businesses today, too many times an agency seems to assume that everyone is a violator of the rules, trying to get away

with something. Many agencies do a good job of fulfilling their legal mandate while assisting small business, but there are some that seem stuck in an enforcement mentality where everyone is presumed guilty until proven innocent. That is not our system. That is not the American way.

From your experience and mine, we know that most people want to comply with the law if they know what it is. We still need sanctions. We still need enforcement for those who willfully refuse to do so. But let us not assume that everyone wants to violate the law and wants to overlook the requirements for safety, for health and other legitimate regulatory purposes.

I think we ought to let small businesses compare their dealings with one agency to dealings with another so that the abusive agencies or agents can be weeded out and exposed. Agencies should be vying to see which can fulfill their statutory mandate in ways that help and empower small business to accomplish their purposes, whether it be safety in the workplace or cleanliness of the environment. The agencies ought to be helping first the people involved to do the job that they want done and to do it properly.

We need direct feedback, and I think the agencies need direct feedback from small business women and men around the country on how well regulators are doing their job.

In my view, the Domenici amendment will for the first time take the fight outside the beltway and attack the regulations and the agencies where they impact people in their day-to-day lives.

Now, most of my colleagues in this body have received complaints. If you have not heard thousands of those complaints, you must not be listening because every day they come to Washington to tell the Members of Congress how bad they are being treated. Let us give them a chance to get a hearing out in the area where they live to identify at the location where it is happening those agencies or representatives of agencies who are overstepping their boundaries.

Mr. President, last month the President told the White House conference that he wants Government regulators to stop treating small business men and women as criminals and start treating them as partners or customers. I commend him for that, and I believe this amendment will help to make that goal a reality and bring much needed relief to small businesses across the country. I really hope the President will follow through on his speech to small business and join with the National Federation of Independent Businesses in supporting this amendment.

I point out, since I am talking about the conference, that this White House Conference on Small Business which just completed brought a lot of good ideas and a lot of information to Washington, and the No. 3 priority which the small business delegates put on the agenda was dealing with regulation and paperwork. They had a vote of 1,398 who said the third priority should be amending the Regulatory Flexibility Act, making it applicable to all Federal agencies including IRS and DOD, and including the following—and this I note parenthetically, that the Dole substitute, this measure under consideration, does just that. It strengthens the Regulatory Flexibility Act. It also does the other following things set forth in that priority listing:

A. Require cost-benefit analysis, scientific benefit analysis and risk assessment on all new regulations.

B. Grant judicial review of regulations, providing courts the ability to stay harmful and costly regulations and requiring agencies to rewrite them.

C. Require small business representation on policymaking commissions, Federal advisory and other Federal commissions or boards whose recommendations impact small businesses. Input from small business representatives should be required on future legislation, policy development and regulationmaking affecting small business.

The regulations go on, but I think any of us who travel in our States and listen to the small businesspeople will agree that even if you were not fortunate enough to attend the conference, these are the concerns of small business.

I believe the Domenici amendment helps this excellent substitute that is before us to address those needs.

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

The Senator from New Mexico has 2 minutes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator COHEN of Maine and Senator ABRAHAM of Michigan be added as original cosponsors.

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

Mr. DOMENICI. I ask unanimous consent there be printed in the RECORD a letter from Angela Atterbury, of Atterbury & Associates, who is the chairperson of my Small Business Advocacy Council, expressing our entire New Mexico Advocacy Council support of this amendment.

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

ATTERBURY & ASSOCIATES, INC.,

For the past two years, the Small Business Advocacy Council has worked to identify solutions to regulatory issues which create unreasonable burdens for small business. Our members, comprised of women and men small business owners, currently are underrepresented in the regulatory process. By providing a presence to small business people on a regulatory review panel, Congress would level the playing field toward small business, which often can not absorb the costs or the time required to understand the language of existing regulations.

This is what small business wants—an opportunity to act in an advisory capacity and work together with agencies. This would help refute what is seen by small business as the agencies' adversarial position toward them. It would provide a much-needed dose of reality by those of us who live our day-today lives outside the Beltway to those who live within its confines, in terms of application, readability, costs and other germane issues. The review panel will also give each side a means to communicate and soften the stance many in the small business community hold of the agencies, that is, that their existence is justified only by levying fines to small business.

Sincerely,

ANGELA ATTERBURY,
President, Chair,
Small Business Advocacy Council.

Mr. DOMENICI. I was very pleased that my friend from Missouri mentioned some of the people in our State who testified before his small business hearing, and I might just in my remaining minute for the record thank him for mentioning them and refresh his recollection about the farmer who brought to the hearing room all of the attire, from boots to an orange jacket, to a headpiece where he had to cover his face. And it was because of the newest regulatory schemes that we have under the protection of Agricultural Workers Act. That may not be its formal name.

What he said was very interesting. I wanted to say this when Senator NICKLES, the great golfer, was in the Chamber. He said, I believe we can prove that every golfer who plays 18 holes of golf on a modern grass course gets exposed to more of that which you are trying to protect farm workers from than in 1 year on the farm, but farmers' aides will be wearing this attire like they were from outer space. He said, how would the golfers feel with all of that on them to protect their legs which are exposed as they wear shorts out on the golf course.

I think those are some of the things that somehow or another, sooner or later we are hopeful the point will get across about common sense, and we believe our amendment will add a little bit of potential and possibility for that happening.

Mr. President, I understand Senator GLENN and the staff of Governmental Affairs wants more time to look at my amendment. So, I ask unanimous consent that whatever the previous order was, that the Domenici amendment be set aside and that it follow in sequence for tomorrow morning for the first amendment that would come up tomorrow morning, whatever that might be.

Is that satisfactory with Senator GLENN?

Mr. GLENN. It is satisfactory to me. All we want to do is have a chance to look at it. There is some irritation expressed that we were even questioning this.

Mr. DOMENICI. Let me ask that it be set aside temporarily.

The PRESIDING OFFICER. The amendment has been set aside for the consideration of the amendment by the Senator from New Jersey.

Mr. DOMENICI. I am supposed to be back here to present the rest of my amendment. I am not going to do that if it is to no avail.

Mr. GLENN. We would be happy to comply with all these things. We have a number of questions on these. They are legitimate. We will have the administration, the Justice Department, look into this tonight to be able to give an answer in the morning. We would not be able to give approval or accept this this evening. I think it is a good idea to put it off until tomorrow. Then the Senator from New Mexico would not have to come back tonight.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from New Mexico controls when his amendment will be called up. He can have it set aside in order to hear the presentation by the Senator from New Jersey.

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. It will come up when he calls it.

Mr. GLENN. It is subject to being called up either tonight or tomorrow; is that correct?

The PRESIDING OFFICER. That is correct. We would proceed following the Senator from New Jersey.

The Senator from New Jersey is recognized to proceed.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Will the Senator from New Jersey yield?

Mr. ROTH. For the purposes of unanimous consent.

Mr. LAUTENBERG. I would be pleased to yield without losing my right to the floor to the distinguished Senator from Delaware.

Mr. ROTH. We will withhold. I understand there will be one more unanimous consent.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

AMENDMENT NO. 1535 TO AMENDMENT NO. 1487

(Purpose: To strike the provisions relating to the toxic release inventory review)

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

The PRESIDING OFFICER. Without objection, the pending Domenici amendment is set aside. The clerk will report the Lautenberg amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. BAUCUS, Mr. LIEBERMAN, Mr. KERRY, Mr. BRADLEY, Mrs. BOXER, Mr. SIMON, Mr. KENNEDY, and Mr. MOYNIHAN, proposes an amendment numbered 1535 to amendment No. 1487.

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

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

The amendment is as follows:

On page 72, strike lines 1 through 15.

Mr. LAUTENBERG. Mr. President, this amendment would delete a provision currently in the bill that is unrelated to regulatory reform and would greatly weaken a critical environmental law generally known as the community right-to-know law, or the Toxics Release Inventory, commonly called TRI.

Mr. President, I was the original sponsor of the right-to-know law. I am proud that it has proved to be one of the most effective environmental laws on the books. The right-to-know law has no prescriptive requirements. It does not force anyone to do anything except release information. It is a simple sunshine statute.

Mr. President, I would strongly oppose the emasculation of the right-to-know law no matter what the vehicle. But this clearly is not the proper way to consider such a huge change in the major environmental law. The right-to-know provision in this bill has been subject to hearings or scrutiny in the Environment and Public Works Committee. And the substance of the proposal goes well beyond the changes proposed for other types of regulations.

Mr. President, as I said, my amendment proposes to delete a section of the proposed legislation that reduces the effectiveness of the right-to-know law, commonly called TRI, Toxics Release Inventory. Most of us who have been here for a while have worked on legislation that sometimes turns out to be less effective than we had hoped. The right-to-know law, on the other hand, has proven to be even more effective than we expected. It has also proved to be less obtrusive to business than other environmental laws that are on the books.

Now, most environmental regulations operate by command and control. They require companies to take specific actions, such as lowering emissions, sometimes by a specific date, sometimes by a specific technology. Some environmental laws require industry to develop technology that does not yet exist. And these types of prescriptive regulations are probably the major reason that industry has been pushing for this so-called reform legislation.

But the right-to-know legislation is quite different. The Toxics Release Inventory imposes no regulatory control. It requires no permitting. It sets no standards. It requires no registration, labeling or reduction in emissions. It does not even require monitoring by a Federal agency. All it requires are estimates of the amount of toxic chemicals that facilities release into our environment. And this information is very helpful to local officials, to fire and emergency personnel and to those who live near the plants. Despite the lack of specific requirements, the right-to-know law has probably led to more voluntary pollution prevention efforts and more environmental cleanup than any other law. The right-to-know law requires companies to list the amount of certain chemicals that leave their facilities through air, through water, or shipment to land disposal facilities.

Currently, 652 chemicals are required to be disclosed. Each has well-established adverse health effects or is carcinogenic or toxic.

Now, under the law, in deciding which chemicals to include on this list, EPA is not required to do a full risk assessment. On the other hand, the law does not restrict companies from releasing these chemicals. All that is required—and I make this point over and over again—is disclosure. The right-to-know law has proven effective primarily because it has influenced the voluntary behavior of corporations. First, many companies have voluntarily reduced the emissions of harmful chemicals in order to avoid negative publicity. By requiring companies to tell the public the truth about the chemicals they are emitting, the law has created a strong incentive for industry to reduce emissions even though, again, they are not required to do so by law.

Beyond creating the possibility of adverse publicity, the right-to-know law has worked by encouraging businesses to reduce waste for the sake of their own bottom line. Company after company has discovered the material they were putting out through the stacks or pouring into the water could be recovered and reused. One company in New Jersey cut its emissions by 90 percent once they looked at the value of the materials they were simply throwing away. And when we look at what some of the companies say, it is rather illuminating. This quote from Ciba-Geigy, a very important pharmaceutical manufacturer, in 1993 in the environmental report that said:

The initial demand for environmental reporting came from the public. But in responding, we have discovered that the information is extremely useful to our own management. We have learned about our successes, our inadequacies and the gaps in our knowledge. It's a good example of the way in which external pressures ultimately prove of benefit to the environment and to industry.

Mr. President, lots of these materials are very expensive. And when they are wasted, they have a negative effect on the company's bottom line. Yet before the right-to-know law was enacted, perhaps surprisingly many companies simply did not appreciate the extent to which chemicals were being wasted by emitting them into the environment rather than using them in their product manufacturing. The right-to-know law has given many corporations the information they need to reduce this waste. As a result, many have redesigned their manufacturing processes, begun recycling chemicals, and taken other steps to reduce waste.

This chart helps to demonstrate the impact of the Toxics Release Inventory. In 1988, 4.8 billion pounds of toxic material were sent into the waste—air, land, or water. In 1992, 4 years later, we had a dramatic reduction, down to 3.2 billion pounds, and in 1993, 2.8 billion pounds, a reduction of 2 billion pounds of toxic material being emitted into the waste stream in a period of only 5 years.

Now, what is going to happen if the present bill goes into effect as is, turns into law? Then the right to know—nothing will be the predominant rule. Mr. President, not only is it unfair, costly, wasteful, but it will give the companies a chance to relax rules that proved beneficial for them and nonbeneficial for the health and well-being of the residents or those who work in the area.

Let me repeat, emissions have been reduced by 42 percent or, as I said earlier, 2 billion pounds in dangerous chemical emissions. Yet, all of this is at risk if the provision included in the bill is enacted into law.

Do we really want to change the right to know into knowing nothing? I hope not. Should not our citizens be aware of the risks that they and their families undergo?

The chemical industry has acknowledged the value of the right-to-know law. We can look at the testimony by the Association of Chemical manufacturers. They say:

> The chemical industry can work within the requirements of title III to achieve two important objectives: Improving local emergency planning and informing the public about chemical operations.
>
> These objectives are vital to the long-term success and competitiveness of the chemical industry. Facility managers must take the initiative and work directly with local government and communities to make this law work.

Or someone representing DuPont, Mr. Vernon Rice, said:

> The beauty in the TRI is that a company can decide for itself how it will achieve reductions and can deploy the most cost-effective methods to do so. The law and the regulations that follow provide the incentive that industry then is provided with discretion on how to make the reductions.

I might add, Mr. President, industry also can decide not to make any reductions at all.

The bill before us would undermine the right-to-know law by changing the rules for designating those chemicals that must be disclosed. It makes it easier to take chemicals off the list and harder to put them on.

Under the new test, EPA would have to know about emissions and exposure levels at plants throughout the country to determine their likely impact. But because the TRI information on that chemical would not exist, EPA would not have enough information to meet the new test. This new standard puts the cart before the horse. This would completely defeat the purpose, intent, and the positive successes of the TRI program.

The TRI list is not perfect and perhaps some chemicals should be removed. Yet, present law has a proven system to consider petitions to remove chemicals from the list. Seventeen chemicals have been taken off the list through the petition process.

I urge my colleagues in the strongest possible terms to reject this special interest legislation. It is a paternalistic proposal that would have the Congress tell the American communities that they do not have the right to know about chemicals that could have a fundamental negative impact on their lives. It is a proposal that says to community officials that you need not have a right to know about chemicals that can cause serious harm to your constituents. It is a proposal that says to parents, you may be concerned about how toxic chemicals will affect your children, but it is more important that industry should have the right to withhold that information about chemicals that they are emitting into the atmosphere, into the water, and into the land.

This is bad special interest legislation, Mr. President. The section on the right to know is an exception from the $100 million threshold in the rest of the bill. It has no place in this legislation, and I urge my colleagues to support my amendment to delete it.

Mr. President, I believe that we have an hour equally divided, according to the unanimous consent agreement; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. How much time does my side have?

The PRESIDING OFFICER. The Senator has 16 minutes 40 seconds remaining.

Mr. BRADLEY, Mr. President, I rise in support of the amendment to remove the Toxic Release Inventory provisions from the regulatory reform bill. On June 28, 1995, I wrote to the majority leader suggesting that this section and the provisions affecting Superfund be removed from S. 343. I said at that time that I was troubled by the bill's inclusion of special provisions affecting the effectiveness of the toxic release inventory, TRI, also known as the Community Right-To-Know Act.

The Community Right-To-Know Act, which builds on programs pioneered by my home State of New Jersey, is considered a complete success by almost all those who have analyzed its performance. In fact, it is precisely the kind of alternative to conventional command-and-control regulation which the drafters of S. 343 say they endorse. It requires full community disclosure for a list of chemicals which may prove hazardous to human health or the environment, especially in case of accidents.

In response to required TRI disclosures, and without the need for restrictive regulations, companies have voluntarily reduced their use and emissions of chemicals on the TRI list. This form of pollution prevention has actually saved companies money, caused them to retool their operations for greater efficiency and gained them good will in their communities.

And using TRI information, nearby communities have taken the precautions they need to protect themselves in the event of an emergency.

Unfortunately, the bill would require EPA to replace its current hazard-based listing process for the addition of new chemicals under TRI with an unworkable, risk-based process which would result in the addition of few, if any new chemicals to the TRI list. The bill would also require EPA to remove chemicals from the TRI list if the Agency could not make a showing that a particular chemical was acutely toxic to areas beyond a facility's boundaries. Obviously, this kind of restriction on TRI's effectiveness would result in serious emergency response problems. Even worse, the blll's restrictive language would eliminate coverage for chemicals which cause chronic health hazards, reproductive effects or environmental damage. The result—elimination of about 90 percent of the chemicals on the TRI list.

The bill would also require the Agency to prove that listed TRI chemicals cause harm when they are released to the environment before requiring companies to report their pollution under TRI. But since TRI is a full-disclosure statute and not a regulatory one, this standard is irrelevant. The purpose of TRI is to let a plant's workers and nearby community know what is going on at facilities which are their employers and neighbors.

Even with TRI, there are still problems with insuring that a community receives the information it needs for coping with chemical emergencies and discovering bad actor companies. A recent accident in Lodi, NJ points out the need for an expansion of TRI which puts chemical information into a user-friendly form. At the time of the accident the community found it lacked the data it felt it needed.

I will soon introduce legislation to require centralized information collection and distribution of all the information available on a plant or group of plants, including state data, violation and accident history. While all this information is available now, you have to be Sherlock Holmes to ferret it out.

Mr. President, restricting and usefulness of TRI makes no sense. It is a low-cost, nonregulatory way of improving the environment that other programs should be copying. And it is exactly the kind of protection that communities like Lodi need.

Mr. LAUTENBERG. Mr. President, I ask if the people in opposition have comments that they would like to make at this juncture, or if there are any of those people who are cosponsors of my amendment who are here who would like to add their thoughts. We have cosponsors who are indicated on the legislation, a significant number of them. If they would like to make any comments, this is the time they are going to have to do it, because the clock is ticking and I hate to see the time wasted.

Unless anyone wants to speak, Mr. President, I will suggest the absence of a quorum.

Mr. JOHNSTON. Will the Senator withhold?

Mr. LAUTENBERG. I will.

Mr. JOHNSTON. Mr. President, will the Senator yield me 10 minutes?

Mr. ROTH. I will be happy to yield 10 minutes. But first, I want to make three unanimous-consent requests.

The PRESIDING OFFICER. The Senator from Delaware.

UNANIMOUS-CONSENT AGREEMENTS

Mr. ROTH. Mr. President, I ask unanimous consent that when Senator FEINGOLD offers his amendment regarding equal access, that no amendments be in order, or in order to the language proposed to be stricken; that there be 30 minutes for debate to be equally divided in the usual form; and that when the Senate votes, the vote occur on or in relation to the Feingold amendment.

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

Mr. ROTH. Mr. President, I ask unanimous consent that when Senator FEINGOLD offers his amendment regarding peer review, that no amendments be in order, or in order to the language proposed to be stricken; that there be 15 minutes for debate to be equally divided in the usual form; and that when the Senate votes, the vote occur on or in relation to the Feingold amendment.

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

Mr. ROTH. Finally, Mr. President, I ask unanimous consent that when Senator PRYOR offers his amendment regarding private contractors, that no amendments be in order, or in order to the language proposed to be stricken; that there be 30 minutes for debate to be equally divided in the usual form; and that when the Senate votes, the vote occur on or in relation to the Pryor amendment.

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

Mr. ROTH. Mr. President, I yield 10 minutes to my distinguished colleague, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I rise in opposition to the amendment of the Senator from New Jersey. The language now in the Dole-Johnston substitute, I believe, is well tailored, calculated to achieve that result which all of us want, which is notice to the public of a toxic chemical which, under any reasonable scenario, can be expected to do some harm.

The problem is under the present statute, a chemical can be or, indeed, must be listed by the Administrator of EPA if it is known to cause serious chronic health effects. There are a lot of other provisions, but let me reread that: If it is known to cause serious or chronic health effects.

That phrase is so broad and so all encompassing as to encompass ordinary table salt, ordinary table salt which, if taken in sufficient quantities or, indeed, if ingested regularly in slightly too much degree can and does cause high blood pressure, and it can kill you if you take too much salt. Indeed, people out on boats in the ocean have ingested too much sea water and have died because of that.

I am not suggesting here that the Administrator of EPA is getting ready to list ordinary table salt as one of the chemicals. That is not the point. The point is that the phrase, as used in the present law, is so broad that it does not just look at the reasonable possibility of harm to an individual.

Rather, it looks at the chemical in an absolute way, without requiring that you consider whether there is any possible danger to the public from the way the chemical is used.

So what we have done, Mr. President, is added a few words to this so that when the Administrator makes a determination under this paragraph, it shall be based on generally accepted scientific principles, or laboratory tests, or appropriately designed and conducted epidemiological or other population studies.

That is in the present law. We have added this: ''And on the rule of reason, including a consideration of the applicability of such evidence to levels of the chemical in the environment that may result from reasonably anticipated releases available to the Administrator.''

So, in effect, we are saying do not just look at whether ordinary table salt can cause you to be sick, or can cause high blood pressure, or can poison you if you take too much of it; rather, look at ordinary table salt, or whatever these other chemicals are, and determine whether using, as we say, the rule of reason, including a consideration of the applicability of such evidence, to the levels of the chemical in the environment that may result from reasonably anticipated releases.

All we are asking, Mr. President, is that you use common sense, and that you do not just say because a chemical may be potentially harmful if ingested in ways that are unlikely—not only unlikely, virtually impossible—but rather use, Mr. Administrator, the rule of reason. I cannot think of a more reasonable amendment than to tell the Administrator to use the rule of reason. Does this gut the toxics release inventory? Of course not. It simply brings a little common sense.

Now, the amendment goes further. It says that ''any person may petition the Administrator to add or delete a chemical, and that the Administrator shall grant any petition that establishes substantial evidence that the criteria in subparagraph (a) either are or are not met.''

That is the language we added. In other words, you can get a chemical put on. If you are, say, an environmentalist and you want to add a chemical, you can petition to get it added if you meet that standard, or you can get the chemical deleted if you meet that standard. That is all the language does, Mr. President.

Now, you say, well, why would anybody want it to be off the list? Well, first of all, Mr. President, it is not just a question of having these chemicals listed, it is a burdensome and expensive system of having to report. A chemical manufacturer sells these chemicals across the country, and it might be a very benign chemical in the way that it is used. But each one of his vendees would have to report, and on down the line—I forget the amount that you have to have—it is 10,000 pounds, which for an industry is not very much. You would have to report that, even though there is no real possibility that the chemical is ever going to get out.

Now, Mr. President, I do not think that we have to worry about language that asks the Administrator to use the rule of reason in determining whether to put a toxic chemical on the list. I honestly think that any Administrator knows how to interpret those words.

Now, why was it necessary to put these on? Well, because in one day this last year the Administrator listed another 280 chemicals on the toxics release inventory, and the EPA felt that it had no authority, it had no discretion to determine whether there was any danger posed to the public by these chemicals, whether there was any possibility of harm. They felt that under this language, they had to list all 280 chemicals. Maybe the neighbors are upset and they say, oh, my gosh, you have all these terrible chemicals there that can cause all these terrible things—perhaps most of them or perhaps almost all. I do not know about the individual chemicals, Mr. President. But I am told by some people in the EPA—who will not be quoted, I can tell you that—that some of these chemicals are really no problem, should never have been on the list, but there was not the discretion in the Administrator to apply the rule of common sense and reasonableness.

Mr. President, this is not some big industry grab to force these chemicals on people across the country without warning, this is an attempt to apply the rule of reason to a very complicated thing.

Look, if the Administrator goes back, and somebody complains about this, the Administrator could say it is a toxic chemical, I think it is possible that it might get out, and believe me that ought to be on the list if it is possible the chemical will get out and cause harm. The Administrator has all the authority under this language that he or she would ever need to put that chemical on the list.

But, on the other hand, if it is no conceivable danger whatsoever, if you have a table salt kind of chemical, it should not be on the list and the Administrator ought to have the discretion to use the rule of reason and relieve people of these reporting requirements and relieve the community of the unnecessary fear in which a benign chemical might present.

That is all the language does, Mr. President. It is not gutting the toxics release inventory. It is not, in any way, harming the health of people.

Why should it be on this bill? Because it is a question of risk, and this

gives to the Administrator the judgment to apply real risk analysis in order to put chemicals on the list or take them off.

I yield the floor.

Mr. ROTH. Mr. President, I yield the distinguished Senator from Oklahoma 5 minutes.

Mr. NICKLES. Mr. President, I wish to compliment my colleague, Senator JOHNSTON from Louisiana, for his statement. I hope my colleagues heard his statement, and I hope they will vote against the amendment of my friend and colleague, Senator LAUTENBERG.

I think the language we have in the bill is good language. I understand the amendment of the Senator from New Jersey would strike that language. I want to make it perfectly clear that the language in the bill dealing with toxics release inventory review does not gut the statute of toxics release inventory—the TRI, as we have heard. What it does is introduce an element of common sense.

The Senator from Louisiana said, yes, if you have any type of chemical listed, it can be listed no matter how minimal that release might be. Even if there is no threat whatsoever under existing interpretation by EPA and others, they can list that chemical and set about a couple things. One, there is an enormous amount of paperwork and an enormous expense that consumers will pay for. Consumers are farmers, in many cases, or they might be somebody that may be making drugs for pharmaceutical companies, which, of course, increases the medical costs and so on. Every day people have to pay the cost.

Senator JOHNSTON also mentioned something else. He said these notices of release, if there is no real threat to public harm or public health and safety, people have a lot of unnecessary fears because of unnecessary notifications.

What this language does, and I will read it from the bill, ''including consideration of the applicability of such evidence to levels of the chemical in the environment that may result from reasonably anticipated releases.'' Reasonably anticipated releases.

In other words, not through the environment that we talked about sometime last year during the clean air debate. If somebody was outside the plant gate for 70 years, 24 hours a day, in the prevailing wind, maybe they might one out of a million chance have obtained a disease.

This says use common sense. That is what this language is about.

Also, it mentioned that if somebody wants to either be put on the list or taken off the list, they must have substantial evidence to do so. It is a higher threshold. They have to have substantial evidence to be able to get a chemical off the list, or substantial evidence to put the chemical on the list. Again, common sense.

I think that the language we have in the bill is well crafted. It is not radical. It is not extreme. It says we should use common sense. We can save a lot of paperwork, a lot of red tape, and we can eliminate unnecessary fears that some people have as a result of overzealous interpretation of the TRI statute.

I compliment my colleague from Louisiana and also the Senator from Utah, Senator HATCH, and Senator ROTH for this section.

I urge my colleagues to vote no on the Lautenberg amendment. I yield the floor.

Mr. LAUTENBERG. Mr. President, I listened with interest to my colleague's review of what this amendment is about within the bill as it is structured.

The one thing I have not heard is anyone deny this success ratio. From 1988 until the present day we have reduced toxics being emitted into the air, the water, and on the land by 42 percent—2 billion pounds in a period of 5 years, 2 billion pounds less of toxic material hanging around our kids, hanging around our families, hanging around our school yards. Gone.

And it does not mean diddly, as we say, in terms of the company's responsibility. We are not arresting anybody. We are not fining anybody. What we are saying is that they simply have to report. It is sunshine. Let the public know what it is that they ought to be concerned about, in the event of a particular emission.

It is great for fire departments. In one city in New Jersey, we had a fireman's protective gear melt off his body because of the chemical mixture. At least if they know this information, emergency response people can prepare the materials necessary to fight a particular release, explosion, or fire. What we are doing now is we are saying, Okay, the public really does not have a right to know this kind of thing.

All of these materials that are released are toxic, Mr. President. They do not get out there willy-nilly. This is not an administrator's dream of torture.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LAUTENBERG. Very briefly for a question.

Mr. JOHNSTON. Just on the point that the Senator said that EPA is not arresting anybody.

According to ''Inside EPA,'' the weekly report for June 30, 1995, they do say that 3 priority sectors for determining enforcement actions were chosen because of noncompliance histories, toxics release inventory releases, and trans-regional impacts.

In other words, TRI releases are one of the bases on which they bring enforcement actions. Would the Senator agree with that?

Mr. LAUTENBERG. Say it again, please.

Mr. JOHNSTON. That one of the bases on which EPA brings enforcement actions is TRI releases.

Mr. LAUTENBERG. Yes.

Mr. JOHNSTON. So that it does have something to do with enforcement?

Mr. LAUTENBERG. There is a requirement that they have to file this information.

Mr. JOHNSTON. I mean on enforcement, where they send the investigators out. In other words, if you have TRI releases, they enforce the rules.

Mr. LAUTENBERG. If there is an accident that endangers the public health, yes, someone will look at it.

I would love to respond to my friend from Louisiana, but we are using my time and he is in opposition, so I do not want to give him my time to oppose this brilliant amendment.

The Senator from Massachusetts has asked for some time. He has worked very hard on these issues and I would be delighted to yield as much time as he needs, not to exceed 10 minutes.

Mr. KERRY. Mr. President, I think I will not need 10 minutes.

I would like to respond, if I can, to the comments of the Senator from Louisiana and to the whole concept of what is really at stake in revamping the Right-to-Know law and its Toxics Release Inventory (TRI).

First of all, we should remember that TRI is the Emergency Planning and Community Right-to-Know Act of Title III of Superfund. This program does not have the same breadth of regulatory reform we are reaching for in the bill before us. The fact is that this is a nonregulatory sunshine law and should be considered separately by the Senate Environment and Public Works Committee.

In fact, Senator SMITH on the Republican side has been doing a very good job of leading the effort to revamp the Superfund program and as Title III of that act this issue could be appropriately considered at that time. To date, however, there have been no hearings on this whole question of exactly what the impact of revamping the right-to-know law would be. In fact, there has not been a hearing on TRI in the Senate since 1991.

Yesterday, I attended a press conference outside this chamber where members of the firefighter unions of the United States, representing several hundred thousand firefighters, said, ''Don't do this. Do not change the TRI structure today and thereby put firemen at risk.''

What the TRI structure does today is allows fire departments all across this country to be able to plan for what kind of fire they may be going into. Because of the TRI, communities have computerized knowledge of precisely what chemicals exist in certain companies, in certain buildings. When the fire department gets an alarm, they simply punch the computer and the data comes up on the computer screen immediately so that firemen have the ability to be able to don masks, maybe don protective gear, call in additional help, take special measures to secure the area, evacuate personnel. All of that knowledge comes about because of a simple concept called Right-to-Know.

The TRI is not a regulation that does away with chemicals. It does not require companies to spend a whole lot of money to comply with regulations. It simply makes information available to businesses, to communities, and to citizens. That information allows citizens to then decide whether they think they are at risk and gives companies the information they need to help them reduce their wastes before they are created. It is the best tool to promote pollution prevention that we have in effect today.

What is interesting about this, Mr. President, is that just by requiring companies to tell Americans what they are emitting into the air or land or water—solely by the requirement to let people know—companies themselves have made important decisions about reducing wastes. So they have voluntarily removed 42 percent since its reception in 1988—two billion pounds—of the chemical emissions of this Nation.

That is a remarkable success story, Mr. President. It does not come about because we in the Congress have created a whole convoluted regulatory structure where companies are required to reduced their use of chemicals. All that is required is companies that use large volumes of toxic chemicals tell Americans what they are putting into the environment.

More than 2 billion pounds of emissions have been prevented as a consequence of that. That is a success story.

It is really interesting to see the chart from the Senator from New Jersey over there that shows the comments of individual sectors of the industry. The chemical industry itself has found it useful.

In point of fact, the former chairman of the Environment Committee, Senator BAUCUS, has yet to have one chemical company coming to them and saying, ''Get rid of TRI.'' It was not an issue in early regulatory reform bills or in the past two Congresses Superfund debates. It has just been snatched out of the air because clearly a few people decided they thought this got in their way.

Mr. President, turning to the standard that the Senator from Oklahoma talked about, what the language in this bill currently does is, in effect, it applies a 180-day requirement for this risk assessment to take place. If it does not take place, the chemicals come off. So you already have a sword of Damocles hanging over the process. Because if the Administrator does not want to do it, or if they do not have the resources to do it, you may wind up taking out of here an automatic capacity to have a decision. But more important, the language says, ''on the rule of reason, including a consideration of the applicability of such evidence to levels of the chemical in the environment that may result from reasonably anticipated releases.''

''Reasonably anticipated releases'' is the information we get from the TRI. So what they are doing is creating a standard that makes a judgment as to whether or not you are going to be able to put something on the TRI list using information that you have to have from the TRI list in the first place. And since you do not have it from the TRI list, you cannot make the judgment that is required here. That is called the proverbial Catch-22. It is a way of tying everybody up in a process that, in effect, kills the TRI concept.

They can stand here and say, ''Oh, no, no, no, no; all we are going to do is have a little risk assessment,'' but the language of the risk assessment itself depends on reasonably anticipated releases being able to be determined. And unless you know what the company is emitting, there is no way to know what the reasonably anticipated release is going to be.

So I respectfully submit this is one of those places where, again, the words are so important, and where an awful lot hangs in the balance.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. I will be happy—I do not want to yield on my time, but I will yield on my colleague's time for a question.

Mr. JOHNSTON. Will the Senator from Delaware yield me 1 minute to ask a question?

Mr. ROTH. I yield 1 minute.

Mr. JOHNSTON. The Senator read, appropriately, the language which was added, which was, ''on the rule of reason,'' et cetera.

But the first paragraph in the present law is still there. That is, ''A determination under this paragraph shall be based on generally accepted scientific principles, or laboratory tests, or appropriately designed and conducted epidemiological''——

Mr. KERRY. Epidemiological.

Mr. JOHNSTON. ''Or other population studies, and/or the rule of reason, including consideration of the applicability of said evidence that may result from reasonably anticipated releases.''

So all we are giving him is that additionally he may consider additional evidence, including the amount that may be released.

Will the Senator agree that is a correct statement?

Mr. KERRY. Let me say to my friend, I understand his reading of it, but it still begs the question here. Because the standard of ''including,'' which is the most important way to prove what may be the harm to a community, is still not available.

Second, and this is far more important, let me say to my friend from Louisiana, what is critical here is why go through all of these incredible hoops when in fact nothing negative is required of the company unless it uses more than 10,000 pounds and produces more than 25,000 pounds? You are talking about big producers and big users here.

All that is required of these big, 10,000-pound users, 25,000-pound producers, is that they tell people in the community what it is they put into the air or water or land. It is irrelevant whether there is a risk or not in terms of the concept of sunshine and right-to-know.

What, in effect, the Senator from Louisiana and others are setting up here—whether it is wittingly, purposefully, or not—is a new series of hoops which, under the cumulative impact of this bill will allow a series of legal steps to be taken that will prevent people in a community from even knowing what one of these big producer companies is putting into the air.

Mr. JOHNSTON. Mr. President, is the Senator saying——

Mr. KERRY. Again, I do not want to yield on my time. I reserve my time.

Mr. JOHNSTON. Do I still have any of that minute?

The PRESIDING OFFICER. The Senator has used his minute. Will the Senator from Delaware yield him an additional minute?

Mr. ROTH. I will yield 1 minute.

The PRESIDING OFFICER. The Senator yields an additional minute.

Mr. JOHNSTON. I will not use that at this point.

Mr. KERRY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. KERRY. I will just use a moment.

Mr. President, the real issue here is very, very simple. The Senator from Louisiana is trying to explain how the test that they have set up is reasonable. The issue is whether or not there ought to be a test set up for a company that uses 10,000 pounds or more of a chemical or a company that produces 25,000 pounds or more. The issue is, should that company automatically tell people in the community what it puts into the air? It is very simple. And, by coming along with this notion we are going to go through all of this regulatory process with risk assessments and so forth, we are actually applying a series of standards and hoops to jump through that have no relevancy to the purpose of letting people know.

They are creating a risk-based standard for something that does not have to be risk-based but is simply informational. And, on the basis of that, there are certain chemicals that may be, actually, under their standard, taken off the Toxics Release Inventory which, in fact, have a negative effect on people, but they do not fall under their standard because of the level of toxicity.

So I say again, this is a very simple issue. This is a question of when Americans are living in a community where a company uses 10,000 pounds of a specific chemical or produces 25,000 pounds, whether that company ought to tell the fellow citizens who live in that community and who work in the plant, what it is that is being emitted. And by virtue of the law, we have taken 2 billion pounds of that kind of chemical out of the environment, away from people, and made life safer.

If they turn this clock back, we will make life more hazardous. And there is no rationale for saying Americans should not know what chemicals are going into the local environment.

I yield the time to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from New Jersey.

Mr. ROTH. Will the Senator yield so I can make a further unanimous-consent request?

Mr. LAUTENBERG. Yes. I do not want to continue to use my time.

Mr. ROTH. Without using the time of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask unanimous consent that the 13 minutes that remain in opposition to the Lautenberg amendment be reserved for Senator LOTT and 5 minutes reserved for Senator LAUTENBERG.

Mr. LAUTENBERG. If I might ask, Mr. President, how much time do I have left on my side?

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute 3 seconds.

Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. ROTH. Mr. President, I further ask unanimous consent that following the conclusion of the debate on the time agreements already entered for this evening, the Senate proceed to vote in sequence, with the first vote being the standard 15-minute vote and any remaining stacked votes be 10 minutes in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROTH. Finally, for the information of all Senators, there could be as many as four rollcall votes beginning as early as 8:30 this evening. Therefore, Senators should be on notice of these upcoming votes.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is now recognized.

AMENDMENT NO. 1536 TO AMENDMENT NO. 1487

(Purpose: To amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, administrative settlement offers, and for other purposes)

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1536 to amendment No. 1487.

Mr. FEINGOLD. 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:

At the appropriate place in the substituting amendment, add the following new section:

SEC. . EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Equal Access to Justice Reform Amendments of 1995''.

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after ''(2)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after ''(B)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.''.

(c) HOURLY RATE FOR ATTORNEY FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A)(ii) of title 5, United States Code, is amended by striking out all beginning with ''$75 per hour'' and inserting in lieu thereof ''$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking out all beginning with ''$75 per hour'' and inserting in lieu thereof ''$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);''.

(d) PAYMENT FROM AGENCY APPROPRIATIONS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(d) of title 5, United States Code, is amended by adding at the end thereof the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end thereof the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(e) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

''(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

''(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by striking out all beginning with '', unless the adjudicative officer'' through ''expenses are sought''; and

(B) in subsection (a)(2) by striking out ''The party shall also allege that the position of the agency was not substantially justified.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412 (d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A) by striking out '', unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust'';

(B) in paragraph (1)(B) by striking out ''The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought.''; and

(C) in paragraph (3) by striking out '', unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust''.

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of

section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this section and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment to the regulatory reform bill legislation that will improve equal access to justice under what is known as the Equal Access to Justice Act.

I think the thrust of this bill, the thrust of regulatory reform, is to rethink the relationship between Government and business and to make our system of regulation both more effective and less burdensome, and, in some cases, I think we have to stay the hand of Government when we believe it reaches too deeply into the daily affairs of the American people.

As many of us have said on this floor, I think these are goals that everyone supports, even though sometimes we may differ on the way to actually achieve them.

The Equal Access to Justice Act is one effective means for achieving a measure of reform and should be part of our plans to reduce the level of unnecessary Government intrusion in our lives. The Equal Access to Justice Act as it now exists was enacted in 1980, with the idea that small businesses and individuals who have to get into the ring with the Federal Government over enforcement of regulations should be able to recover their legal fees and certain other expenses if they end up winning the case.

They are tied in this litigation with Government and one party has to win and one party has to lose. And if it is the Government that loses, especially after they have brought the case, I think the Government should bear the burden of the attorney's fees and not the small business and not the individual. It is one of a number of fee-shifting statutes in Federal law.

I am as proud to say that much of the work on the original equal access law was done by the former Congressman from my home district, the Second Congressional District of Wisconsin, Representative Robert Kastenmeier when he served on the House Judiciary Committee. I offered the same kind of bill, and got it passed in the State Legislature in Wisconsin. That is now the law, and has been since 1985, and it is the State Equal Access to Justice Act which has been very helpful to businesses and individuals who have been sued by the State government or some of its agencies.

The Equal Access to Justice Act gives prevailing parties in certain kinds of litigation against the Federal Government the right to seek reimbursement of attorney's fees and other costs of litigation from the Government. The intent of the law has always been to make taking on the Federal Government in court somewhat less intimidating although it is always going to be somewhat intimidating.

To that end, the act is specifically targeted at assisting individuals and businesses who do not have ready access to the kinds of resources available to the Federal Government when it goes to court. Under the current law, the law gives this kind of option—or protection—to a person whose net worth does not exceed $2 million or a business that does not have net worth greater than $7 million, or which does not employ more than 500 people. And there are a couple of other minor exceptions.

There was another motive for the bill, and that was to help restrain the regulatory hand of the Federal Government when it was going to trial. The authors of the bill believe that if the agency faced the prospect of not only having decisions nullified but also having to actually pay the attorney's fees of the entity or individual they went after, maybe the agency would think twice before it started the lawsuit or the administrative action in the first place.

I cannot say for sure in the past 10 or 15 years that this second goal has been reached. However, the Equal Access to Justice law has proved to be a bargain based upon the estimates that we have seen. Originally the estimates were that the Equal Access to Justice law would cost about $68 million a year. But according to the Administrative Office of U.S. Courts, annual fee reimbursements have totaled from the Federal Government only about $5 to $7 million between 1988 and 1992. This is despite the fact that litigants are actually more successful in terms of the active percentage of wins than was originally anticipated.

A study done on this examined 629 Federal District and Appellate Court decisions involving EAJA fee award claims during the 1980's. The professors who did the study pointed out that the Congressional Budget Office in making its estimates had assumed that parties seeking fee reimbursement under the act would actually be successful in about 25 percent of the claims filed against the Federal Government.

However, the professors found that they even had a higher level of success, 36 percent and were able to win fees in those cases.

Yes. Mr. President, some may well claim that EAJA has had a scant effect on controlling overreaching regulation. But I believe it is clear that it is another arrow in the quiver of the individual citizen or a small business owner when they have to tangle with the Federal Government in court or in an administrative proceedings.

The EAJA generally has served its function well. The purpose of my amendment this evening is that the act over the course of several years has come to the point where it needs some updating to speed up the process of awarding attorney's fees to prevailing parties and thereby lower the cost of litigation to taxpayers.

Mr. President, briefly, this amendment has three major elements.

First, my bill raises the current cap on attorney's fees in these kinds of situations under the act from the current limitation of $75 to $125 per hour. That would bring the rate somewhat in line with the real world.

My bill retains the cost-of-living increase as a possible element in determining an attorney's fee award but it strikes the current language that permits further increasing an award on the basis of a special factor defined by example in the statute as ''the limited availability of qualified attorneys or agents for the proceedings involved.''

Mr. President, I believe these improvements will actually make suits against the Government more attractive to attorneys and appropriate cases, which in turn should create a larger pool of attorneys available to private litigants to try to handle these cases. Therefore, we should see less need for this special factor language, and I think it will help simplify the process.

In addition, my bill makes the method of computing cost-of-living increases to fee awards more specific. And I could detail on that, if anybody wishes.

But I will move on to say that the second major change my amendment makes in the current law is to eliminate the language that allows the Government to escape paying attorney's fees, even if the Government has lost in court, if the Government can successfully argue that it had a substantial justification for its action.

Mr. President, I am not generally a supporter of the loser pays concept. But I believe that if a small business owner or an individual American wins in court—not against another private litigant but against the Federal Government—and, if the law provides for the Government to reimburse you for your expenses, then the Government should ante up. I think we should have in effect a loser pays provision when the Federal Government sues a private party and the private party ends up winning the case.

I realize some people are concerned that eliminating this provision will open the floodgates of our Treasury. But let me refer to a study that by Professor Krent which indicates that this is not the case. He indicates that fee awards in the cases we have had during this act were denied in only a small number of cases on the basis of successful substantial justification argument. Apparently that is because this technique of the Government to try to avoid paying fees in these cases in court is routinely raised by Government attorneys as a way to sort of block the private litigant from getting their attorney's fees even though they

have prevailed in the underlying case against the Government.

So this extra way out for the Government really allows the creation of another issue at least to more litigation over whether or not there was a substantial justification for the lawsuit to be brought in the first place, even though the Government lost.

The professor suggests that there may even be some cost savings offset any increase in awards due to the elimination of the substantial justification defense. He admits it is impossible to make an exact determination of the expense of litigating this issue in case after case. But he believes, based on the evidence of 1 year—between 1989 and 1990—that whatever is saved by raising the substantial justification defense is not enough to justify the cost of litigating the issue. That is one reason why Professor Krent believes that this extra way out for the Government, in his words, ''probably creates a perverse incentive to litigate'' on the part of Government attorneys.

My amendment specifically addresses the issue of cost by making it plain that there is to be no new direct spending to cover these fee awards. The amendment also makes it clear that agencies who are required to pay fee awards have to look to their own budgets. They cannot go to the Federal Claims and Judgment Accounts to find the necessary sums. That is in keeping with the original intent of the bill. That intent again is to make an agency think twice before it creates regulations and before initiating certain enforcement actions pursuant to them. I cannot think of anything more consistent with the overall purposes of legislation before us than that.

The third major change in any amendment sets up a settlement process to give the parties a method of resolving the fee issue without resorting to further litigation. It creates an opportunity for the Government, similar to the process in Rule 68 of the Federal Rules of Civil Procedure, to make an offer of settlement up to 10 days prior to the hearing on the fee claim. If that offer is rejected and the party applying for fees later wins a smaller award, there is a negative consequence to the party that did not accept the offer of settlement. That party is not entitled to receive fees or other expenses that are incurred after date of the offer.

My amendment does not specifically expand the reach of the EAJA. But it does require the review of the act and looks ahead to possible future expansion.

We asked both the Justice Department and the Administrative Conference to review various aspects of where the law could be expanded.

My amendment also requires the Administrative Office of the U.S. Courts to submit a report within 180 days as it does for the Justice Department.

The U.S. Supreme Court in a 1991 decision, Ardestani versus INS, held that EAJA fees are available only in cases where hearings are required by law to conform to the procedural provisions of section 554 of the Administrative Procedures Act.

However, Congress had already created a statutory exception. In 1986, Congress extended the coverage of the EAJA to include the Program Fraud Civil Remedies Act.

I think it is reasonable to investigate whether certain agency proceedings such as deportation cases that are nearly identical to proceedings covered by 554 should also be covered by the EAJA.

Mr. President, let me just conclude my comments at this point by indicating that recently a friend of mine I had not seen since high school just came to visit me in my office here and did not come, apparently, for any reason other than to visit.

But during the course of our visit, he told me a story about what had happened to him recently that made him quite down about pursuing the business he is in. He told me that his agency declined to fight a case against the Department of Education, a case their attorneys believed was winnable, because the board of directors of his group did not believe it was worth paying large litigation costs over a claim worth about $32,000 even if the agency had a good case.

The Department of Education, he told me, had reviewed his rehabilitation center, which provided job training and placement services for mentally and physically handicapped people, in 1992. The Department's reviewer found 10 problem areas, which were later actually whittled down, Mr. President, to just one item. All the Government had left in their case, after they went through this process, was saying that my friend's group had inadequate time sheets.

For this and this alone, the Department wanted the center to pay a reimbursement of about $115,000. That was later negotiated down to $32,000. My friend told me that had he known about the EAJA law, he would have pressed the directors to fight, and because he did not know about it, he just gave up.

A few weeks ago, the White House Conference on Small Business discussed this issue. Mr. Carl Schmieder, a Phoenix, AZ, businessman and deputy chairman of the Arizona delegation to the small business conference, helped spearhead a resolution endorsing the type of changes I am talking about for the EAJA. He said the array of resources available to the Government in litigation can be overwhelming to a small business owner, and he called the amendment that we are offering here tonight a tremendous step forward.

Mr. Schmieder's resolution attracted a lot of support among the delegates to the conference. Although it did not appear on the shortest list of recommendations that came out of the conference, when the delegates drew up a list of priorities, these kinds of changes were ranked in the top 20 percent of all issues considered.

I think individuals and small business owners deserve all the help we can give them, and before I close, let me acknowledge the work of the Administrative Conference of the United States which has been very helpful by conducting research into this issue, making many of these recommendations and providing valuable assistance in preparing the amendment.

We all know unnecessary or overburdening Government regulations can be an obstacle to doing business. The Equal Access to Justice Act was conceived to overcome that obstacle, and we in this update that this amendment provides allow the act to work better than it has in the past.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Delaware oppose the amendment?

Mr. ROTH. We have no request at this time for anyone to speak in opposition.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

The Senator from Montana.

AMENDMENT NO. 1535

Mr. BAUCUS. Mr. President, I would like to speak in favor of the TRI amendment offered by Senator LAUTENBERG. I might inquire of the Chair how much time is remaining on that amendment, and I might inquire of the Senator from Delaware, if he is not going to use his time, perhaps I could use some of his time on the TRI amendment.

Mr. ROTH. We are actually checking to see whether there is anyone who wants to speak in opposition.

Mr. BAUCUS. Mr. President, how much time is remaining for those speakers who wish to speak in favor of the Lautenberg amendment?

The PRESIDING OFFICER. The Senator from New Jersey, based on the unanimous consent agreement, controls 5 minutes.

Mr. BAUCUS. And how much time has he utilized?

The PRESIDING OFFICER. There is still 5 minutes remaining.

Mr. ROTH. I will yield 3 minutes to the Senator.

Mr. BAUCUS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Delaware has yielded 3 minutes from the time he controls?

Mr. ROTH. That is correct.

Mr. BAUCUS. Mr. President, I might also consume, say, 1 minute of the time controlled by Senator LAUTENBERG, a total of 4.

The PRESIDING OFFICER. Is there objection to that request? Without objection, it is so ordered. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

Mr. President, I am rising to strongly support the amendment offered by the Senator from New Jersey [Mr. LAUTENBERG] who wants to strike the so-called TRI provisions from the bill. Under the TRI provisions, the toxics release inventory reporting provisions, currently today in the law, when a major chemical company emits toxic chemicals into the air or water which could cause acute, chronic, adverse health effects to the environment, that company just has to state to the public the amount of toxic chemicals that is released up into the environment.

It does not say to the company you have to put on a scrubber; it does not say to the company you have to clean it up; it does not say to the company you have to do anything to stop what you are emitting, just that you have to disclose to Americans, disclose to the public the amount that is being emitted. That is all it is.

I might say, Mr. President, that the consequences of this provision in the law enacted not too many years ago have been very beneficial. First, to the public so the public knows what is being emitted, and they can take whatever action they may want to take.

It has also been beneficial to the companies. The Chemical Manufacturers Association has said, as a consequence of this act alone, there has been a 50 percent reduction in chemicals emitted by their members. Some major chemical manufacturing companies have said it has helped them because they did not know how much they were emitting in the past. This law requires them to disclose what they are emitting. Now they know and they are able to change their manufacturing process to emit less and to also make their processes much more efficient. It has helped them.

It makes no sense, Mr. President, in this bill before us today, a regulatory reform bill designed to reform regulations and just make sure that regulations are considered more easily and more efficiently, to enact a substantive provision to delete the toxics release inventory law. That is a substantive provision. This is a regulatory reform bill.

I might add there have been no hearings on this provision, none. In fact, this provision was not even in any bill. It was just suddenly jammed in in the Chamber. It has had no consideration. Just as we deleted, a couple of hours ago, another substantive provision regarding the Superfund, it makes eminent sense that we should also here tonight delete this substantive provision, the toxics release inventory provision, a provision which is very beneficial to Americans.

Essentially, this provision that is now before us, I must say, disrupts the basic concept of right to know which simply says, OK, folks, you have a right to know what is emitted. That's all. It does not in any way tell companies to control what is being emitted.

Mr. President, for those reasons we should adopt the Lautenberg amendment to delete this substantive provision.

It is also very ironic; here we are today considering the regulatory reform bill to make the regulatory process more efficient with more information, with risk assessment and cost-benefit analysis. If the Lautenberg amendment does not pass, we are saying less information is better. We are saying that the public does not have a right to know what toxic chemicals are being released. It makes no sense.

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

Mr. BAUCUS. Mr. President, if the Senator will yield 1 more minute. I have used 1 minute of the Senator's time.

Mr. LAUTENBERG. Certainly. I will be happy to yield another minute to my friend from Montana.

Mr. BAUCUS. Mr. President, again, just to say what this amendment does, currently a chemical is listed if it has acute, or chronic health or environmental effects. The bill before us says, in addition to knowing the toxic effects of the chemical, you have to show how much of the chemical is actually being released and if that release will result in harmful effects. And you have to show this before it is listed on the TRI. It is a catch-22. It cannot be done.

Second, Mr. President, the standard by which a chemical would be listed, that is required to be listed or not, is so vague no one can explain what the standard is. I have read this standard many, many times, over and over again. I do not know what it says. It is a lawyer's paradise. This provision is going to be tremendously litigated. And I just again urge Senators to pass the Lautenberg amendment, which deletes a substantive provision which the public very much desires as the right to know which chemicals are being emitted into the atmosphere.

And I thank the Senator.

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

Mr. LAUTENBERG. Mr. President, it is my understanding that the Senator from Mississippi was going to be here at—was that 8?

The PRESIDING OFFICER. In response to the Senator from New Jersey, no time had been set. We do have 1 minute remaining under the control of the Senator from Wisconsin.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware——

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I wonder if we could go into a quorum call, if we are waiting for Senator LOTT. Is that it?

Mr. ROTH. And Senator HATCH.

Mr. DOLE. Maybe the Senator from Wisconsin could use some of his time while we are waiting on that.

Mr. FEINGOLD. It is my understanding this side still has 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware has 11 minutes, 35 seconds.

Mr. FEINGOLD. I only have 1 minute remaining. If there is going to be any opposition, I would like to reserve that for a response.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, in order to move things along here, I am going to make this suggestion that we lay the pending amendment aside. And I assume that is the amendment just offered by the Senator from Wisconsin, and that I be allowed to, in the sequencing order, present my amendment; and upon completion of my amendment, we will return to the amendment offered by the Senator from Wisconsin and proceed from there. I think that might expedite our time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1487

(Purpose: To prevent conflicts of interest of persons entering into contracts relating to cost-benefit analyses and risk assessments, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] for himself and Mr. FEINGOLD, proposes an amendment numbered 1537 to amendment No. 1487.

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

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

The amendment is as follows:

At the appropriate place in the substitute amendment, insert the following new section:

SEC. . CONFLICT OF INTEREST RELATING TO COST-BENEFIT ANALYSES AND RISK ASSESSMENTS.

(a) INFORMATION BEARING ON POSSIBLE CONFLICT OF INTEREST.—

(1) DEFINITION.—For purposes of this section, the term ''contract'' means any contract, agreement, or other arrangement, whether by competitive bid or negotiation, entered into with a Federal Agency for any cost-benefit analysis or risk assessment under subchapter II or III of chapter 6 of title 5, United States Code (as added by section 4(a) of this Act).

(2) IN GENERAL.—This section shall not apply to the provision of section 633(g), when an agency proposes to enter into a contract with a person or entity, such person shall provide to the agency before entering into such contract all relevant information, as

determined by the agency, bearing on whether that person has a possible conflict of interest with respect to being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons.

(3) SUBCONTRACTOR INFORMATION.—A person entering into a contract shall ensure, in accordance with regulations prescribed by the head of the agency, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract of more than $10,000.

(b) REQUIRED FINDING THAT NO CONFLICT OF INTEREST EXISTS OR THAT CONFLICTS HAVE BEEN AVOIDED; MITIGATION OF CONFLICT WHEN CONFLICT IS UNAVOIDABLE.—

(1) IN GENERAL.—Subject to paragraph (2), the head of an agency shall not enter into any contract unless the agency head finds, after evaluating all information provided under subsection (a) and any other information otherwise made available that—

(A) it is unlikely that a conflict of interest would exist; or

(B) such conflict has been avoided after appropriate conditions have been included in such contract.

(2) EXCEPTION.—If the head of an agency determines that a conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions in the contract, the agency head may enter into such contract if the agency head—

(A) determines that it is in the best interests of the United States to enter into the contract; and

(B) includes appropriate conditions in such contract to mitigate such conflict.

(c) RULES AND REGULATIONS.—No later than 240 days after the date of the enactment of this Act, the Federal Acquisition Review Council shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code, without regard to subsection (a) of such section.

Mr. PRYOR. Mr. President, I have only a very few moments. This is a very simple amendment that I am offering tonight. This basically is an amendment concerning Federal agencies which use private contractors to perform cost-benefit analyses and risk assessments.

Mr. President, one of my main concerns about the bill that we are considering is that it is going to place additional burdens upon the Federal agencies during a period of downsizing of the number of Federal employees. Should S. 343 become law, the respective agencies throughout the Federal Government are going to have to reorder their priorities to allow them to devote a large portion of their resources to cost-benefit analysis, risk assessment, and regulation review. As the Government continues to downsize in the future, Mr. President, the Federal agencies are going to increasingly turn to private contractors to carry out the tasks of government.

As my colleagues know, I have long been concerned with the use of private contractors in the Federal Government. During my years in the Senate, I have sought to shed light on the increasing role of private contractors and the possible conflict of interest involved with their use.

This is no new issue. In 1980, for example, the General Accounting Office examined 156 contracts for regulatory analysis alone and found that 101 of these 156 contracts had a conflict of interest situation. Because S. 343 will likely increase the use of private contractors to conduct regulatory analysis for the Federal Government, I believe that this conflict of interest problem cannot and should not be ignored.

Mr. President, to illustrate the potential for conflict of interest, one need only look at the promotional materials published by a few of the private contractors who have contracts with the Federal Government. For example, Mr. President, one of these contractors is a firm known as P.R.C. In 1990 the P.R.C. company, a consulting company, had four contracts worth $220 million with the Environmental Protection Agency.

Here is their promotional material. This material proclaims to the possible user of their services, and I quote, ''Under contract to the United States EPA, P.R.C. has conducted hundreds of regulatory compliance inspections giving us indepth experience with what regulators are looking for.''

How then, Mr. President, can this particular company be a company that states that they have no bias and that they have no conflict of interest?

Here is another company, Mr. President. This particular company is another major contractor with the Environmental Protection Agency. In 1990–1991, they had 13 contracts worth over $100 million with the Environmental Protection Agency. They boast to potential users of their services, in their very beautiful brochure—this is called The Weston Managers Design Consulting Company—I quote, ''In daily practice, the Weston philosophy has encouraged us to develop and maintain an objective, professional posture relative to public issues so that we can represent either''—and I quote—''the regulated or the regulator.'' So that we can represent either the regulated or the regulator.

How fair, how objective and how free from conflicts of interest, Mr. President, can a firm be when it is working both sides of the street?

Here is another firm, Mr. President, who has millions of dollars of contracts with the Federal Government today, the ICF Co. Their brochure is entitled: ''Environment and Energy.''

They list their clients. For example, some of ICF's clients are: Ashland Chemical; Cedar Chemical; Chemical Waste Management; Chevron; Dow Chemical, SCA Chemical Services; Union Carbide; and Vertec.

Now they also list the Government agencies that they work for: the Department of Commerce; the Department of Defense; the Department of Energy; and, yes, Mr. President, the Environmental Protection Agency.

My amendment says that if granting one of these contracts to a company doing business with the Government creates a conflict of interest, then the agency head has the opportunity to publish notice of the conflict in the Federal Register. This can make us aware that the contract has the potential of a conflict, could be printed in the Federal Register and give us fair and just warning of the potential that might exist for a contract.

It would require agencies to gather certain information from its contractors that will allow agencies to determine if a conflict of interest actually exists. It would not, Mr. President, prohibit the agency, under certain circumstances, from hiring a contractor, even if a conflict of interest was found.

My amendment simply sheds sunlight on the process by ensuring that the agency has considered possible conflicts so that the public is assured that potential conflicts of interest are not subverting public policy due to hidden bias in the regulatory analyses process.

Mr. President, I want to thank the distinguished Senator from Wisconsin for being an original cosponsor of this amendment that is now before the Senate.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware has 15 minutes.

Mr. ROTH. Mr. President, I yield 1 minute to my distinguished colleague.

Mr. GLENN. I thank my friend from Delaware. I just want to speak in behalf of Senator PRYOR. I just want to say, there is no one on the Governmental Affairs Committee who has done more work and stuck with the idea of looking into outside contracting, making sure it was not excessive, cutting down the number of contracts where we go out and pay for very expensive contracts that we should be doing in Government itself. He has been following this subject for a number of years and bird-dogging that. He deserves a lot of credit for it, and I think the amendment he is bringing up this evening is an example of making sure that when we do contract out, that it is done legitimately and without conflict of interest and without any taint. It is that kind of thing that happens too often in Government which gives Government a bad name.

He has been determined for many years to root this out. I want to compliment him for it, and I am glad to be supporting his amendment.

I thank my friend from Delaware.

Mr. ROTH. Mr. President, I have to say to my distinguished friend from Ohio, he stole the words out of my mouth. I was going to also comment on the excellence and the persistence with which the distinguished Senator from Arkansas has pursued the problem of conflict of interest.

I would like to ask my distinguished friend one question. In S. 343, in connection with peer review, it is provided that in peer review, that

shall not exclude any person with substantial and relevant expertise as a participant on the basis that such a person has a potential interest in the outcome if such interest

is fully disclosed to the agency and the agency includes such disclosure as part of the record, unless the result of the review would have a direct and predictable effect on a substantial financial interest of such person.

It is my understanding that your amendment has no effect or impact on that section; is that correct?

Mr. PRYOR. Mr. President, let me respond to my friend from Delaware by stating, in the original draft of the amendment, we did not specifically exclude peer review. However, in the latest draft, which is pending before the Senate, we now have a sentence that states:

This section shall not apply to provisions of section 633(g) . . .

And I believe that is the peer review section. So peer review is not in any way involved in this proposal that I am submitting. I thank the Senator for asking that clarifying question.

Mr. ROTH. That was my understanding, and I appreciate the answer.

I am prepared to accept the amendment, and I yield back the remainder of my time.

Mr. GLENN. I will be happy to accept on our side also.

Mr. PRYOR. Mr. President, if I may say just a word in thanks to the Senator from Ohio and the Senator from Delaware, two extremely capable Senators that I have had the privilege of working with in the Senate, more specifically in the Governmental Affairs Committee, for a lot of years. I want to thank them for their endorsement, their kind words, patience and perseverance and for them accepting this amendment, endorsing it. I will always be grateful.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. ROTH. I yield back the remainder of my time.

Mr. PRYOR. I yield back all time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment No. 1537.

So the amendment (No. 1537) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas was to offer the next amendment. The Senator from Texas is apparently not here. Therefore, under the previous order, the Senator from Wisconsin is now recognized to offer his second amendment. The Senator from Wisconsin.

AMENDMENT NO. 1538 TO AMENDMENT NO. 1487

(Purpose: To provide that an agency may include any person with substantial and relevant expertise to participate on a peer review panel)

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] for himself and Mr. PRYOR, proposes an amendment numbered 1538 to amendment No. 1487.

Mr. FEINGOLD. 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 57, strike out line 18 through line 25 and insert in lieu thereof the following:

''(B) may exclude any person with substantial and relevant expertise as a participant on the basis that such person has a potential financial interest in the outcome, or may include such person if such interest is fully disclosed to the agency, and the agency includes such disclosure as part of the record, unless the result of the review would have a direct and predictable effect on a substantial financial interest of such person:

Mr. FEINGOLD. Mr. President, there are many principles I can support in the Dole-Johnston legislation, but I do have a serious concern about part of the peer review proposal. It is not one of the larger issues at work here, but it is one I feel could have a great deal of impact on the integrity and credibility of the Federal regulatory process.

Section 633 of the Dole-Johnston legislation includes a provision that requires the Federal agencies to develop a systematic program for balanced, independent and external peer review that is to be utilized to review the scientific risk assessments performed under the requirements of the legislation.

I understand that several Senators have serious concerns about the larger issue of peer review and how it is treated in this legislation. There may be a broader amendment offered on that later, though. But the concern of this particular amendment has to do with the few lines contained in the peer review section of the bill that will put new guidelines and requirements on Federal agencies as they go about determining who will serve and who will not serve on these peer review panels.

It is my understanding that, periodically, a Federal agency is faced with a situation where an individual has been selected as a possible peer reviewer and later it is learned that the individual may stand to benefit financially, depending on the outcome of that particular peer review.

For example, the person might be a scientist under the employment of a company or industry that has a considerable financial interest that is dependent on the outcome of the review. That is a conflict of interest, and the type that I understand is not all that uncommon of an occurrence in our regulatory process. It is kind of important to understand how current law operates with respect to these kinds of situations.

Mr. President, under current law, the agencies have the discretion to determine if someone with a direct conflict of interest should be able to serve on a peer review. As I said, this is permitted sometimes because there are instances where it may be appropriate and necessary to allow individuals with conflicts of interest to serve on a particular peer review panel.

However, the Dole-Johnston legislation would go further. It would actually usurp the discretion currently enjoyed by the agencies and expressly state that an agency cannot actually disqualify someone merely because they may stand to benefit financially from the outcome of the review. This language is on page 57 of the bill.

There are three effects of this section. The first effect—the one I am trying to amend—is that an agency will no longer have the discretion to determine on their own whether an individual with a conflict of interest should or should not be permitted to serve on the panel. The second effect is that should an individual have a conflict of interest, the individual must be permitted to serve on the peer review panel so long as the conflict of interest is disclosed and is made part of the record. The result of this is, I believe, at least an improvement that you are going to have the disclosure.

I credit the folks that put this together in that regard. But there is an area where I think the agencies should have discretion. The bottom line is that if someone has a conflict of interest and is serving on a panel, that should be part of the record.

But there is a further effect. The third effect of the Dole-Johnston language is that the only instance where an agency could exclude an individual with a conflict of interest is in the very narrow situation where the result of the review would have a direct and predictable effect on a substantial financial interest of such person.

Now, what is a direct and predictable effect? That is a good question. Under current law, agency officials would be permitted to take a close look at this case and determine if there was enough cause placed on the ties of the individual and the industry being regulated to perhaps exclude the individual from the peer review panel. But under this legislation, as it now stands, the only instance in which an agency could exclude such an individual is to establish that the individual would predictably and directly benefit from the outcome of the peer review panel.

The fact is that not all financial benefits are predictable and/or direct. The amendment I am now offering will change the Dole-Johnston language on this issue so that agencies will be allowed to continue to employ peer reviewers with a conflict of interest, at their own discretion, provided that the conflict of interest is disclosed and made part of the record.

So the agencies would continue to be allowed to determine on their own when it is appropriate or not to allow someone with a conflict of interest to serve on a review panel. However,

should the agency decide to allow such an individual to serve on a review panel, my amendment would make it mandatory for the conflict of interest to be disclosed and be made a part of the record.

Finally, my amendment makes clear that there is just one circumstance in which the agencies will have no discretion as to who can be included or excluded from serving, and that in the situation I mentioned before, where a potential peer reviewer will directly and predictably benefit from the outcome of the review. In that case, the agency has to exclude the person. I am afraid that the Dole-Johnston bill, as currently written, will undermine the part of the regulatory process that is responsible for ensuring that risk assessments are performed in an objective and impartial manner.

My amendment is strongly supported by the Clinton administration.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 53 seconds.

Mr. FEINGOLD. In short, let me say that my amendment preserves what works in current law and combines it with the progressive disclosure requirements of the Dole-Johnston bill. This will ensure that we have a review process that is fair, equitable and free from any unnecessary influence from the industries and entities that are the subject of the regulation.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware has 7½ minutes.

Mr. ROTH. We have just received the language of the distinguished Senator's amendment. I would like to address some questions to the Senator from Wisconsin. As I understand, you are striking out the words, ''shall not exclude'' and inserting in lieu thereof, ''shall permit the agency to include.''

Now, it is my understanding that your amendment would allow an agency to include an individual on a peer review panel that may have an interest in the outcome of the review, is that correct?

Mr. FEINGOLD. Mr. President, if I may respond, the version that we have submitted is different than the one the Senator has before him. The language we have submitted indicates the following:

> The agency may exclude any person with substantial and relevant expertise as a participant on the basis that such person has a potential financial interest in the outcome, or may include. . .

So the agency is allowed the option of either including or excluding a person who has a conflict of interest in the version we sent up to the desk.

Mr. ROTH. We apparently do not have a copy of that version of the amendment.

Mr. President, I regret to say that we just received this modified language, and we have not had an opportunity to study this matter to determine exactly what its implications may be. So if it is all right with the leader, I think maybe we ought to set this aside for a moment so that we will have the opportunity to review the language and then proceed.

Instead of that, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be counted against either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, while we are waiting, I have two amendments here that have been cleared. One is proposed by Mr. BAUCUS and myself.

It would change ''shall'' to ''may'' in that provision of the bill that states that the authorizing committee may submit to the Appropriations Committee changes in the schedule, and that the Appropriations Committee then—now it reads ''shall propose those amendments to the Senate.'' And we want to change that ''shall'' to ''may.''

Mr. ROTH. Mr. President, parliamentary inquiry. Can the distinguished Senator from Louisiana say what he is proposing at this time?

Mr. JOHNSTON. I have not proposed it yet. I am proposing an amendment that I thought had been cleared on all sides. It changes—

Mr. ROTH. I have not seen it, and we are looking at another amendment at this time.

Mr. JOHNSTON. I thought it had been cleared.

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. 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.

Mr. ROTH. Mr. President, let me point out that there is absolutely no intention in S. 343 to undermine the integrity of the peer review process.

While I think the concerns of Senator FEINGOLD are unwarranted, I believe that we are willing to accept the amendment.

As I understand the amendment, the Senator is first saying that we may exclude any person with substantial and relevant expertise as a participant, on the basis that such a person has a potential financial interest in the outcome. But the Senator is also providing that such person may be included if his interest is fully disclosed to the agency and the agency includes such disclosure as part of the record.

So, as I understand it, the Senator is trying to be more evenhanded on the matter. Is that correct?

Mr. FEINGOLD. Mr. President, that is correct.

I want to be fair and make it clear, there is only one exception to that. That would require that the agency not be allowed to let the person stay on in the case where the result would have a direct, predictable effect. So a more extreme case, there is no discretion, but we restore the discretion in the more common conflict-of-interest case. That provision is in the Dole-Johnston provision.

Mr. GLENN. Mr. President, as I understand it, this would add some judgment to it. This would let the agency have leeway in determining a balance, and keep the expertise.

I believe that is the intent. I am happy to accept it on our side.

Mr. FEINGOLD. I thank the Senator.

Mr. ROTH. Mr. President, I am willing to accept the amendment and yield back the remainder of my time.

Mr. FEINGOLD. I thank the Senator from Delaware, and I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1538.

The amendment (No. 1538) was agreed to.

Mr. GLENN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1536

The PRESIDING OFFICER. There are 8 minutes remaining on the debate on Amendment 1536.

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. FEINGOLD. Mr. President, I yield back my remaining time.

Mr. HATCH. Mr. President, I would like to be clear that we have accepted Senator FEINGOLD's amendment on the Equal Access to Justice Act with reluctance. This is a controversial matter and I still have many concerns. However, as a show of good faith and willingness to work with the distinguished Senator from Wisconsin in the future, we have allowed his amendment to pass without comment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1536.

The amendment (No. 1536) was agreed to.

Mr. ROTH. I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1535

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1535. Sixteen minutes remain on the debate.

Mr. DOLE. Mr. President, as I understand it, we had four amendments. We have accepted the two Feingold amendments and the Pryor amendment,

which leaves the Lautenberg amendment.

Mr. President, I understand the Senator from Mississippi, Senator LOTT, will be here momentarily. He has 13 minutes. The Senator from New Jersey has 3 minutes. If he is not here momentarily, we will yield back his time. Then I will move to table the Lautenberg amendment.

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. 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.

The Senator from Mississippi has 7 minutes remaining. The Senator from New Jersey has 3 minutes remaining.

Mr. FORD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator will suspend.

The Senator from Mississippi.

Mr. LOTT. Mr. President, after that 10 minutes, then we would be prepared to go to a vote on the pending Lautenberg amendment; is that correct?

The PRESIDING OFFICER. After all time is expired.

If the Senator will suspend, Members who are conversing in the aisle will take their conversations to the cloakroom.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I will be heard tonight in this brief time we have remaining against the Lautenberg amendment. I understand, after the remarks have been made in the next 8 minutes, there will be a motion to table this amendment.

The Lautenberg amendment would strike the provision in the legislation to reform the current petition process regarding adding or deleting chemicals on the Toxic Release Inventory referred to as TRI. The TRI is a list of chemicals emitted by industrial facilities.

Mr. LAUTENBERG. Mr. President, can we have order, please? It is hard to hear the Senator from Mississippi.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from Mississippi.

Mr. LOTT. The TRI is a list of chemicals emitted by industrial facilities as required by the Emergency Planning and Community Right to Know Act of 1986. The current TRI language in S. 343, which was worked out with the distinguished Senator from Louisiana, does not add a new petition process.

The language merely strengthens the current TRI language to require that the Administrator of the EPA ''shall grant any petition that establishes substantial evidence that the criteria already in the TRI law either are or are not met.''

As we have gone through this process in the last few days, we have continued, in my opinion, to make changes that are not strengthening the bill. I am not questioning anybody's motives or characterizing the amendments. There has continued to be a process that I think is not strengthening this legislation.

I want to urge my colleagues here tonight to defeat this amendment. What we are talking about here is sound science. That is all we are trying to do with their TRI provision. To make this process to involve reasonable, sound science, a responsible threshold should be used as the standard upon which TRI informs and protects the public.

Having said that, what will this toxics release inventory provision in the bill not do? I want to emphasize that.

The language in the bill has several important, positive features. But it will not automatically remove any chemical currently listed. It will not remove any of the existing criteria for listing. It will not prevent further listings of chemicals. It will not repeal the Community Right-to-Know Act. It will not require a new and costly risk assessment. It will not require a lengthy elaborate cost-benefit analysis.

There is a long list of things that this will not do. It will not undermine this law.

It will require that EPA prove the chemical is a genuine risk before it is listed. The provision will not affect the basic integrity of this program.

In fact, I would assert that it enhances the credibility of the TRI listing by only identifying carcinogens that based on reasonable and expected exposure scenarios will present genuine risk to Americans.

I, along with my colleagues who have worked on this, feel that TRI is an important and useful statute and should be preserved.

The change though is focused and directed at only one aspect of the statute. There are three types of listings within this TRI.

The first deals with really nasty chemicals; the second concerns carcinogens; and a third deals with chemicals causing environmental problems.

Nothing is proposed to change listing or delisting standards for the really nasty chemicals, the bad chemicals, we all agree should be identified and listed.

However, a new criteria is combined with the existing standard for listing in the two remaining categories.

A factor which concerns possible exposure by the public in dosages which are hazardous will be added to existing criteria.

This improves a TRI listing by providing the public with accurate and more complete information while avoiding unnecessarily alarming the public.

If a chemical is not toxic in any scientific sense, why grossly mislead the public and divert resources to this nonrisk?

This, in my opinion, is a regulatory abuse, the kind of thing we have been talking about and debating back and forth all week.

I believe the American public has a right to complete and accurate information. They should not be given incomplete or politicized misinformation.

Those who want to remove this provision, in my opinion, are not enhancing the protection offered. In fact, while it is not their intent, it may actually lead to misleading information.

When Congress passed the Right-to-Know Act in 1986, it did not envision that EPA would only consider wild scenarios. But after nearly a decade of considering just these type of scenarios, it has come time I think for Congress to deal with some of the actions that EPA has been taking. And there is one area where we really need it. Let me read what EPA itself has said in its own words. It says there is—

> . . . some confusion about roles and the relationship of emissions inventory, hazard assessment, exposure assessment and risk assessment in the development of the TRI listings and subsequent uses of the TRI data . . . sometimes misinterpreted to imply that they are direct measurements of exposure and risk.

This came from EPA's own Science Advisory Board in a letter to Carol Browner just 5 months ago.

I believe Americans will benefit by a more accurate and valid TRI listing. However, there are those who want to perpetuate a process which misleads as to the risks that are involved and ignoring scientific common sense.

I firmly believe that the additional standard will make TRI more accountable, and I urge that the amendment to delete this language in the bill be defeated.

I yield the floor, Mr. President.

Mr. JOHNSTON. Will the Senator yield?

Mr. LOTT. I yield whatever time I might have for a question.

Mr. JOHNSTON. Mr. President, I was going to say under the present law the EPA interprets its statute, or feels it must interpret their statute, in such a way as to have no discretion if there is a chemical which is known to cause chronic health effects. Ordinary table solvent, mentioned earlier, can cause chronic health effects, hypertension, poison, et cetera. They have not listed that chemical solvent. But they feel that they have no discretion if it causes that, and they have to list those kind of chemicals.

All we want to do is put ''the rule of reason'' in interpreting those rules. Is that is correct?

Mr. LOTT. That is correct. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I want to point out one thing before we respond directly.

The PRESIDING OFFICER. Will Members standing and talking carry their conversations to the cloakroom?

Mr. LAUTENBERG. I thank you, Mr. President. It is the end of a long day. People are restless. But we have an important matter to settle here.

The fact of the matter is that this has been a very successful program. We have reduced in 5 years 40 percent of the toxic materials emitted. We have go from 4.8 billion pounds a year down to 2.8 billion pounds a year, a reduction of 2 billion pounds being released into the atmosphere, the water, the land, whatever waste stream the company chooses.

Why is it necessary to change it? Mr. President, it is obvious to me. It is necessary to change it to accommodate someone who does not like the chemical that is listed there. We are not talking about chewing gum here. We are talking about chemicals that now are listed as chronic. These chemicals can cause cancer, teratogenic defects, serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, and other chronic health effects.

What the Senator from Mississippi wants to do is say unless two-thirds of this list—that is the reality—meet the acute test that none of those conditions that I just mentioned should permit those materials to be listed.

These are toxics that are listed here. I would submit to you that it would be a pity to say to the American public that we are taking away the sunshine. We ask you now to accept the ''right to know''—not go from the ''right to know'' to the ''right to know nothing.'' It is a law that has very little demand. All they have to do—the manufacturer, the transports—is list the chemicals that you emit into the air, list the chemicals that you emit into the water; list the toxics that you store in wasteland fills.

Mr. President, there is very little here that has a negative effect. We have reduced the amount of exposure that our people have to suffer. The thing works well. To leave it there now when this is not a matter of regulation—this is a matter of governance. I think it would be a mistake honestly to continue to leave the language in there that would eliminate a program that has been very, very successful. If we are going to eliminate it, it ought to be through the process of hearings and committees and the legislative process instead of sweeping it all under the pretense that we are making regulation and making life easier for our citizens.

As a matter of fact, it makes life considerably more hazardous.

I yield the floor, Mr. President, and hope that my colleagues will not agree to tabling this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. All time has expired.

The majority leader.

Mr. DOLE. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, let me indicate to my colleagues this will be the only vote tonight because we were able to take three of the amendments, the PRYOR amendment, and two Feingold amendments we were able to work out and accept. So there will just be this one vote.

As I understand, Senator HUTCHISON may be prepared to offer her amendment, at least the debate tonight on her amendment. Is that correct?

Mrs. HUTCHISON. We are almost there. Maybe after the vote.

Mr. DOLE. That is a possibility. So we would like, if we could do that tonight, to finish the debate on the Hutchison amendment, and then we would have a vote on that tomorrow morning. But we would have that vote at the same time we have a vote on the Glenn amendment, which will be around 11 a.m.

Mr. JOHNSTON. At 11:15.

Mr. DOLE. Whatever. If all time is used. I do not think we need 2 hours for sunshine.

In any event, I just advise Members this is the last vote tonight.

There will be votes tomorrow throughout the day, and I would tell my colleagues the first vote will probably be around 10:45, 11:00, 11:15 in the morning.

The PRESIDING OFFICER. The question is on agreeing to table the Amendment No. 1535. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—50

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Heflin	Simpson
Cochran	Helms	Smith
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
D'Amato	Johnston	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	

NAYS—48

Akaka	Feinstein	Lugar
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Bryan	Hollings	Nunn
Bumpers	Inouye	Pell
Byrd	Jeffords	Pryor
Chafee	Kassebaum	Reid
Cohen	Kennedy	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Roth
Dodd	Lautenberg	Sarbanes
Dorgan	Leahy	Simon
Exon	Levin	Snowe
Feingold	Lieberman	Wellstone

NOT VOTING—2

Bingaman Kerrey

So the motion to table the amendment (No. 1535) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. 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. 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 the distinguished Senator from Texas be permitted to offer her amendment, lay it down, and it will become the pending business when we come back in tomorrow. Tonight we will set it aside for the Glenn amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1539 TO AMENDMENT NO. 1487

(Purpose: To protect against the unfair imposition of civil or criminal penalties for the alleged violation of rules)

Mrs. HUTCHISON. 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 Texas [Mrs. HUTCHISON], for herself, Mr. HEFLIN, Mr. HATCH, Mr. NICKLES, Mr. CRAIG, and Mr. LOTT, proposes an amendment numbered 1539 to amendment No. 1487.

Mrs. HUTCHISON. 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:

Insert at the appropriate place:

''SEC. 709. AGENCY INTERPRETATIONS IN CIVIL AND CRIMINAL ACTIONS.

''(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

''(1) if the court or agency, as appropriate, finds that the rule failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

''(A) reasonably in good faith determined, based upon the language of the rule published in the Federal Register, that the defendant was in compliance with, exempt from, or otherwise not subject to, the requirements of the rule; or

''(B) engaged in the conduct alleged to violate the rule in reliance upon a written statement issued by an appropriate agency official, or by an appropriate official of a State authority to which had been delegated responsibility for implementing or ensuring compliance with the rule, stating that the action complied with, or that the defendant was exempt from, or otherwise not subject to, the requirements of the rule.

''(b) In an action brought to impose a civil or criminal penalty for the violation of a rule, the court, or an agency, as appropriate, shall not give deference to any interpretation of such rule relied on by an agency in the action that had not been timely published in the Federal Register or communicated to the defendant by the method described in paragraph (a)(2)(B) in a timely manner by the agency, or by a state official described in paragraph (a)(2)(B), prior to the commencement of the alleged violation.

''(c) Except as provided in subsection (d), no agency shall bring any judicial or administrative action to impose a civil or criminal penalty based upon—

''(1) an interpretation of a statute, rule, guidance, agency statement of policy, or license requirement or condition, or

''(2) a written determination of fact made by an appropriate agency official, or state official as described in paragraph (a)(2)(B), after disclosure of the material facts at the time and appropriate review,

if such interpretation or determination is materially different from a prior interpretation or determination made by the agency or the state official described in (a)(2)(B), and if such person, having taken into account all information that was reasonably available at the time of the original interpretation or determination, reasonably relied in good faith upon the prior interpretation or determination.

''(d) Nothing in this section shall be construed to preclude an agency:

''(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and, subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted.

''(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement;

''(e) This section shall apply to any action for which a final unappealable judicial order has not been issued prior to the effective date.

Mrs. HUTCHISON. Mr. President, I offer this amendment on behalf of Senators HEFLIN, HATCH, NICKLES, CRAIG, and LOTT, as well as myself. It is the Hutchison-Heflin amendment.

Mr. President, this is an amendment that we will debate tomorrow. It is an amendment that is going to try to put into the Administrative Procedure Act parameters that would not allow an agency to retroactively penalize a business that does not have reasonable notice of a regulation. So I think it is going to be an important amendment. I think we will have good bipartisan support for it.

I ask unanimous consent that we lay it aside.

Mr. GLENN. Reserving the right to object, and I will not object. In the original version of this that we asked the Department of Justice to check out they had objections, and the only reason we cannot debate it tonight is there have been substantial changes made to the original, as I understand it. We are asking Justice to give us an overnight read on those so we can bring it up tomorrow and see if the changes made were adequate, or whether we have to try and debate some change in that. That is the reason it will be put over until tomorrow. We are glad to accommodate the Senator from Texas on this.

Mrs. HUTCHISON. Yes. Mr. President, the Senator from Ohio is correct that there were objections. I think a number of those have been taken care of. I hope that by tomorrow, perhaps, we can have a short debate or even have an acceptance of the amendment. I feel that we have addressed many of the concerns in that letter. So we can take it up tomorrow and go from there.

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment be temporarily set aside so we can address the Glenn amendment.

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

Mr. HATCH. Mr. President, I want to announce to all Members of our body that we are going to dispose of the Glenn amendment tonight.

Therefore, we could have votes before 11 tomorrow, I have been informed by the leader.

All Members should be aware we could have a vote or more.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. JOHNSTON. Repeat that please.

Mr. HATCH. Because we are going to accept the Glenn amendment tonight, and the Hutchison amendment is laid down, Members should become aware that we could have votes before 11 tomorrow.

Mr. JOHNSTON. Mr. President, I have a longstanding doctor's appointment at 9 o'clock, and could be here by 10:30. Could the Senator help me on this? I can be here around 10:30. My guess is it would be hard to have a vote before 11, anyway.

Mr. JOHNSTON. The only amendment I know that might be ripe for a vote is possibly Hutchison.

Senator GLENN has 45 minutes in morning business.

Mr. HATCH. We will certainly try and accommodate the Senator. I cannot make that promise. We will do our best.

AMENDMENT NO. 1540 TO AMENDMENT NO. 1487

(Purpose: To ensure public accountability in the regulatory process by establishing ''sunshine'' procedures for regulatory review)

Mr. GLENN. On behalf of myself and Senator LEVIN, 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 Ohio [Mr. GLENN] for himself and Mr. LEVIN, proposes an amendment numbered 1540 to amendment No. 1487.

Mr. GLENN. I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

On page 66, after line 15, insert—

§643. Public disclosure of information

''(a) OMB RESPONSIBILITY.—The Director or other designated officer to whom authority is delegated under section 642, in carrying out the provisions of section 641, shall establish procedures (covering all employees of the Director or other designated officer) to provide public and agency access to information concerning regulatory review actions, including—

''(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

''(2) disclosure to the public, no later than publication of, or other substantive notice to the public concerning a regulatory action, of—

''(A) all written communications, regardless of form or format, including drafts of all proposals and associated analyses, between the Director or other designated officer and the regulatory agency;

''(B) all written communications, regardless of form or format, between the Director or other designated officer and any person not employed by the executive branch of the Federal Government relating to the substance of a regulatory action;

''(C) a record of all oral communications relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

''(D) a written explanation of any review action and the date of such action; and

''(3) disclosure to the regulatory agency, on a timely basis, of—

''(A) all written communications between the Director or other designated officer and any person who is not employed by the executive branch of the Federal Government;

''(B) a record of all oral communications, and an invitation to participate in meetings, relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

''(C) a written explanation of any review action taken concerning an agency regulatory action.

''(b) AGENCY RESPONSIBILITY.—The head of each agency shall—

''(1) disclose to the public the identification of any regulatory action undergoing review under this section and the date upon which such action was submitted for such review; and

''(2) describe in any applicable rulemaking notice the results of any review under this section, including an explanation of any significant changes made to the regulatory action as a consequence of the review.''.

On page 66, line 16, strike ''643'' and insert in lieu thereof ''644''.

On page 67, line 1, strike ''644'' and insert in lieu thereof ''645''.

Mr. GLENN. Mr. President, we have supported regulatory review in terms of cost-benefit analysis and OMB review of agency rules. During the 1980's, we had a lot of controversy about OMB interference with agency decisions, special access by lobbyists, and finally about secrecy in the Council on Competitiveness.

We, throughout all of this on the Governmental Affairs Committee, stood for open sunshine, nothing that was going to stop OMB review, and we wanted to introduce fairness.

The sunshine language in the GLENN-CHAFEE bill is consistent with the Clinton administration Executive order,

consistent with recommendations of the administrative conference of the U.S., also very similar to the OMB public disclosure procedures that Carl LEVIN, one of the cosponsors of this, negotiated with the Bush administration back in 1986.

We have a long history on this. We introduced sunshine legislation in several Congresses.

This year's language is a streamlined version of those bills, less strict, avoids criticism—like detailed logging requirements and early pre-rulemaking release of internal documents. Those requirements are not in this language.

But the provisions have two basic parts. First, OMB responsibilities, they must disclose to the public information about the status of rules under review. We need this to enforce the review time limits.

Two, OMB must release regulatory review documents and comments to agencies as they come in, and to the public; once a rule is proposed, agency and OMB analysis and other regular review documents are included and documents of people outside of government, records of conversations, meetings, review decisions.

The second part involves the responsibilities of the rulemaking agency. Each agency must keep a publication of rules under review at OMB. This matches the OMB lists and is needed to enforce the review time limits.

These requirements work. The Clinton administration abides by almost identical procedures now, and given past problems and requirements, the new regulatory reform bill, we should start with an open process.

I urge adoption of the amendment. It is my understanding that the other side has agreed to accept this amendment.

I am certain that Senator LEVIN, my cosponsor on this, who has done as much work in this area through the years as anybody in the Congress, and I am sure he has some remarks to make.

I am glad to yield the floor.

Mr. LEVIN. Mr. President, first let me thank my friend, the Senator from Ohio, for his tremendous leadership on this issue. He has kept at the forefront, and as a result we will adopt this very important amendment on openness tonight.

This issue began back in 1981 when President Reagan issued Executive order 12291, requiring review by the OMB, of all significant rules—proposed and final.

I favored Presidential oversight because I like accountability in the rulemaking process. But that process was being done behind closed doors. We could not even tell the public or find out if or when a rule was being reviewed by OMB. Only insiders with the right phone numbers on their rolodex knew what was going on.

We had hearing after hearing, document requests, battles in the press and on the Senate floor, over the critical issue of making the OMB review process subject to the same public disclosure requirements that we impose on rulemaking agencies.

It finally took a threat to shut down the dollars for OIRA, the Office of Information and Regulatory Affairs, the office in the OMB which conducts the review.

Now what we finally got was a policy from OIRA in 1986 from this administrator Wendy GRAMM in the form of the so-called GRAMM memo. That opened the door a bit, an important bit, and put written comments in a record of meetings in a public rulemaking file.

We still did not get the public's right-to-know if and when a rule was at OMB for review. But it was at that time, a big step forward.

The Clinton administration has issued a new Executive order in 1993 that provided an excellent process for making the OMB review process open to the public.

This bill, the bill now that is before the Senate for consideration, provides statutory authority for the President to review rules. It does not, however, provide for any of the openness requirements that we now have in the Executive order and for which we have worked so hard.

This amendment offered by the Senator from Ohio puts those disclosure requirements in law. It is an important amendment. There are also, these requirements in the Glenn-Chafee substitute, as there were in the ROTH bill as reported unanimously by the Governmental Affairs Committee.

Again, I want to thank the Senator from Ohio for his stalwart leadership on this openness issue.

Mr. JOHNSTON. Mr. President, I wonder if the Senator from Ohio would answer a couple of questions.

On page 2 of his amendment, on subsection (C) it states that there must be a record of all oral communications relating to the substance of a regulatory action between the director or other designated officer and any person not employed by the executive branch of the Federal Government, and then it also in subparagraph 3 on the same page talks about disclosure to the regulatory agency on a timely basis of a record of all communications, et cetera.

Now, my question is, does a record of all oral communications mean like a log of calls with a subject matter; or does that mean like a transcript or a summary of the substance of everything that is said?

Mr. GLENN. No, not a transcript. This would be rather, who called, and the general subject of the conversation.

Mr. JOHNSTON. Like I called you about this amendment. To satisfy that record, you would say the date; call from JOHNSTON; subject is sunshine amendment. Would that satisfy?

Mr. GLENN. Yes.

Mr. JOHNSTON. So, the Senator does not mean by a ''record,'' either a transcript or a summary, but name, date, time, subject matter.

Mr. GLENN. General subject, that is correct.

Mr. JOHNSTON. I thank the Senator.

Mr. GLENN. Mr. President, the amendment I am offering is required to provide sunshine during regulatory review. This amendment is needed to maintain public accountability and trust in government.

While not a central part of the regulatory reform legislation, the bill's Executive oversight provisions ensure that compliance with the many requirements of the bill will be monitored and enforced through OMB regulatory review. This power must be exercised in the light of day.

We have had a lot of experience with OMB regulatory review over the last 15 years. While I think that that review is needed to ensure good cost-benefit analysis by the agencies, it should not be used for undisclosed lobbying, pressure, and delay. Unfortunately, it has been used for those things. We need to put sunshine procedures into law so that it will not happen again.

Let me review how we got to this point.

A key component of the regulatory process under the Administrative Procedure Act [APA] is the requirement that agencies must work to involve interested parties in the development of rulemaking decisions.

Agencies must give the public notice of its proposals, solicit comments on them, and consider those comments in making final rulemaking decisions. This public participation has always been key to protecting the integrity of government agency decisions. It has also been key to creating the agency record that is reviewed by a court upon a challenge to an agency's final rule decision.

These APA public participation principles were largely sufficient for many years. Over the last 20 years, however, the development of centralized regulatory review has created a new layer of decisionmaking, whereby agency regulatory proposals could be reviewed and changed before being published for public notice and comment.

This regulatory review process, which was created by Presidential Executive order, has been the driving force for cost-benefit analysis in agency rulemaking. I have always supported that purpose. In fact, it is the potential good that OMB has shown can be provided by cost-benefit analysis and risk assessment that brings us to debate the present legislation. We are building on OMB's regulatory review experience in an effort to place these requirements in law for all agencies. I support that purpose. And I am glad that OMB has been here over the years helping to develop the principles of cost-benefit analysis and risk assessment.

Unfortunately, the OMB regulatory review experience has not been without its problems. In addition to regulatory analysis, the OMB process is useful for simply coordinating policies among the

various agencies and ensuring consistency with Presidential priorities. While this, too, is a valid purpose, it proved a useful avenue for secret lobbying, political pressure on agencies, and delays of agency decisions. This is not what regulatory review should be about.

Congressional hearings over the last 10 years or more have highlighted complaints about OMB's role in regulations relating to infant formula, lead, ethylene oxide, drinking water, underground storage of toxic chemicals, grain dust, and more. Several court decisions have also focused on some of these cases.

The former OMB Director, Richard Darman, even testified before the Governmental Affairs Committee in 1989 that ''OMB had abused the process by using delay as a substantive tool'' to control agency decisions.

In 1991, our committee had many of the same complaints with regard to the Council on Competitiveness, which was chaired by Vice President Quayle, and was supervising the OMB regulatory review process. There were a lot of charges about secret lobbying a lot of refusals to disclose who was meeting with Council representatives on current regulatory proposals.

I do not believe the solution to these closed processes is to outlaw them. Regulatory review is useful and should not be curtailed. But it should be more open. With openness the process can go forward and the American people can be confident in knowing that no secret dealings are going on behind closed doors.

Through the years of our oversight in the Governmental Affairs Committee, there has been considerable disagreement in the committee about how much sunshine is needed and at what stages in the process. The committee has, however, always agreed on the need for sunshine and public confidence in the regulatory process. In the consideration of S. 291, Senator ROTH's regulatory reform bill that was supported unanimously by Democrats and Republican in our committee, we arrived at a set of requirements that were acceptable to all. They were reduced in scope from earlier proposals I have made. They are consistent with recommendations of the Administrative Conference of the United States and provisions in current regulatory review order (E.O. 12866). These provisions include openness procedures instituted by OMB in 1986.

In other words, while some past proposals have been criticized as too intrusive into the prerogatives of the Chief Executive, the sunshine provisions in S. 291 work without raising past concerns. There were no complaints in committee about intrusion into executive privilege. Past criticisms about forcing early disclosure of information during regulatory review was resolved by putting off disclosure until after the completion of regulatory review. Earlier complaints about undue administrative burden, such as detailed logging requirements, were also addressed by matching requirements to those currently employed by OMB.

The Glenn/Chafee bill, S. 1001, contains the exact sunshine provisions of S. 291. The amendment I offer today is almost identical to that language—it is only modified in order to fit into the structure of S. 343. Without this amendment, S. 343 has no public protections during regulatory review. I believe that is a fundamental flaw that needs to be addressed. I believe that our bipartisan Governmental Affairs sunshine provisions provide the needed solution.

The amendment has two sets of requirements—one for OMB, and one set for the rulemaking agencies.

First, OMB must disclose to the public information about the status of rules undergoing review. This means that the public should be able to learn from OMB what agency regulatory actions are under review. As a practical matter, this would entail the production of a single monthly listing of proposed rules under review—as OMB currently prepares pursuant to E.O. 12866. In this way, the legislation would merely create a statutory right to information now provided under Presidential Executive order.

Second, the public must have access, no later than the date of publication of the proposed or final rule, to: (A) Written communications exchanged between OMB and the rulemaking agency. These would include draft rules and related analyses; (B) Written communications between OMB and non-governmental parties relating to the substance of a rule; (C) A record of oral communications between OMB and non-governmental parties relating to the substance of a rule—as in, who called, when, and on what subject; and (D) A written explanation of any review action and the date of such action.

Each one of these requirements is currently the practice of OMB. Again, we expect that these requirements will entail the continuation of the current OMB practice of maintaining regulatory review files in a public reading room.

Third, as a counterpart to public disclosure, OMB is required to send relevant information to the rulemaking agency to ensure the compilation of a full and accurate rulemaking record. OMB must send to the agency: (A) Written communications between OMB and non-governmental parties; (B) A description of oral communications, and an invitation to participate in meetings, relating to the substance of a regulatory action between the reviewer and any person not employed by the executive branch of the Federal Government; and (C) A written explanation of any review action.

The second part of the amendment requires agencies to: First, give public notice about rules undergoing regulatory review; and second, describe regulatory review decisions in the relevant rulemaking notices.

With these procedures, we should be able to put behind us much of the rancor and criticism that dogged OMB regulatory review during the past 15 years. The Clinton administration has taken an important step in applying these procedures in its Executive order. The time is now for Congress also to close the book on this issue. We are taking a significant step forward in moving regulatory reform legislation and in order to be successful, it must be accompanied by sunshine.

Mr. HATCH. Mr. President, we do have some concerns about this amendment on this side. We have some constitutional concerns and some others.

We are willing to accept this amendment tonight on the basis that we continue to work with our distinguished colleague and friend from Ohio and others, and we are trying to accommodate over here. So we are prepared to accept the amendment if the Senator will urge it.

The PRESIDING OFFICER. The Senator from Ohio.

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

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1540) was agreed to.

Mr. GLENN. Mr. 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. JOHNSTON. Mr. President, I wonder if the Senator will yield? May I ask my colleague if we have cleared the Heflin amendment yet? Senator HEFLIN wanted to make Section 706 of the APA applicable to appeals from the court of claims.

Mr. HATCH. It is my understanding it has not been cleared yet but it is being worked on.

MORNING BUSINESS

DETENTION OF HARRY WU

Mr. DOLE. Mr. President, by now most of America knows of the unjust detention of Harry Wu by the People's Republic of China. Harry Wu is an American citizen and human rights crusader. Since June 19, 1995, he has been detained in China. Consular access to detained American citizens is required to be granted within 48 hours under the terms of a 1982 agreement with China. But China did not grant access to Mr. Wu until July 10—21 days later. On July 9, Harry Wu was charged with offenses which could carry the death sentence.

Harry Wu was traveling on a valid American passport, with a valid Chinese visa. There seems little doubt that he was targeted by the Chinese Government for his outspoken and brave efforts to describe Chinese human rights

abuses. Mr. Wu himself suffered almost two decades of imprisonment in the Chinese gulag. His continued imprisonment is an affront to all freedom loving people.

Mr. President, our relationship with China is at a critical crossroads. Our relations with China are at the lowest point in years, and the list of disputed issues is long: proliferation, human rights, Taiwan and trade. We must, however, choose our course carefully. As Henry Kissinger said this morning before the Senate Foreign Relations Committee: ''The danger of the existing roller coaster towards confrontation to both China and the United States is incalculable.'' I share Dr. Kissinger's concern over the dangers of a full-scale confrontation.

But just as we must not casually move toward a conflict that serves neither country, we cannot remain silent in the face of outrageous conduct. The most fundamental duty of Government is to protect the rights of its citizens—and Harry Wu is an American citizen. I urge the Chinese to release Harry Wu, and remove this latest flashpoint in our relations.

A major United Nations Conference on Women is scheduled for September in Beijing. I agree with the bipartisan view recently expressed by my Republican colleague from Kansas, Senator KASSEBAUM, and the Democratic Congressman from Indiana, LEE HAMILTON, when they suggested the United Nations should quit wasting scarce resources on conferences that spend much and achieve little.

I understand the administration plans to send a senior delegation, including two Cabinet officers. In my view, it would be wrong for the United States to participate in the United Nations Women's Conference at any level or in any fashion as long as Harry Wu is held. This morning, along with Speaker GINGRICH, Chairman HELMS, Chairman GILMAN, and Helsinki Commission Co-Chairs Senator D'AMATO and Congressman CHRIS SMITH, I sent a letter to President Clinton urging a U.S. boycott of the U.N. Women's Conference as long as Harry Wu is detained. In my view, that is the least this Government can do to try to show our displeasure with China's action. It is also the only prudent course in light of the State Department's briefing that they could not guarantee the safety of Americans traveling to the conference.

I ask unanimous consent that a copy of the letter, and a copy of a Wall Street Journal article by Nina Shea, ''Free Harry Wu'' be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 13, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our support for your efforts to secure the release of Harry Wu. It is unconscionable that an American citizen traveling on a valid passport with a valid Chinese visa was arrested, detained and charged in violation of accepted international law. Furthermore, it is an outrage that access to Mr. Wu by American officials was not granted according to the terms of the U.S.-P.R.C. Consular Convention of 1982.

Harry Wu has undertaken heroic efforts to expose Chinese human rights abuses. For almost two decades, he suffered from the ravages of China's prison system. Today, Harry Wu is once again subject to China's closed prison system, and there are concerns about his health and safety.

We are aware that your Administration had planned to participate in the Fourth United Nations Conference on Women, scheduled to be held in September in Beijing. In our view, it would be wholly inappropriate to participate in any international conference in the People's Republic of China while an American citizen is being unjustly detained by the Chinese government. There is ample precedent to deny American participation in international events which only accord prestige to regimes which deserve condemnation—the boycott of the 1980 Olympics in Moscow in the aftermath of the invasion of Afghanistan comes to mind.

Accordingly, we urge you to announce the United States government will not participate—at any level or in any fashion—in the upcoming United Nations Conference on Women as long as Harry Wu is detained in China. Anything less would send a tragic signal of disregard for the human rights of an American citizen.

Sincerely,

NEWT GINGRICH.
BEN GILMAN.
CHRIS SMITH.
BOB DOLE.
JESSE HELMS.
ALFONSE D'AMATO.

[From the Wall Street Journal, July 3, 1995]

FREE HARRY WU

(By Nina Shea)

On June 19, Harry Wu, a 58-year-old American, was arrested by Chinese authorities at the Kazakhstan border. Mr. Wu's passport was in order and he had recently been issued a Chinese entry visa, valid until Sept. 11, 1995. No outstanding charges or arrest warrants were pending against him. No incriminating evidence was found on him or his American traveling companion at the time of the arrest. No charges have been made public against him to date. While his companion has been expelled from China, he remains held incommunicado at an undisclosed location.

The reason the Chinese are detaining Mr. Wu is obvious. In his book ''The Power of the Powerless,'' Vaclav Havel wrote that ''living the truth'' is ''the fundamental threat'' to the post-totalitarian system, and thus it is ''suppressed more severely than anything else.'' Mr. Wu is a bald critic of the repressive human-rights policies of Beijing, and the Chinese fear nothing more than the truth he witnesses.

Mr. Wu made a daring trip to China last year to conduct independent investigations into the forcible removal of prisoner organs for transplant and the export of prisoner-produced goods to the U.S. His award-winning documentation aired on American and British television. Mr. Wu's autobiography, ''Bitter Winds,'' is a devastating expose of the Chinese prison work camps, or *laogai.* Mr. Wu knew well of what he wrote; after criticizing the Soviet invasion of Hungary. He was arrested at the age of 23 for being a ''rightist,'' a charge that was ''corrected'' at the time of his release in 1979, after he had served 19 years in the laogai.

Harry Wu is a hero of our time. He is a human rights dissident of the stature of Mr. Havel, Andrei Sakharov and Anatoly Shcharansky. Like them, he suffered for his principles and spoke of the atrocities of dictatorship from personal experience. And like them, he risked all to give relentless voice to others who are victimized into silence. Through the Laogai Institute, the human rights group he founded, Mr. Wu has painstakingly tracked down other deeply traumatized, former prisoners of the laogai who are in exile throughout the world, encouraging them and providing them with opportunities to tell their stories.

Mr. Wu's last public appearance in the U.S. was at a Puebla Institute-Wethersfield Institute seminar in New York in May, where he briefed American businesses about continuing human rights persecution against Christian churches in China. At a time when the West would rather believe that China, with its new markets, has changed, Mr. Wu would not let it be forgotten that China's one-party Communist political structure and military apparatus remain intact and operational.

In New York, he told the American business community: ''The core of the human rights issue in China today is that there is a fundamental machinery for crushing human beings—physically, psychologically and spiritually—called the laogai camp system, of which we have identified, 1,100 separate camps. It is also an integral part of the national economy. Its importance is illustrated by the fact that one third of China's tea is produced in laogai camps. Sixty percent of China's rubber vulcanizing chemicals are produced in a single laogai camp in Shenyang. One of the largest steel pipe works in the country is a laogai camp. I could go on and on. The laogai system is: ''Forced labor is the means; thought reform is the aim.'. . . The laogai is not simply a prison system; it is a political tool for maintaining the Communist Party's totalitarian rule.''

For now, Harry Wu has disappeared once again into China's closed penal system. But the U.S. must not forget him. Because he is an American citizen, and because he embodies the best of the indomitable human spirit, the Clinton administration must take extraordinary steps to secure his release. If Mr. Wu is not freed, the U.S. should withdraw from the Fourth United Nations Conference on Women to be held in Beijing in September. This conference is a world-wide summit on the state of human rights as they pertain to women. Since China lost its bid in 1993 to host the Summer Olympics due to its poor human rights record, it has been eager for the prestige accorded a country chosen for this paramount human rights gathering.

At the very time China is violating the human rights of a heroic American citizen, it would be nothing less than craven for the U.S. to lend prestige to China by designating a high-level human rights delegation for the Beijing conference—one to be led by first lady Hillary Rodham Clinton and United Nations Ambassador Madeleine Albright and Timothy Wirth, assistant secretary of state for global affairs. To conduct international diplomatic business-as-usual on the topic of human rights theory as a guest of the very country that is imprisoning, without any human rights, one of our own citizens would be a cynical betrayal, not only of Mr. Wu but of human rights in general.

RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—MESSAGE FROM THE PRESIDENT—PM 65

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 Armed Services:

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission (BRAC) pursuant to section 2903 of Public Law 101–510, 104 Stat. 1810, as amended.

I hereby certify that I approve all the recommendations contained in the Commission's report.

In a July 8, 1995, letter to Deputy Secretary of Defense White (attached), Chairman Dixon confirmed that the Commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. The ability of the Defense Department to do this mitigates the economic impact on those communities, while helping the Air Force avoid the disruption in readiness that would result from relocation, as well as preserve the important defense work forces there.

As I transmit this report to the Congress, I want to emphasize that the Commission's agreement that the Secretary enjoys full authority and discretion to transfer work load from these two installations to the private sector, in place, locally or otherwise, is an integral part of the report. Should the Congress approve this package but then subsequently take action in other legislation to restrict privatization options at McClellan or Kelly, I would regard that action as a breach of Public Law 101–510 in the same manner as if the Congress were to attempt to reverse by legislation any other material direction of this or any other BRAC.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 13, 1995.*

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that pursuant to the provisions of section 169(b) of Public Law 102-138, the Speaker appoints the following Members to the U.S. Delegation to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe on the part of the House: Mr. SMITH of New Jersey, Vice Chairman, Mr. HOYER, Mr. TORRICELLI, Mr. SAWYER, Mr. COLEMAN, Mr. FORBES, Mr. CARDIN, and Ms. SLAUGHTER.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1155. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to clarify ambiguity relating to the applicability of section 3703a of title 46, United States Code, to vessels in the National Defense Reserve Fleet; to the Committee on Commerce, Science, and Transportation.

EC–1156. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to increased aeronautical chart prices; to the Committee on Commerce, Science, and Transportation.

EC–1157. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to airport redevelopment areas; to the Committee on Commerce, Science, and Transportation.

EC–1158. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to metric conversion; to the Committee on Commerce, Science, and Transportation.

EC–1159. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1160. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1161. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1162. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1163. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 1994 annual report of the Southwestern Pennsylvania Heritage Preservation Commission; to the Committee on Energy and Natural Resources.

EC–1164. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report of progress on the clean water state revolving fund; to the Committee on Environment and Public Works.

EC–1165. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences; to the Committee on Environment and Public Works.

EC–1166. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a space situation report for the National Oceanic and Atmospheric Administration consolidation for Hampton Roads, VA; to the Committee on Environment and Public Works.

EC–1167. A communication from the Acting Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended for 2 years; to the Committee on Environment and Public Works.

EC–1168. A communication from the Assistant Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting, pursuant to law, a notice of intent to submit a corrected final edition of a report relative to the defense environmental restoration program; to the Committee on Environment and Public Works.

EC–1169. A communication from the General Counsel of the Navy, transmitting, a draft of proposed legislation entitled the ''Uniform National Discharge Standards for Armed Forces Vessels Act of 1995''; to the Committee on Environment and Public Works.

EC–1170. A communication from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, a report relative to the Earned Income Tax Credit; to the Committee on Finance.

EC–1171. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC–1172. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the emigration laws and policies of the Republic of Bulgaria; to the Committee on Finance.

EC–1173. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to improve payment integrity in the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

EC–1174. A communication from the Director of the Department of Legislative Reference, transmitting, pursuant to law, a compact relative to the Woodrow Wilson Bridge; to the Committee on the Judiciary.

EC–1175. A communication from the Attorney General of the United States, transmitting, pursuant to law, the fiscal year 1994 report of the activities of the Federal Courts under the Equal Access to Justice Act; to the Committee on the Judiciary.

EC–1176. A communication from the Attorney for the National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the 1994 annual report of independent auditors of the records of the Council; to the Committee on the Judiciary.

EC–1177. A communication from the General Counsel and Chief Financial Officer of the National Tropical Botanical Garden, transmitting, pursuant to law, the calendar year 1994 audit report; to the Committee on the Judiciary.

EC–1178. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation to exempt HUD and Agriculture multifamily loan foreclosures and related actions from the bankruptcy code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1033. An original bill to amend the Federal Water Pollution Control Act to establish uniform national discharge standards for the control of water pollution from vessels of the Armed Forces, and for other purposes (Rept. No. 104–113).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. FRIST, Mr. DODD, Mr. JEFFORDS, Ms. MIKULSKI, Mr. GREGG, Mr. WELLSTONE, Mr. GORTON, Mr. PELL, Mr. HATCH, Mr. SIMON, Mr. CHAFEE and Mr. LIEBERMAN):

S. 1028. A bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH INSURANCE REFORM ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce on behalf of myself, Senators KENNEDY, FRIST, GREGG, JEFFORDS, GORTON, HATCH, CHAFEE, PELL, DODD, SIMON, MIKULSKI, WELLSTONE, and LIEBERMAN, the Health Insurance Reform Act of 1995.

This legislation will make it easier for individuals and employers to buy and keep health insurance—even when a family member or employee becomes ill. And it will allow people to change jobs without fear of losing their health coverage.

Despite past State and Federal reform efforts, the lack of poor portability of health insurance remains a serious concern for many Americans, particularly those with preexisting health conditions. The General Accounting Office estimates that as many as 25 million Americans could benefit from this legislation.

The Health Insurance Reform Act builds upon and strengthens the current private insurance market by, one, guaranteeing that private health insurance coverage will be available, renewable and portable; two, limiting preexisting condition exclusions; and, three, increasing the purchasing clout of individuals and small employers by creating incentives to form private, voluntary coalitions to negotiate with the providers and health plans.

Mr. President, I believe that the American people want us to work together to fix what is broken in the current system without relying on big Government solutions.

The legislation we are introducing today does not impose new, expensive regulatory requirements on individuals, employers or States. It does not create new Federal bureaucracies. It does not create any new taxes, spending or price controls nor does it require employers to pay for health insurance coverage.

While this insurance reform legislation alone will not cure all the ills of the Nation's health care system, it will in some small and important ways, I believe, promote greater access and security for health coverage for all Americans by requiring private insurance carriers to compete based on quality, price, and service instead of by refusing to provide coverage to those who are in poor health and who need it the most.

Mr. President, I want to thank all of my cosponsors. Senators GREGG, FRIST, JEFFORDS, HATCH and GORTON have all contributed a great deal to this effort. Senator JEFFORDS has worked particularly hard on the group purchasing provisions of the legislation. But I want to especially recognize the contributions of the ranking member of the Labor and Human Resources Committee, Senator KENNEDY. He has worked, along with his staff, for many hours, in many ways, to help make this legislation a bipartisan effort. Senator KENNEDY has spent many years on the health care agenda working tirelessly to improve the health care delivery system. And I am particularly pleased that this is such a strong bipartisan bill that we are introducing today. It is not a major piece of legislation. As I said, it is not going to be the answer to all the ills in our health care system. But I think it is a very important step forward.

I am confident that with the support of the other original cosponsors and others, the Labor Committee we will be able to report this legislation favorably in the near future and we can begin to move forward, on a bipartisan basis, to make private health insurance more readily available, more secure and more affordable for all Americans. Mr. President, I intend to work with all of my colleagues to ensure that these reforms are enacted during the 104th Congress.

Mr. KENNEDY. Mr. President, first of all, I welcome the opportunity to join Senator KASSEBAUM in the introduction of the Health Insurance Reform Act of 1995. I would like to pay tribute to her leadership in this area which is of enormous concern to the American people—addressing the issue of access to health insurance in a way that is going to be reasonable for working families in this country.

Making health insurance available to working Americans means they will be able to receive the kind of high-quality health care that is possible in this country—and that care will be available in the inner cities and rural communities of this country. Improving access to health care is one more way of stressing the obvious importance of prevention and demonstrating our commitment to the American people, particularly our seniors, to provide them with the security of health benefits in this diverse and complex Nation.

Building on the current health care system is incredibly, incredibly difficult and complex. Many of us have been addressing this issue over a considerable period of time. I think comprehensive reform of the system is still a very, very worthy objective.

But what we have today is something which, I think, is extremely important. There will be those who say, ''Well, have we lost our goal of trying to deal in a comprehensive way? Should we just come back and try to reform the entire system? Let's just wait for the opportunity to do so.''

Senator KASSEBAUM has said, ''Let us try to find common ground and let us try to make progress in areas where progress can be made. And, at a time where we do have diversity on a great many issues that are of very great importance and where there is a difference in viewpoint by the American people, expressed by their representatives—let us put that aside and say that it is more important for families in this country to have access to health care; it is more important to make meaningful progress to try to address their central needs.'' I think she deserves great credit for these initiatives and for working in a very strong, bipartisan way to try to find common ground on an issue which is going to make a very important and significant difference in the lives of millions of Americans who have preexisting conditions. This bill will help respond to the real needs and anxieties of millions of people.

Often we debate and discuss the bottom line issues in terms of cost, and that is certainly important. But for those who have a disability, we forget that these people live with a sense of fear and anxiety about what their future holds and whether they will have coverage for their health needs, or whether they will be locked into a particular work situation. The reforms in this bill let people know that Congress believes our working Americans deserve opportunities for moving ahead in terms of their career and progress for their families—which have been limited. It also encourages small businesses to work together to try to leverage the system in a positive and constructive way by using their purchasing power in the economy to negotiate a more reasonable cost for health care.

So, even though some might consider this a modest step, I think it is an extremely important one. And it is one in which I welcome the opportunity to work with Senator KASSEBAUM and to work with Senator JEFFORDS, who, as Senator KASSEBAUM has mentioned, spends a great deal of time on this issue. Many others on our committee

do also. Senator KASSEBAUM has mentioned our Republican colleagues. I would like to mention our Democratic colleagues as well. Senator WELLSTONE has taken a particular interest and has made important contributions. And generally speaking, all of the members spend time and are interested in improving this Nation's health care system.

Having been honored with chairing the Labor and Human Resources Committee last year, I was enormously impressed with the commitment of the members on the committee when we did move towards a markup on health care. The markup lasted for a period of some 10 days, long days from 8 or 9 in the morning until 10 at night. We had virtually complete attendance of our committee, Republicans and Democrats, all really participating in that process, all who went through an extraordinary learning experience. And, as a result of that, there were broad areas of bipartisan agreement and there were important areas of difference.

For a number of reasons, we were unable to reach final legislation in the U.S. Senate. But nonetheless, I think all of us, as legislators, try and learn from past experiences.

One that certainly continues to ring in my mind is the real desire in this body by Republicans and Democrats alike to see progress in this area. It is enormously obvious the reason why, and that is because this is a matter of ongoing central concern to families in this country. We all have seen the results of various polls about the budget, about deficits, about taxes, about priorities, about Medicare and Medicaid cuts. A variety of opinions are illustrated in newspapers and on radio and television across the country.

But one element that shows up in all kinds of studies and reviews is the real desire of the American people for Congress to try and find common ground; to try and make progress; to try and move this process forward. We have a very, very important responsibility to try and do so.

There are naysayers. There are those who will find reasons to criticize this approach. There will be those who say it goes too far in some areas—and there will be those who say it does not go far enough. I want to be one of those to say—I think this is an enormously important and constructive effort and I am very hopeful that we can build broad support in the Senate with the introduction of this bill as we move through the hearing process and through the markup.

I invite all of the Members on this side, as Senator KASSEBAUM has done on her side, to join with us to make suggestions and recommendations. The issue of health care is a constantly changing landscape. It is dramatically different from where it was 2 or 4 years ago. But despite this, there continue to be issues of great concern for which we all agree something must be done—and those include the issues of access, affordability and coverage.

What we have tried to do in this bill is to respond in a way, under the leadership of Senator KASSEBAUM, that we could find the areas of common stream. We have tried to review what we debated last year and take what was central to the different approaches that were put forward in the Senate by Republicans as well as Democrats. Then we have tried to take those recommendations and shape them in ways which would be more adaptive to the kind of conditions that we find today—advancing those ideas in a way that really can make an important difference.

Mr. President, I welcome the chance of joining today with my colleagues in introducing the Health Insurance Reform Act of 1995. To review, I will now summarize and highlight the specifics of the bill.

Mr. President, it is a pleasure to join Senator KASSEBAUM in introducing the Health Insurance Reform Act of 1995. This bipartisan proposal was developed in close cooperation between our two offices, and I commend her for her leadership.

The private health insurance market in the United States is deeply flawed, and with each passing year, the flaws become more serious. This legislation is designed to remedy some of the worst abuses of the current system, and provides protection to large number of families victimized by such abuses.

Today, insurers often impose exclusion for preexisting conditions. As a result, insurance is often denied for the very illnesses most likely to require medical care.

The valid purpose of such exclusions is to prevent people from gaming the system by purchasing coverage only when they get sick. But too often today, the exclusions go too far. No matter how faithfully people pay their premiums, they may have to start again with a new exclusion period if they change jobs or lose their coverage.

Eighty-one million Americans have conditions that could subject them to such exclusions if they lose their current coverage. Sometimes, the exclusions make them completely uninsurable.

Many employers do not provide health insurance to their workers at all, but too often, even those who want to do the right thing can't find an insurer to write the coverage. Sometimes entire categories of businesses, with millions of employees, are redlined out of coverage. Even if a firm is in an acceptable category, coverage may be denied if someone in the firm—or a member of their family—is in poor health. People who have paid insurance premiums for years can be canceled because they have the misfortune to get sick, just when they need coverage the most.

One consequence of the current system is job lock. Workers who want to change jobs to improve their careers or provide more efficiently for their families must give up the opportunity because it means losing their health insurance. A quarter of all American workers say they have been forced to stay in a job they otherwise would have left, because they were afraid of losing their health insurance.

This legislation addresses these problems. Exclusions for preexisting condition will be limited. They cannot be reimposed on those with current coverage who change jobs or whose employer changes insurance companies. Cancellation of policies will be prohibited for those who continue to pay their premiums. No employers who want to buy a policy can be turned down because of the health of their employees. No employees can be excluded from an employer's policy because they have higher than average health costs. Any employee losing group coverage because they leave their job or for any other reason would be guaranteed the right to buy an individual policy.

Small businesses and individuals are particularly victimized under the current system, because they lack the bargaining power of larger corporations. The legislation addresses this problem by encouraging the development of purchasing cooperatives that will have the same kind of clout enjoyed by large corporations.

Because of concerns about the impact on overall premiums, this legislation does not provide for guaranteed availability of coverage for those who have not been part of an employment group. The bill requires the Secretary of HHS to conduct a study of current State practices in this area, to consult with the National Association of Insurance Commissioners and other appropriate sources of expertise, and to provide recommendations for solving this serious problem.

I continue to support the goal of comprehensive health reform. I am confident we will find a way to provide health security for all citizens, stop the ominous rise in the number of uninsured, and the ridiculous soaring cost of health care. This bill is not a comprehensive reform, but it will eliminate some of the worst abuses of the private insurance market and provide greater protection for millions of our fellow citizens.

Mr. FRIST. Mr. President, I rise today to join the distinguished chair of the Committee on Labor and Human Resources, Mrs. KASSEBAUM, in introducing the bipartisan ''Health Insurance Reform Act of 1995''.

This bill provides long awaited reforms for this country's health insurance market. I say long awaited because the Senate passed similar insurance reforms a few years ago, but regrettably they failed to become law. This legislation, with its bipartisan support, reflects essential market-based reforms.

One of the important things I have witnessed, from my perspective as a

physician and now as a member of the Senate Committee on Labor and Human Resources, is the absolutely critical role that both employers and employees play in the current health care system, and the critical role they must play as we struggle to reform the system to deliver higher quality health care at lower costs.

Over the years, employers have directed much of the change in the health care system. Many employers have been a creative force in containing health care costs. In fact, as a result of innovative and aggressive management of health care costs, employers actually saw their health care costs for 1994 decline 1.1 percent for the first time in a decade.

However, this success does not mean that the current system is free from problems. It is not.

It is the large employers which have the greatest influence in the market. Small employers lack the same bargaining power. For example, the large employers reported health care cost decreases averaging 1.9 percent, while small employers experienced an average cost increase of 6.5 percent. Moreover, uninsured rates continue to climb in many States and many families are finding it more difficult to obtain health coverage.

The system needs to be reformed so that health care is available to all Americans.

Last year, many of these same insurance reforms became entangled with President Clinton's heavy-handed approach to health care reform. As a result, Congress again failed to pass these provisions which are necessary to increase access to insurance. Even so, many States moved forward with their own reforms. Forty-four States, including my State of Tennessee, have passed some type of small group insurance market reform. In addition, 27 States have set up high-risk insurance pools to increase access to insurance for individuals.

There should be no bar to insurance based on preexisting conditions, and no one should have to face the fear that they will lose their health insurance when they lose their job, change jobs, divorce, or become sick. Mr. President, this is the focus of this legislation.

As a transplant surgeon, I have personally witnessed the obstacles my patients face after they have received a new heart and are ready to return to the work force and productive lives. These reforms go to the heart of the problem for families that feel locked into their jobs because an illness makes it difficult to obtain health insurance. If I give someone a new heart today, they cannot hope to look for a new job tomorrow. Rather, they desperately hope to keep their current job to maintain their health insurance coverage. They are trapped. The costs of their care prohibit the freedom of movement. Therefore, Mr. President, this bill ensures portability from one group health plan to another.

When insurers are allowed to discriminate based on a preexisting condition, a heart transplant recipient becomes a liability to the rest of a company's employees. It can even result in an insurer dropping the entire employer group altogether. Mr. President, this legislation prohibits insurance carriers from refusing to issue a policy or refusing to renew an existing policy. It is my hope that this bill will help return my patients to work and back to their pretransplant lives.

This bill reflects a desire to build a partnership between business and Government, not an adversarial relationship. Instead of mandating and controlling the health care market, Government should ensure that the market operates efficiently to deliver value to all consumers regardless of their health status.

Mr. JEFFORDS. Mr. President, I rise today in support of the Health Insurance Reform Act of 1995, which is being introduced today by Senators KASSEBAUM, KENNEDY, FRIST, DODD, GORTON, MIKULSKI, GREGG, PELL, SIMON, WELLSTONE, CHAFEE, HATCH, LIEBERMAN, and myself. I applaud Senator KASSEBAUM and Senator KENNEDY for their commitment in developing, what I believe to be the first truly bipartisan insurance reform bill introduced this Congress. As I have stated many times in the past few years, health care reform cannot be successful unless Republicans and Democrats work together.

I am proud to be an original cosponsor of a piece of legislation that has been developed in one of the most inclusive processes that I have been privileged to be a part. This legislation makes great strides in laying a foundation for a well functioning private market, which is critical if we are to be successful in creating a solid health care system for all Americans.

This bill puts into place minimum national insurance reform standards, which transforms the current exclusionary insurance system into one which moves closer to accepting all comers, yet the bill allows States a great amount of flexibility to move ahead at a faster pace if they choose.

This bill, assures that if any individual has insurance today even if they get sick, or change or lose their job, they will be able to purchase insurance tomorrow.

This bill encourages a variety of health plans to compete in the marketplace. Individuals will have choices between managed care plans which focus on preventative care, as well as, catastrophic plans with medical savings accounts.

This bill fixes certain glitches in COBRA so that individuals with disabilities will no longer have to experience a gap in health insurance between the transition from employer to Medicare coverage.

Mr. President, I am most grateful for the inclusion of the health plan purchasing coalition section of this legislation. I will be introducing legislation next week called the Employer Group Purchasing Reform Act of 1995, in which health plan purchasing coalitions are the center piece. I believe very strongly that voluntary private market group purchasing arrangements, for employers and individuals, is the key to making health insurance not only more accessible but also more affordable for all Americans.

My legislation will also address the fraud and abuse in employer group purchasing arrangements called multiple employer welfare arrangements [MEWA's] under the Employee Retirement Income Security Act of 1974 [ERISA]. Senators NUNN and COHEN have both held hearings over the past few years which have uncovered ponzi schemes that have left millions of small business owners and their employees sick and without insurance. The legislation will give clear authority to the States to shut down group purchasing arrangements that are fraudulent and clear authority to certify health plan purchasing coalitions. In addition, the legislation also begins to level the playing field between insured and self-funded health plans in the market by amending ERISA. I look forward to the same bipartisan support of this bill as has been achieved by Senators KASSEBAUM and KENNEDY.

Mr. President, I am very eager to work with Senator KASSEBAUM, chairman of the Labor and Human Resources Committee, in the next couple of months, to report a market reform bill out of committee that can be brought to the Senate floor this session. We must begin to address Americans concern about portability and affordability of health insurance this year and I believe that the Health Insurance Reform Act of 1995 is an excellent place to start.

Mr. HATCH. Mr. President, I am delighted to join with the distinguished chairman and ranking minority member of the Committee on Labor and Human Resources in cosponsoring today S. 1028, the Health Insurance Reform Act of 1995.

This important piece of legislation is designed not only to increase access to health care benefits, but also to provide portability of those benefits and to increase the purchasing power of individuals and small employers who wish to seek insurance.

As my colleagues know, the issue of health care coverage for millions of Americans remains a critical concern for this Congress and for the American people.

The bill which we introduce today represents a reasonable and significant step in extending health insurance to a larger segment of the American population.

As my colleagues are aware, for 18 years, I had the privilege of serving on the Labor and Human Resources Committee, including 6 years as chairman and 6 years as ranking minority member.

We have spent innumerable hours pondering how to improve our Nation's health care delivery system. There were times when we thought we had the answer, but we could never manage to develop exactly the right bill.

More recently, last year in the Labor Committee we spent innumerable hours considering President Clinton's Health Security Act. Although my esteemed colleague and close friend, Senator KENNEDY, fought long and hard for the President's proposal, that legislation was ultimately rejected by the American people and by the Congress.

If we learned any lesson from that experience, it was that Americans do not want the Federal Government to have a larger role in shaping America's health care system.

However, that does not lessen the need for some health care reform, and it is clear that insurance market reform is one area in which we have had, and continue to have, a good deal of consensus. We should not let the need for other reforms hold up passage of this much needed measure.

Chairman KASSEBAUM and her staff are to be congratulated for developing the Health Insurance Reform Act based on the lessons we learned last year. It is a narrowly tailored bill which addresses very real problems in the marketplace.

This bill will achieve many of the objectives we sought in the areas of insurance portability as well as correcting problems with respect to those individuals with preexisting health conditions.

I am particularly pleased that the measure is receiving wide bipartisan support among the members of the Labor Committee. This is a very good signal that shows we have a viable bill which represents a consensus approach to a difficult and complicated problem.

I strongly believe this bill represents the first meaningful and generally acceptable bipartisan insurance reform proposal in either house of Congress and I hope it will be enacted swiftly.

Mr. WELLSTONE. Mr. President, I am pleased to join Senators KENNEDY and KASSEBAUM, as well as many of my colleagues on the Labor and Human Resources Committee, in introducing the Health Insurance Reform Act of 1995. The reforms included in this legislation would make it illegal for insurers to drop people when they become sick and to discriminate against individuals with preexisting conditions. While I wish that we were doing much more in Congress to ensure that all Americans have access to affordable, comprehensive health insurance coverage, I view the insurance reforms contained in this legislation as a serious step in the right direction. There is no excuse for not doing what we can to make coverage more accessible—especially for people with preexisting conditions and disabilities. It is a disgrace that our private insurance system continues to discriminate against precisely the individuals who most need coverage.

All working Americans face a growing threat from the uncertainties created by the health insurance system. Even people with good health insurance coverage cannot count on protection if they lose or change jobs, especially if someone in their family has a preexisting condition. Our current health care system allows insurers to collect premiums for years and then suddenly refuse to renew coverage if individuals or employees get sick. It also allows insurers to routinely deny coverage to different types of businesses from auto dealers to restaurants.

The GAO has estimated that as many as 25 million Americans could potentially benefit from the insurance reforms included in this bipartisan bill. Most of the people who would be helped by this legislation are people who change jobs and currently face preexisting conditions or waiting periods with their new health coverage.

Many States, including Minnesota, have already enacted standards for insurance carriers, but because ERISA preemption prevents States from regulating self-funded health plans, only Federal standards can apply to all health plans. More and more employers in Minnesota have been choosing to offer self-funded plans to employees. Such plans now enroll about 1.5 million people, up from 890,000 in 1992, and about 50 percent of all privately insured residents. Current estimates also show that more than 400,000 Minnesotans—including 91,000 children—are uninsured.

I am under no delusions that these insurance reforms will fix our broken health care system. They will not result in universal coverage—or anywhere near it—and they will not solve the problem of rising costs. After all, only comprehensive reform will make health care affordable for many of the uninsured who simply cannot afford the high cost of coverage.

While I am committed to fighting for comprehensive reforms that would include everyone and enable working families to afford health care coverage as good as Members of Congress have, I recognize that this may not happen this year. At the very least, however, we should act on reforms that would address some of the most egregious inequities in our current system, as well as those that would allow States to expand access and contain costs.

By Mr. SIMPSON (for himself and Mr. BINGAMAN):

S. 1029. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

Mr. SIMPSON. Mr. President I rise to join my good friend and able colleague from New Mexico, Senator JEFF BINGAMAN. The two of us are reintroducing the very important legislation called the International Population Stabilization and Reproductive Health Act.

During the last congressional session, Senator BINGAMAN and I introduced this bill to call attention to some very vital issues in this country and in the world. Our former colleague, Tim Wirth, championed these issues while he was in the Senate and, together, he and I laid the foundation upon which this bill is built, and then came my colleague from New Mexico, JEFF BINGAMAN—Senator BINGAMAN, who I thoroughly enjoy, and enjoy working with, his word is his bond. We work well together. He shares the same concerns and commitment to this crucial global issue as I do.

I am pleased to be working in a bipartisan fashion with him so we can move forward with an effective public policy on an issue that affects everyone in some way, worldwide.

The legislation we introduce today builds upon the Programme of Action Document adopted by acclamation by 180 nation states in September of 1994 at the International Conference on Population and Development in Cairo.

At the conference, the United States was seen, as always, as the world's leader on population and development assistance. I was a congressional delegate at the conference. There were not a lot of colleagues seeking to go. Senator JOHN KERRY was there and represented our country well.

I came away much impressed with the leadership and direction displayed by our Vice President, AL GORE. Then, of course, assistance given to him by the now Under Secretary of State, former Senator Wirth, in guiding the conference and its delegates in developing a consensus document of a broad range of short- and long-range recommendations concerning maternal and child health care, strengthening family planning programs, the promotion of educational opportunities for girls and women, and improving the status and rights of women across the world.

We surely do not want to lose our moral leadership role and relinquish any momentum by abandoning or severely weakening our financial commitment to population and development assistance. The United States needs to continue its global efforts to achieve responsible and sustainable population levels, and to back up that leadership with specific commitments to population planning activities.

In my mind, of all the challenges facing this country—and there are plenty of them—and around the world—and there are plenty of them—none compares to that of the increasing of the population growth of the world. All of our efforts to protect the environment, I have heard all of that in the last few days—protecting the environment, protecting this, protecting the aged, protecting the young—all the things to protect the environment and promote

economic development around the world are compromised and severely injured by the staggering growth in the world's population.

I hope my colleagues realize, of course, that there are currently 5.7 billion people on the Earth. In 1950, when I was a freshman at the University of Wyoming, not that long ago, there were 2.5 billion people on the face of the Earth. Mr. President, 2.5 billion in 1950, 5.7 billion today.

If current birth and death rates continue, the world's population will double again in just 40 years. Despite some progress in reducing fertility rates, birth rates in developing countries are declining too slowly to prevent a cataclysmic near tripling of the human race before stabilization can occur.

The bill as Senator BINGAMAN and I propose focuses on a coordinated strategy that will help to achieve world population stabilization, encourage global economic development and self-determination, and improve the health and well-being of women and their children.

Fundamental to this legislation is a recognition of the fact that worldwide efforts to alleviate poverty, stabilize populations, and secure the environment have been undermined by a total lack of attention to women's reproductive health and the role of women in the economic development of their families, their communities, and their countries.

Under the legislation, global and U.S. expenditure targets will be set for overall population assistance, with specific programs to help achieve universal access to culturally competent family planning services and reproductive health care; expand programs for treatment and prevention of HIV and AIDS and other sexually transmitted diseases; close the gender gap in literacy and primary and secondary education; and increase economic opportunities for women so they can realize their full productivity potential.

Other initiatives authorized under this legislation will help to reduce global maternal and infant mortality rates, and improve the overall health status of women and their children by addressing problems such as unsafe abortion. This is not about abortion. I have been here a long time. Every time we bring up something that has to do with stabilization of the Earth's population, somebody throws in the issue of abortion. That is not what this is about.

It is also about harmful practices such as female genital mutilation, along with malnutrition, low immunization rates, and the spread of contagious diseases.

There is a real need throughout much of the developing world for access to family planning services, especially as to safe abortion. Women in these countries are desperately seeking ways to take control of their reproductive lives and cannot do so because there is a severe lack of access to such services.

Worldwide, estimates are that 350 million couples want to space or prevent another pregnancy but lack the access to a full range of modern family planning.

In addition, any comprehensive family planning initiative must include access to primary health care with an emphasis on child survival to reduce infant mortality. In many developing countries, parents have a perception that many of their children will not survive beyond their first birthdays. If these parent's fears are allayed, they will not feel much pressure to have more children than they actually desire in order to insure against the possible loss of one or more of their children before adulthood.

This is why for all of these pressing reasons, I join today with my friend and colleague from New Mexico, Senator BINGAMAN in introducing this legislation. It is our aim to call attention to global population stabilization, to give it focus, and to make it a vital part of U.S. foreign aid and development assistance programs. We need to begin to make much-needed policy changes in international population stabilization, and the United States needs to take this lead to ensure that these new policy developments are recognized worldwide. This one is long overdue.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the bill.

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

SUMMARY: INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

The International Population Stabilization and Reproductive Health Act lays the foundation for a coordinated U.S. foreign aid strategy, consistent with the Programme of Action endorsed at the 1994 International Conference on Population and Development. This strategy will: help achieve world population stabilization; encourage global economic development and self-determination; and improve the health and well-being of women and their children.

The Act recognizes that worldwide efforts to alleviate poverty, stabilize population, and secure the environment have been significantly undermined by the lack of attention to women's reproductive health and the role of women in the economic development of their families, their communities, and their countries.

1. POLICY AND PURPOSE

A. Key Objectives: To help stabilize the world's population, improve the health and well-being of families, provide greater self-determination for women and ensure the role of women in the development process, and protect the environment, key objectives of U.S. foreign policy will be to:

Assist in the worldwide effort to achieve universal access to safe, effective, and voluntary family planning services;

Promote access to quality reproductive health care for women and primary health care for their children; and

Support the global expansion of basic literacy, education, and economic development opportunities for women.

B. Expenditure Targets: To promote the objectives, expenditure targets for population assistance are:

Global Target: $17 billion by 2000 (total domestic and international)

U.S. Target: $1.85 billion by 2000.

2. U.S. POPULATION ASSISTANCE PROGRAMS

U.S. population assistance will be available to international governments; multilateral organizations, including the United Nations and the UN Population Fund; and nongovernmental organizations.

A. Authorized Activities include:

Affordable, culturally-competent, and voluntary family planning and reproductive health services and educational outreach efforts particularly those designed, monitored, and evaluated by women and men from the local community;

Research on safer, easier to use, and lower-cost fertility regulation options and related disease control for women and men that: are controlled by women; are effective in preventing the spread of sexually transmitted diseases (STDs); and encourage men to take greater responsibility for their own fertility;

Efforts to prevent and manage complications of unsafe abortions, including research and public information dissemination;

Adolescent programs to prevent teen pregnancy, prevent the spread of STDs, and promote responsible parenting; and

Prenatal and postnatal programs that include breastfeeding as a child survival strategy and means for enhancing birth spacing.

B. Conditions on Eligibility for Support:

Largest share of U.S. population assistance will be made available through nongovernmental organizations;

Assistance priority to countries that account for a significant portion of the world's population growth; have significant unmet needs in the delivery of family planning services; or are committed to population stabilization through the expansion of reproductive choice;

Programs receiving support must maintain privacy and confidentiality standards; must support HIV–AIDS prevention; promote responsible sexual behavior; and may not deny services based on ability to pay;

No U.S. funds may be used to coerce any person to accept any method of fertility regulation or undergo contraceptive sterilization or involuntary abortion.

3. Economic and Social Development Assistance: U.S. development assistance will be available to help improve educational and economic opportunities for girls and women and improve the health status of women and their children.

Education: Priority assistance to countries that have adopted strategies to help ensure achievement of the goal of universal primary education of girls and boys before 2015.

Economic Productivity: Priority assistance to governments and nongovernmental organizations for programs that help women increase their productivity through vocational training and access to new technologies, extension services, credit programs, child care, and through equal participation of women and men in all areas of family and household responsibilities.

Women's Health: Priority assistance to governmental and nongovernmental programs that increase the access of girls and women to comprehensive reproductive health care services, including HIV–AIDS prevention and the prevention of other STDs.

Children's Health: Priority assistance to governmental and nongovernmental programs that are aimed at reducing malnutrition; increasing immunization rates; reducing the number of childhood deaths resulting from diarrheal diseases and respiratory infections; and increasing life expectancy at birth to greater than 70 years of age by 2005.

Violence Prevention: Priority assistance to governmental and nongovernmental programs which are aimed at eliminating all

forms of exploitation, abuse, and violence against women and children.

4. Safe Motherhood Initiative: The Act authorizes the ''Safe Motherhood Initiative,'' which helps girls and women world-wide gain access to comprehensive reproductive health care, including:

fertility regulation services;

prenatal care and high-risk screening;

supplemental food programs for pregnant and nursing women;

child survival and other programs that promote breastfeeding;

prevention and treatment of STDs, including HIV–AIDS;

programs aimed at eliminating traditional practices injurious to women's health, including female genital mutilation; and

programs promoting midwifery and traditional birth attendants.

5. Reports:

A. Annual Report: To assess progress toward the Act's objectives and expenditure targets, the President will submit an annual report to the Congress which:

estimates international population assistance by government, donor agencies, and private sector entities;

analyzes population trends by country and region; and

assesses by country availability and use of fertility regulation and abortion.

B. Expenditure Target Report: To determine expenditure targets for economic and social development activities, the President will prepare a report which:

estimates the resources needed, in total and by entity, to achieve the education, productivity, and health initiatives in the Act;

identifies legal, social, and economic barriers to women's self-determination and to improvements in the economic productivity of women;

describes existing initiatives aimed at increasing the women's access to education, credit, and child care and new technologies for development; and

describes causes of mortality and morbidity among women of childbearing age around the world and identifies actions and resources needed to address them.

C. Report on Discrimination: Each annual country human rights report will include information on patterns within a country of discrimination against women in inheritance laws, property rights, family law, and access to credit, technology, employment, education, and vocational training.

6. Authorization of Appropriations:

A. Section 104(g)(1): $635 million is authorized for Fiscal Year 1996, $695 million for FY95, for section 104(g)(1) of the Foreign Assistance Act of 1961.

B. Development and Economic Assistance Activities: Authorized levels are:

$165 million in FY96 and $200 million in FY97 to increase primary and secondary school enrollment and equalize levels of male and female enrollment;

$330 million for FY96 and $380 million for FY97 through the Child Survival Fund for child survival activities, including immunization and vaccines initiatives;

$100 million for FY96 and FY97 for the Safe Motherhood Initiative.

C. AIDS Prevention and Control Fund: $125 million is authorized for FY96, $145 million for FY97, for research, treatment, and prevention of HIV–AIDS.

Mr. SIMPSON. Mr. President, we are going to hold hearings on this. Those hearings will be held in my Subcommittee on Social Security and Family Policy. We are going to take this one very seriously. There is no need to talk about what is going to happen to the environment because of methane gas in cows, and how much propellant is in the bottom of the shaving cream can, when the population of the Earth will double in the next 40 years, and how many footprints will the Earth hold. It is very simple.

Mr. BINGAMAN. Mr. President, I want to compliment my colleague who is the prime sponsor of this bill in this Congress, and I am pleased to cosponsor the bill with him. I want to compliment him for his leadership on this very important issue. He has been a leader in trying to deal with the problem of how to stabilize population growth in the world for a very long period of time.

Today, we are reintroducing the International Population Stabilization and Reproductive Health Act. I also believe that this is a very important piece of legislation and has the potential of providing substantial benefits to this country over the coming decades.

I think we have already benefited greatly from the very modest investment we have made in sustainable development and in population efforts.

From my perspective, just as the Senator from Wyoming was saying, the attention to global population issues and support for worldwide development is critical to our future success here in this country.

We have joined, Senator SIMPSON and I, with Congressman BEILENSON and Congresswoman MORELLA, to introduce an earlier version of this in the last Congress, the 103d Congress.

The bill we are introducing today, like the previous bill, will focus U.S. foreign policy on a coordinated strategy to accomplish three things. No. 1, to achieve world population stabilization; No. 2, to encourage global economic development and self-determination for all women; No. 3, to improve the health and well-being of women and their children.

These three objectives are inseparable. To be successful, U.S. foreign policy needs to integrate population strategies and programs into our broader economic and development agenda. The way I see it, the U.S. efforts to help develop economies around the world, to promote democracy around the world, all of those efforts will be futile if we do not first address this issue of the staggering rate of global population growth.

How can we expect underdeveloped countries to pull themselves up when the world's population is growing at a rate of over 10,000 people per hour? When the women and men who make up a nation's work force pool do not even have the right to plan their families? And when millions of women around the world do not have access to basic and lifesaving reproductive health care or educational opportunities?

The 1994 U.N. International Conference on Population Development, which Senator SIMPSON attended and Senator KERRY attended, from this body, focused the world's attention on these issues and began a new era in population and development. At that Cairo conference, Senator SIMPSON indicated there was a program of action that was adopted as a consensus document. That program of action is the foundation for the legislation that we are introducing today. It clearly puts human beings at the center of development activities and encourages the international community to address global problems by meeting individual needs. It calls for gender equity and equality, for women to have and exercise choices in their economic and public and family lives, and for making reproductive health care available throughout the world.

The program of action which was adopted in Cairo recognizes that some significant worldwide progress has already been made in the last few decades, including lower birth and death rates in most parts of the world, reduced infant mortality, increased life expectancy, a slight rise in educational attainment, and a slight narrowing in the gap between the educational levels of men and women.

However, the Cairo Programme of Action, along with the State of Population Report, which was released just 2 days ago by the U.N. Population Fund, also recognized that a tremendous additional amount needs to be done. At the core of both the International Programme of Action and the United Nations report are two fundamental concepts. They are, first of all, that population, poverty, patterns of production and consumption, and the environment are so closely interconnected that none can be considered in isolation. And, second, that sustained economic growth, sustainable development in population, are fundamentally dependent upon investing in people; more specifically, on making advances in education and in economic status and in the empowerment of women.

This legislation, which I am very proud to cosponsor with Senator SIMPSON in this Congress, represents a significant step forward. I sincerely hope our colleagues in the Senate will give it a careful look. I commend him for scheduling a hearing this next week, at which we can explore the issues in more depth, and I look forward to working with him throughout the rest of this Congress in trying to see this legislation enacted into law.

Mr. SIMPSON. Mr. President, I certainly concur. I look forward to working with my friend from New Mexico. Hearings will start next week, and we will be about our business. That is something that is very clear.

By Mr. REID (for himself, Mr. SIMPSON, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN):

S. 1030. A bill entitled the ''Federal Prohibition of Female Genital Mutilation Act of 1995''; to the Committee on the Judiciary.

THE FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION ACT OF 1995

● Mr. REID. Mr. President, last September I introduced a sense-of-the-Senate resolution condemning the practice of female genital mutilation [FGM]. I was compelled to react after I read an article in the newspaper reporting the arrest of two men in Egypt who arranged for the filming of this appalling ritual procedure being performed on a 10-year-old girl for the Cable News Network [CNN]. Last October, Senators WELLSTONE, MOSELEY-BRAUN, and myself introduced legislation that would ban this practice and today, along with Senator SIMPSON, we again introduce such legislation.

I realize the significance of the ritual in the culture and social system of the communities in Africa, Asia, and the Middle East. However, I cannot ignore the cruel and torturous nature of this procedure which is generally performed on very young girls who do not have a choice in what is about to happen to them. The immediate effects of the procedure are bleeding, shock, infections, emotional trauma, and even death because of hemorrhage and unhygienic conditions. As adults, complications during pregnancy and labor can occur.

Although FGM is most prevalent in Africa, Asia, and the Middle East, it is not confined to these areas. It is estimated that over 80 million young girls and women have been mutilated in this ritual. Excision and infibulation are the most common practices. Infibulation, which is practiced in many countries, entails the excision of all of the female genitalia. The remaining tissue is stitched together leaving only a small opening for urine and menstrual flow. FGM has no medical justification for being performed on healthy young girls and women. In Egypt, mothers perpetuate the tradition to shield their girls from lust and to make sure they will be accepted in marriage. They believe an uncircumcised women cannot control her sexual appetite, or if married, likely to commit adultery.

Although I believe this practice is a torturous act when performed on any woman, I am most concerned about it being performed on children and young girls under the age 18—in other words, below the age at which a child can give consent. A child does not have the ability to consent or understand the significance and the consequence this ritual will have on her life, on her health, or on her dignity. Young girls are tied and held down, they scream in pain and are not only physically scarred, but they are emotionally scarred for life.

Many nations have made efforts to deter the practice of FGM with legislation against its execution as well as creating educational programs for women. The United Kingdom outlawed FGM in 1985 after a BBC documentary revealed that British doctors were performing the procedure on children whose families had immigrated. Unfortunately, despite these initiatives, the societal pressures are too much to overcome. Sudan is a prime example of the failure of honest efforts to deter the practice. Sudan has the longest record of efforts to combat the practice of FGM and has legislated against the procedure. Yet, according to the 1992 Minority Rights Group report, 80 percent of Sudanese women continue to be infibulated. Nevertheless, as stated in my sense-of-the-Senate resolution, it is important that any effort by a nation to curb FGM be recognized and commended.

The most successful endeavors to prevent FGM has been at the grassroots level led by women, many of whom have undergone this excruciating operation, with support from the World Health Organization, UNICEF, and other international human rights groups. African and Arab women have begun to speak out and we must do all we can to support their efforts. They are working under difficult circumstances and often in hostile social environments for the preservation of a woman's health, dignity, and human rights. We must work to support and encourage their efforts to end this violent degradation of female children throughout the world.

Primarily, we must join other countries in legally banning FGM. As immigrants from Africa and the Middle East travel to other nations, the practice of FGM travels with them. The United Kingdom, Sweden, and Switzerland have all passed legislation prohibiting FGM in their countries. France and Canada maintain that FGM violates already established statutes prohibiting bodily mutilation and have taken action against its practice. The United States is also faced with the responsibility of abolishing this specific practice within its borders. Traditional child abuse interventions do not sufficiently address the problem.

FGM is difficult to talk about, but ignoring this issue because of the discomfort it causes us does nothing but perpetuate the silent acquiescence to its practice. The women of Africa and the Middle East are standing up against tremendous pressure and defiance to fight for the health and dignity of their sisters, friends, mothers, and daughters. The least we can do is support and encourage their struggle and to continue to talk about FGM and to condemn its practice. Education will be our most important and effective tool against FGM, and I intend to do my part to educate my colleagues, my constituents, and my friends to the horrors of this ritual practice.

In hopes to educate the public, our legislation provides for research on the prevalence of FGM in the United States. Furthermore, our bill provides that medical studies be aware of the ritual and be trained in how to treat effected women, and it will make illegal the denial of medical services to any woman who has undergone FGM procedures in the past.

Seble Dawit and Salem Mekuria, two African women who are working to end FGM, described the challenges to abolishing FGM. ''We do not believe that force changes traditional habits and practices. Genital mutilation does not exist in a vacuum but as part of the social fabric, stemming from the power imbalance in relations between the sexes, from levels of education and the low economic and social status of most women. All eradication efforts must begin and proceed from these basic premises.''●

● Mr. WELLSTONE. Mr. President, the issue of female genital mutilation [FGM] was first brought before the Senate last September when Senator REID introduced a sense-of-the-Senate resolution condemning this cruel ritual practice and commending the Government of Egypt for taking quick action against two men who performed this deed on a 10-year-old girl in front of CNN television cameras. Last October, Senators REID and MOSELEY-BRAUN and I introduced a bill entitled Federal Prohibition of Female Genital Mutilation Act of 1994. At that time we committed ourselves to working on this issue until legislation passes that bans the practice of female genital mutilation in the United States.

The bill we are introducing today would accomplish this goal by making it illegal to perform the procedures of FGM on girls younger than 18. In addition, this legislation proscribes the following measures as necessary to the eradication of this procedure: compiling data on the number of females in the U.S. who have been subjected to FGM, identifying communities in the United States in which it is practiced, designing and implementing outreach activities to inform people of its physical and psychological effects, and developing recommendations for educating students in medical schools on treating women and girls who have undergone mutilations. I am proud to be a cosponsor of an act that addresses an issue so crucial to the mental and physical health of women and girls.

The ritual practice of female genital mutilation currently affects an estimated 80 million women in over 30 countries. Although FGM is most widespread in parts of Africa, the Middle East, and the Far East, immigrants from practicing groups have brought the custom to wherever they have settled, including the American cities of New York, Seattle, Portland, San Francisco, and Washington, DC. This tradition is sometimes euphemistically referred to as ''female circumcision,'' a dangerously misleading label which encourages us to think of the procedure as nothing more significant than the culturally required removal of a piece of skin.

A closer examination of the issue makes it clear that female genital mutilation is in fact the ritual torture of

young girls. In her Washington Post article, Judy Mann describes female genital mutilation as ''the ritualized removal of the clitoris and labia in girls—from newborns to late adolescents. In its most extreme form, a girl's external sexual organs are scraped away entirely and the vulva is sewn together with catgut, leaving a hole the size of a pencil for urine and menses to pass through. Her legs are bound together for several weeks while a permanent scar forms.''

In the countries and cultures of its origin, FGM is most commonly performed with crude instruments such as dull razor blades, glass, and kitchen knives while the girl is tied or held down by other women. In most cases, anesthesia is not used. Afterwards, herb mixtures, cow dung, or ashes are often rubbed on the wound to stop the bleeding.

Aside from the obvious emotional and physical trauma which are caused by this procedure, it has been estimated that 15 percent of all circumcised females die as a result of the ritual. The long term effects dealt with by American doctors who treat mutilated women and girls are listed by the New England Journal of Medicine as including chronic pelvic infections, infertility, chronic urinary tract infections, dermoid cysts (which may grow to the size of a grapefruit), and chronic anxiety or depression.

Although female genital mutilation has sometimes been viewed as a purely cultural phenomena, it is clear that no ethical justification can be made for this inhumane practice in any country.

The unacceptable nature of FGM by international human rights standards was underscored by the World Health Organization on May 12, 1993, when it adopted a resolution which highlighted the importance of eliminating harmful traditional practices affecting the health of women, children and adolescents. This resolution explicitly cited female genital mutilation as a practice which restricts ''the attainment of the goals of health, development, and human rights for all members of society.'' In 1993, the Vienna Declaration of the World Conference on Human Rights also held that FGM is an international human rights violation.

Additionally, FGM has already been banned in many Western nations. In 1982, Sweden passed a law making all forms of female circumcision illegal, and the United Kingdom passed a similar law in 1985. France, the Netherlands, Canada, and Belgium have each set a precedent for the illegality of female circumcision by holding that it violates laws prohibiting bodily mutilation and child abuse. Action has been taken to enforce the statutes banning this practice in all the countries I've just mentioned.

However, due to complex cultural factors, dealing with this issue in the United States require more than making the ritual practice of FGM illegal. Immigrant parents in the United States who import a circumciser from their home country or find an American doctor willing to perform the procedure claim to do so out of a desire to do the best thing for their daughters. In the societies and cultures that practice it, FGM is said to be an integral part of the socialization of girls into acceptable womanhood. Often, the mutilations are perceived by a girl's parents as her passport to social acceptance or the required physical marking of her marriageability. In spite of its obvious cruelty therefore, FGM is a part of cultural identity. Clearly, female genital mutilation must be dealt with in a manner which takes into account its complex causes and meanings.

Because of the complexity of this issue and the lack of available information regarding FGM in the United States, this bill includes a provision ensuring that research be carried out to determine the number of females in the U.S. who have undergone mutilations. This research would also document the types of physical and psychological damage dealth with by American medical professionals who treat mutilated women.

The bill also requires that we investigate approaches such as the one used in Great Britain where child protection networks are used to identify at risk girls and trained professionals are assigned to work with their families.

Finally, the legislation would ensure that medical students are educated in how to treat women and girls who have undergone FGM. In 1994, the New England Journal of Medicine reported that pregnant women who have undergone infibulation—in which the labia majora are stitched to cover the urethra and entrance to the vagina—are at serious risk, as are their unborn babies, if treated by physicians who have not been trained in dealing with infibulated women. In fact, untreated infibulated women have double the risk of maternal death and several times increased risk of stillbirth when compared with women who have not undergone mutilation.

The education of medical students regarding FGM is especially essential as under this bill it would be considered illegal to discriminate or deny medical services to any woman who has undergone FGM procedures.

Passage of a bill banning FGM would have helped Lydia Oluloro who fought her deportation and that of her two daughters on the grounds that her sister had threatened to kidnap the girls and have the mutilations performed on them if they were forced to return to their native Nigeria.

Passage of this bill would also send a clear message to American medical professionals, some of whom reportedly have been offered as much as $3,000 to perform mutilations on young girls. It would see to it that the names of Western doctors who mutilate girls would no longer be passed around in immigrant communities. It would help in prosecuting cases resembling the one faced by the Atlanta district attorney in 1986 in which an African-born nurse was charged with child abuse after botching a clitoridectomy on her 3-year-old niece, and it would ensure that immigrants are educated as they enter the country regarding the operations's illegality and its dangers.

Female genital mutilation is the world's most widespread form of torture, yet no other mass dilation of humanity has received so comparatively little journalistic or governmental attention. We in the United States should make it clear that it is a serious crime if it occurs here. I urge my colleagues to support this legislation as an essential tool in the struggle against the perpetuation of this heinous practice.●

● Ms. MOSELEY-BRAUN. Mr. President, I am very pleased to join Senator REID, Senator WELLSTONE and Senator SIMPSON as an original cosponsor to the Federal Prohibition of Female Genital Mutilation Act of 1995.

Male circumcision is a procedure with a long history. It is a common, accepted practice in the United States for male babies to be circumcised. In the Jewish religion, tradition dictates that a baby boy be circumcised when he is 8 days old in a special ceremony to symbolize the covenant between God and the children of Israel. It is quick, relatively painless, and without long-term consequences—for men.

For women, however, circumcision is another matter altogether. The procedure known as female circumcision is not at all benign. It is mutilation.

Eighty million women worldwide have been mutilated by female circumcision. The procedure is most widely seen in eastern and western Africa, and a number of Middle Eastern countries. And as communities from African countries immigrate to the United States, we are tragically seeing more and more cases of genital mutilation in this country. That is why this legislation is so important.

I am concerned that in this country there are misperceptions that this procedure is part of African and Islamic culture and tradition, and that the Government should not interfere. Nowhere in Muslim scripture is female circumcision required. It is not practiced in Saudi Arabia, the cradle of Islam. Historically, the procedure dates back before the rise of the Moslem religion to the times of the Pharaoh in Egypt.

In countries where the practice is not universal, female genital mutilation is more common among poor, uneducated women, and it is inextricably tied to the status of women in the community. In these societies, women who have not been circumcised are considered unclean, and unmarriageable. In communities where the only role for a women is to be married and have children, the fear of being labeled unmarriageable is enormous and real.

Ironically, that is why women are the strongest supporters of this practice. It is the older women who know best about how an uncircumcised woman in a traditional village will be treated. Girls are taught that with circumcision, they enter womanhood. Mothers encourage the mutilation because they want their daughters to marry—because marriage is the only access to a meal ticket. And men support the custom because a woman who is circumcised is considered chaste. In short, circumcision is a passport into the only role that some societies give women.

As a woman and a mother, I can't imagine leading a child to this kind of torture.

I want to raise awareness of this practice. This is mutilation of otherwise healthy women, pure and simple. We must work together to stop teaching girls that undergoing this kind of butchery is essential to their future.

Mr. President, there are very serious health risks associated with the practice of female genital mutilation that do not exist with male circumcision. This practice is most often performed by midwives or other women elders with little or no medical training. It is performed without anesthetic or sanitary tools. Often, the cut is made with a razor blade or a piece of glass.

The New England Journal of Medicine has examined female genital mutilation as a public health issue. They report that women often hemorrhage after the cutting. Prolonged bleeding may lead to severe anemia. Urinary tract infections and pelvic infections are common. Sometimes, cysts form in the scar tissue. The mutilation can also lead to infertility.

At childbirth, circumcised women have double the risk of maternal death, and the risk of a stillbirth increases several fold. And because the cutting is performed without sanitary tools, female genital mutilation has become a means of spreading the HIV virus. There are no records of how many girls die as a result of this practice.

Mr. President, Sweden, Britain, The Netherlands, and Belgium have outlawed this practice. In France, it is considered child abuse. The United States has an important role to play as well. Two years ago, the world health organization adopted a resolution on maternal child health and family planning for health sponsored by Guinea, Kenya, Nigeria, Togo, Zambia and Lebanon that highlights the importance of eliminating harmful traditional practices, includings female genital mutilation, affecting the health of women, children and adolescents.

Banning this practice in the United States is just the first step toward eradicating it. Girls must be taught that they will have opportunities, both in marriage and outside the home, if they are not mutilated. Mothers must believe that their daughters will have a place in the community if they are not circumcised. And men must be taught that the terrible health risks involved with the procedure far outweigh their belief that a circumcised woman is a more suitable bride.

I want to commend the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, for their work in Africa over the last 10 years to educate women so that this practice can be abolished. It will take much more than Government statements against the procedure to eradicate the tradition.

Mr. President, no woman, anywhere, should have to undergo this kind of mutilation, not to get a husband, not to put food on the table, not for any reason. Female circumcision is, in the final analysis, about treating women as something less than people. It must be stopped. It has no place in today's world.●

By Mr. THOMAS (for himself, Mr. SIMPSON, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. KEMPTHORNE and Mr. HELMS):

S. 1031. A bill to transfer the lands administered by the Bureau of Land Management to the State in which the lands are located; to the Committee on Energy and Natural Resources.

BLM LEGISLATION

Mr. THOMAS. Mr. President, I rise to introduce legislation that would transfer the lands managed by the BLM in the various States to State control. This bill is not a new one. We have had it in last year. But it is a commonsense approach that supports the goal of good government, supports the goal of bringing government closer to the people, and a necessary reform in the way that public lands are managed.

Currently, the BLM, the Bureau of Land Management, manages nearly 270 million acres of land in the United States, most of it, of course, in the West. Wyoming, for example—nearly 50 percent of Wyoming is owned by the Federal Government, much of it managed by the BLM. In some other States, it is more—86 percent in Nevada. So when half of your State is managed by the Federal Government, it has a great deal to do with your future. It has a great deal to do with the economy and growth, because these are multiple use lands.

Let me make a point originally that is very important to this bill. We are talking about Bureau of Land Management lands. We are not talking about Forest Service. We are not talking about wilderness. We are not talking about parks—lands that are set aside with particular purpose, lands that had a particular character. BLM lands are residual lands that were left when the homesteaders came in the West and took the land that is along the river and took the winter feed and took the best land. That land that was left was managed by the Federal Government.

Indeed, in the early acts that had to do with managing that land, it said ''manage it pending disposal.'' The notion was never to maintain them. So we are talking about a fundamental change and that is sort of what we are doing in this Congress, looking at some fundamental changes in the way we operate Government. It moves Government closer to the people, and that is what it is all about. It helps to reduce the size and cost of the Federal Government and transfers this function to the State as we are talking about transferring others.

It would have to do with the budget. It would, indeed, save money for the budget of the United States. There will be less money going to the Department of Interior. That is just the way it is. So the priorities will have to be established. We heard a lot about not being able to finance national parks, and that is actually going to be the case. So what it does is set some priorities as to where that money ought to be.

There is a fairness doctrine here. The States east of the Missouri River do not have half of their lands belong to the Federal Government. So there is a fairness question. Why should the State not have these lands? There is a question of States rights. Many maintain the Constitution does not provide the authority for the Federal Government to maintain those lands that have no specific use. I do not argue that. Others say we ought to get control by having the counties do zoning. They do that some in Arizona. That is an idea. I say, let us move them back to the States and let the States manage them as public lands. These will be multiple use lands, for hunting, for fishing, for grazing, for mineral development.

If you have ever seen a map of the West, you will see a strange ownership pattern. There are lands spread around over the whole State. One of the most unusual is the checkerboard, what we call the checkerboard, that runs all the way through Wyoming and through much of the West, when every other section was given to the railroads early on, 20 miles on either side of the railroad. So those checkerboards still belong to the Federal Government with deeded lands in between.

These are low production lands. These are not national parks. These are very low rainfall, low moisture content areas, so they are very unproductive. It takes a great deal of land to support one cow-calf unit.

Along with the House—there will be an identical bill in the House that will be introduced to transfer these lands to the State. Actually, in order to have time to accommodate that, in order to do something with the budgeting, that would be a 10-year period before they would be transferred. But we almost constantly have a conflict between the States, between the users —whatever they are, whether they are commodity users or recreational users—and the Federal land managers. And these folks do a good job. I have no quarrel with the managers. I just think, as many

others do, the closer you are, with Government, to the people who are governed, the more likely it is to be a successful effort.

So I urge my colleagues to support this legislation. It will help reduce the Federal budget. It will certainly increase individual States rights. It will keep the BLM lands in public lands so they are available for access for everyone. Finally, and perhaps most important of all, it provides fairness and equity for Western States, each of whom would have the option.

The time has come for the Federal Government to release the stranglehold on the Western States and let us manage our own affairs.

I join my colleagues in the effort to reform the way public lands are managed.

● Mr. CRAIG. Mr. President, I would like to compliment Senator THOMAS for bringing this bill forward and opening what I hope will be an enlightening discussion.

The subject matter of this bill is of great consequence in the Western States. The sheer size and proportion of Federal ownership in the West not only contrasts dramatically with the situation in Eastern States, but it is the source of much of the conflict in this country over the use of public lands. A quick look at a U.S. map of government lands dramatically illustrates the differences. Sixty to 80 percent of many Western States are federally owned, while the comparison east of the 100th meridian is typically less than 5 percent. Westerners feel this is inequitable, and some claim it is unconstitutional. They feel burdened by Federal regulation in their daily lives. They feel burdened by Federal regulation in their daily lives. Such sentiment is poorly understood in nonpublic land States.

This bill would improve the balance of State and Federal lands in the West and dissolve some of the source of discontent. It would give citizens more control over their lives through State government. For example, in Idaho BLM controls 12 million acres, or 22 percent of the State. Other Federal agencies control an additional 41 percent. Transfer of BLM ownership to the State would dramatically change the ownership equation to one of much fairer balance.

Nationwide, the Bureau of Land Management oversees 272 million acres, or 41 percent of the total Federal ownership. Nearly all of this is in the West, and it consists largely of those lands remaining in the public domain after the national parks, national wildlife refuges and national forests were set apart and placed under management of other Federal agencies.

The concept of State management or ownership of Federal lands, in this case the lands of the Bureau of Land Management, has surfaced before. But there has never been a better time to seriously examine the issue.

Congress has agreed to balance the Federal budget by 2002. That goal demands that we investigate new ways of doing business throughout the Federal Government. It may be that the States can own and manage the BLM lands and the underlying mineral estate at much less cost, while protecting the environment and maintaining public access and the many uses of these lands and waters.

I see no reason why that can't be done, and if it can, it would be desirable in several ways: Management costs would decrease, placing less burden on the taxpayers in the long run; management decisions would be made instate with more opportunity for residents to have their voices heard; existing State programs for recreation, grazing, wildfire suppression and environmental protections, such as water quality standards, could be integrated with similar BLM programs for economies of scale and consistency.

I am cosponsoring Senator THOMAS' bill to encourage debate on these issues. This bill is a starting point. The considerations in each State will differ, of course, and there are a number of amendments which would be needed to address the situation in the State of Idaho. The bill already protects designated wilderness, but we would need to provide for State consideration of more than 900,000 acres recommended for wilderness additions. Our national historic trails, wild and scenic rivers, the Snake River Birds of Prey Area, and other areas of special concern must be maintained.

I should emphasize this bill would not require State ownership. It would offer the opportunity for States to accept ownership and management, only if they elect to do so. Governor Batt, the State legislature, and Idaho interest groups would have 2 years to consider whether to accept the 11 million acres of BLM lands in the State. That seems sufficient time for a thorough airing of the pros and cons. Governor Batt has indicated his willingness to explore the possibilities.

I am sensitive to the fact that mere consideration of this legislation will cause some anxiety among BLM employees, and that concerns me. I will guarantee that employee options will be thoroughly discussed, and resolution on a fair transition reached, as this bill moves through the legislative process. The bill already provides a 10-year transition period from the time of acceptance by a State to actual transfer of ownership.

Some interest groups will immediately attack this legislation as a threat to environmental protections. They should stop and think. These same groups have shown their obvious dissatisfaction with Federal ownership through appeals and court challenges of management decisions. They have complained to me that the short tenure of Federal managers weakens decisionmaking and discourages accountability in the long run. They have argued that the citizens of Idaho support environmental programs and want a greater voice in their management. Potentially, this bill could satisfy all those concerns, and at far less cost to the taxpayers.

For all these reasons, I am an original cosponsor of this legislation.●

By Mr. ROTH (for himself and Mr. BAUCUS):

S. 1032. A bill to amend the Internal Revenue Code of 1986 to provide nonrecognition treatment for certain transfers by common trust funds to regulated investment companies; to the Committee on Finance.

COMMON TRUST FUND LEGISLATION

● Mr. ROTH. Mr. President, today together with Senator BAUCUS, I am introducing the Common Trust Fund Improvement Act of 1995—In short, this legislation would allow banks to move assets of their common trust funds to one or more mutual funds without gain or loss being recognized by the trust funds or their participants.

Bank common trust funds have been used by banks since World War II to collectively invest pools of monies in their capacities as trustees, executors, administrators, or guardians of certain customer accounts for which they have a fiduciary responsibility. At present, there are more than $120 billion in assets residing in bank common trust funds, but little if any new money is flowing into these common trust funds. By allowing the conversions under this legislation, banks can reduce investment risk and, in some cases, increase total investment return for their customer accounts by using larger, more diversified and efficient investment pools for asset allocation.

Mutual funds are the pooling vehicle of choice because they can grow into much larger investment pools than can common trust funds. By law, the participants in a bank's common trust fund are limited to that bank's fiduciary customers. Mutual funds can be offered to all types of investors. Thus, the conversion of bank common trust fund assets into mutual funds is really a transitional issue, permitting financial institutions the ability to provide their existing trust customers with the same efficient and safe investment vehicles that they are providing to their new customers. The conversion of their common trust funds into one or more mutual funds would also benefit banks by providing them with one set of investment pools to manage.

This legislation is necessary because it appears that the conversion of common trust fund assets into one or more mutual funds would, under current law, trigger tax to the participants of the common trust fund, an event that could be viewed under State laws as a breach of a bank's fiduciary responsibilites. Thus, at present, banks generally are finding it prohibitive to convert their common trust funds into more economically efficient mutal funds.

Permitting tax-free conversions of a common trust fund's assets to more

than one mutual fund would allow the more diverse common trust assets to be allocated to several mutual funds according to the appropriate investment and other objectives of the mutual funds. While the multiple conversion feature will benefit all banking institutions, it is particularly significant for small and medium-size banks with smaller common trust funds; these institutions generally find it far too costly to create their own mutual funds, and they are not likely to find a single third party mutual fund for each common trust fund able to accept substantially all the assets of the common trust fund.

While this legislation has been estimated to cost less than $100 million over five years, I am very mindful of the need to ensure that tax-law changes, no matter how appropriate and essential, do not add to the federal deficit that we are all trying so hard to eliminate. Therefore, it may be necessary to modify this proposal in order to reduce its revenue cost to a negligible level. Unfortunately, as is the case with many tax policy changes, modifications to the legislation that address revenue concerns may make the proposal more complex to administer, however, I am willing to make this trade off if it becomes absolutely necessary in order to include this legislation in a revenue bill later this year. In addition, I intend to introduce legislation soon—also related to financial institutions—to create financial securitization investment trusts [FASITs] that should provide the necessary revenue offset to pay for this proposal.

My legislation addresses an important business issue for large and small banks, and an important investment issue for their customers. Versions of this legislation have passed the Congress on two separate occasions with my strong support in the Senate. Given its modest cost, its noncontroversial nature and its widespread support, I am hopeful that this much needed legislation will be enacted this year.

Let me make a few short comments to summarize why I believe this legislation to permit conversions of common trust funds into mutual funds without the recognition of gain or loss should be enacted:

It will permit all bank customers, not just trust customers, more options for investing their savings.

It will make banks more competitive. Many savers are abandoning bank certificates of deposit for the competition, and banks are unable to offer their customers an option.

Customers are unfamiliar with common trust funds, but do understand mutual funds. Therefore, mutual funds are more attractive to them.

The conversion is like a merger of two existing registered funds which allows securities to move intact from one fund to another with no tax consequences, so there is no ''sale''. The participant's underlying investment is unchanged. As a result, we also believe that there should not be a revenue loss associated with this proposal. No revenue would be gained under current law, because banks have a fiduciary duty to their customers and they would not incur a capital gains tax in order to make the conversion unless this law is changed. Therefore, the idea that retaining current law will somehow result in more revenue is misplaced.

PROPOSAL TO PERMIT TAX-FREE CONVERSION OF COMMON TRUST FUND ASSETS TO ONE OR MORE MUTUAL FUNDS

CURRENT LAW

Banks historically have established common trust funds in order to maintain pooled funds of small fiduciary accounts. Under section 584, common trust funds must be maintained by banks exclusively for the collective investment of monies in the banks' capacity as trustee, executor administrator, or guardian of certain accounts, in conformity with rules established by the Federal Reserve and the Comptroller of the Currency. Common trust funds are not subject to income tax, and they are not treated as corporations. They are a conduit, with income ''passed through'' to fund participants for tax purposes.

Mutual funds are also considered conduits under the Tax Code. Unlike common trust funds, however, mutual funds are treated as corporations. As a result of this differing tax treatment, it is unclear whether a mutual fund may merge with or acquire the assets of a common trust fund in a transaction that is tax-free to the common trust fund and its participants.

REASONS FOR CHANGE

The economic efficiencies, diversification, and liquidity of mutual funds are key reasons for their popularity and growth in recent years. These are attributes that are not generally found in common trust funds. It would be desirable for banks to convert their existing common trust funds into mutual funds so that bank customers, including trust participants, may take advantage of the benefits of mutual funds. The conversion of its common trust funds into one or more mutual funds would also benefit banks by providing them with one set of investment pools to manage.

Permitting tax-free conversions of a common trust fund to more than one mutual fund would allow the more diverse common trust fund assets to be allocated to several mutual funds according to the appropriate investment and other objectives of the mutual funds. The multiple conversions feature is particularly significant for banks with small common trust funds, which probably would not be able to find a single mutual fund with the same investment objectives of a common trust fund.

However, until current law is clarified, it appears that the conversion of common trust fund assets into one or more mutual funds would trigger tax to the participants of the common trust fund, an event that could be viewed under State laws as a breach of a bank's fiduciary responsibilities. Thus, at present, banks generally are finding it prohibitive to convert their common trust funds into more economically efficient mutual funds.

PROPOSAL

This proposal would allow a common trust fund to transfer substantially all of its assets to one or more mutual funds without gain or loss being recognized by the trust fund or its participants.

The common trust fund would transfer it assets to the mutual funds solely in exchange for shares of the mutual funds, and the common trust fund would then distribute the mutual fund shares to its participants in exchange for the participants' interests in the common trust fund. The basis of any asset received by the mutual fund would be the basis of the asset in the hands of the common trust fund prior to the conversion. In a conversion to more than one mutual fund, the basis in each mutual fund would be determined by allocating the basis in the common trust fund units among the mutual funds in proportion to the fair market value of the transferred assets.

This proposal has been designed to have a minimal cost to the Federal Treasury, and versions of this proposal have been passed by the Congress on two previous occasions. The benefits of such a change would be felt by customers of large and small banking institutions throughout the country, and has the support of both the mutual funds and banking industries.●

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 247

At the request of Mr. GREGG, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 247, a bill to improve senior citizen housing safety.

S. 457

At the request of Mr. SIMON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 470

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 470, a bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 628

At the request of Mr. KYL, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 643

At the request of Mrs. MURRAY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 643, a bill to assist in implementing the plan of action adopted by the World Summit for Children.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 692

At the request of Mr. GREGG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 758

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 772

At the request of Mr. DORGAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 772, a bill to provide for an assessment of the violence broadcast on television, and for other purposes.

S. 774

At the request of Mr. MACK, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 774, a bill to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans.

S. 847

At the request of Mr. GREGG, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 852

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 852, a bill to provide for uniform management of livestock grazing on Federal land, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma [Mr. NICKLES] 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 requriements of that section.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 923

At the request of Mr. DORGAN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 923, a bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes.

S. 959

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. FORD], the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mr. DOLE] 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 117

At the request of Mr. ROTH, the names of the Senator from Maine [Ms. SNOWE], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 117, A resolution expressing the sense of the Senate that the current Federal income tax deduction for interest paid on debt secured by a first or second home located in the United States should not be further restricted.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors 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.

AMENDMENT NO. 1507

At the request of Mr. ROTH the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Amendment No. 1507 proposed to S. 343, a bill to reform the regulatory process, and for other purposes.

SENATE RESOLUTION 150—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 150

Whereas, the plaintiffs in *Barnstead Broadcasting Corporation and BAF Enterprises, Inc. v. Offshore Broadcasting Corporation,* Civ. No. 94–2167, a civil action pending in the United States District Court for the District of Columbia, are seeking the deposition testimony of Barbara Riehle and John Seggerman, Senate employees who work for Senator John Chafee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to subpoenas or requests for testimony issued or made to them in their official capacities: Now, therefore, be it

Resolved, That Barbara Riehle and John Seggerman are authorized to provide deposition testimony in the case of *Barnstead Broadcasting Corporation and BAF Enterprises, Inc. v. Offshore Broadcasting Corporation,* except concerning matters for which a privilege should be asserted; and

SEC. 2. That the Senate Legal Counsel is authorized to represent Barbara Riehle and John Seggerman in connection with the deposition testimony authorized by this resolution.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

DOMENICI (AND BOND) AMENDMENT NO. 1509

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BOND) submitted an amendment intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

AMENDMENT NO. 1509

At the appropriate place in the Dole substitute No. 1487, add the following new title:

TITLE II—AGENCY RESPONSIVENESS TO SMALL BUSINESSES

Subtitle A—Small Business Advocacy Review

SEC. 201. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the Environmental Protection Agency; and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the Occupational Safety and Health Administration of the Department of Labor.

(2) AGENCY HEAD.—The term ''agency head'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the Administrator of the Environmental Protection Agency; and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the Assistant Secretary for Occupational Safety and Health of the Department of Labor.

(3) CHAIRPERSON.—The term ''chairperson'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the chairperson of such review panel designated under section 202(a); and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the chairperson of such review panel designated under section 202(b).

(4) CHIEF COUNSEL FOR ADVOCACY.—The term ''Chief Counsel for Advocacy'' means the Chief Counsel for Advocacy of the Small Business Administration.

(5) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule issued by an agency for which a review panel has been established under section 202(c)(2)(A).

(6) OFFICE.—The term ''Office'' means the Office of Advocacy of the Small Business Administration.

(7) REVIEW PANEL.—The term ''review panel'' means—

(A) with respect to a significant rule of the Environmental Protection Agency, an Environmental Small Business Advocacy Review Panel established under section 202(c)(2)(A); and

(B) with respect to a significant rule of the Occupational Safety and Health Administration of the Department of Labor, an Occupational Safety and Health Small Business Advocacy Review Panel established under section 202(c)(2)(A).

(8) RULE.—The term ''rule''—

(A) means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of the agency; and

(B) does not include any rule that is limited to agency organization, management, or personnel matters.

(9) SIGNIFICANT RULE.—The term ''significant rule'' means any rule proposed by an agency that the chairperson, in consultation with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, reasonably estimates would have—

(A) an annual aggregate impact on the private sector in an amount equal to not less than $50,000,000; and

(B) an impact on small businesses.

(10) SMALL BUSINESS.—The term ''small business'' has the same meaning as the term ''small business concern'' in section 3 of the Small Business Act.

SEC. 202. SMALL BUSINESS ADVOCACY CHAIRPERSONS.

(a) CHAIRPERSON OF ENVIRONMENTAL REVIEW PANELS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate an employee of the Environmental Protection Agency, who is a member of the Senior Executive Service (as that term is defined in section 2101a of title 5, United States Code) and whose immediate supervisor is appointed by the President, to serve as the chairperson of each Environmental Small Business Advocacy Review Panel and to carry out this subtitle with respect to the Environmental Protection Agency.

(2) DISABILITY OR ABSENCE.—If the employee designated to serve as chairperson under paragraph (1) is unable to serve as chairperson because of disability or absence, the Administrator of the Environmental Protection Agency shall designate another employee who meets the qualifications of paragraph (1) to serve as chairperson.

(b) CHAIRPERSON OF OSHA REVIEW PANELS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Occupational Safety and Health of the Department of Labor shall designate an employee of the Occupational Safety and Health Administration of the Department of Labor, who is a member of the Senior Executive Service (as that term is defined in section 2101a of title 5, United States Code) and whose immediate supervisor is appointed by the President, to serve as the chairperson of each Occupational Safety and Health Small Business Advocacy Review Panel and to carry out the purposes of this subtitle with respect to the Occupational Safety and Health Administration.

(2) DISABILITY OR ABSENCE.—If the employee designated to serve as chairperson under paragraph (1) is unable to serve as chairperson because of disability of absence, the Assistant Secretary for Occupational Safety and Health of the Department of Labor shall designate another employee who meets the qualifications of paragraph (1) to serve as chairperson.

(c) DUTIES OF THE CHAIRPERSON.—

(1) INITIAL DETERMINATION AND NOTIFICATION.—

(A) TIMING.—The chairperson shall take the actions described in subparagraph (B) not later than 45 days before the earlier of—

(i) the date of publication in the Federal Register by an agency of a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, or any other provision of law; or

(ii) the date of publication in the Federal Register by an agency of a proposed rule.

(B) ACTIONS.—With respect to a proposed rule that is the subject of a publication described in clause (i) or (ii) of subparagraph (A), the chairperson shall—

(i) determine whether the subject proposed rule constitutes a significant rule, as defined in section 201(9); and

(ii) if the proposed rule is determined to constitute a significant rule, notify the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and the Chief Counsel for Advocacy to appoint review panel members for evaluation of the subject significant rule.

(2) ESTABLISHMENT OF REVIEW PANELS.—

(A) IN GENERAL.—Not later than 15 days after receiving notice under paragraph (1)(B)(ii), or such longer period as the chairperson may allow, review panel members shall be appointed by the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel for Advocacy, and the chairperson in accordance with section 203(b).

(B) EXCEPTIONS.—A review panel shall be established in accordance with subparagraph (A) unless the chairperson, in consultation with the Chief Counsel for Advocacy, determines (and notifies the agency in writing of such determination) that—

(i) a good faith effort to secure enough non-Federal employee review panel members necessary to constitute a quorum with respect to the subject significant rule was unsuccessful; and

(ii) compliance with this subtitle is not required with respect to the subject significant rule due to a lack of availability of private sector interests.

(d) DUTIES REGARDING FINAL RULE.—

(1) IN GENERAL.—Not later than 45 days before the issuance of a significant final rule, the chairperson shall—

(A) notify panel members of the intent of the agency to issue a final rule;

(B) provide panel members with a dated draft of the final rule to be issued;

(C) solicit comments from panel members in connection with the duties of the review panel described in section 203(a); and

(D) if the chairperson determines that such action is necessary, call one or more meetings of the review panel and, if a quorum is present, direct the review panel to review, discuss, or clarify any issue related to the subject final rule or the preparation of the report under paragraph (2).

(2) REPORT.—Except as provided in section 204(b), not later than 5 days before the issuance of a final rule, the chairperson shall submit a report in accordance with section 204(a).

SEC. 203. SMALL BUSINESS ADVOCACY REVIEW PANELS.

(a) GENERAL DUTIES.—Before any publication described in clause (i) or (ii) of section 202(c)(1)(A) of a proposed significant rule, and again before the issuance of such rule as a final rule, the review panel shall, in accordance with this subtitle—

(1) provide technical guidance to the agency, including guidance relating to—

(A) the applicability of the proposed rule to small businesses;

(B) enforcement of and compliance with the rule by small businesses;

(C) the consistency or redundancy of the proposed rule with respect to other Federal, State, and local regulations and record-keeping requirements imposed on small businesses; and

(D) any other concerns posed by the proposed rule that may impact significantly upon small businesses; and

(2) evaluate each rule in the context of the requirements imposed under—

(A) subsections (b) and (c) of section 603, paragraphs (1) through (3) of section 604(a), section 604(b), and paragraphs (1) through (5) of section 609 of title 5, United States Code;

(B) sections 202 and 205 of the Unfunded Mandates Act of 1995 (Public Law 104–4);

(C) subsection (a) and paragraphs (1) through (12) of subsection (b) of section 1 of Executive Order No. 12866, September 30, 1993; and

(D) any other requirement under any other Act, including those relative to regulatory reform requirements that affect compliance, existing Federal or State regulations that may duplicate, overlap, or conflict with the significant rule, and the readability and complexity of rules and regulations.

(b) MEMBERSHIP.—Each review panel shall be composed of—

(1) the chairperson;

(2) not less than 1 nor more than 3 members appointed by the chairperson from among employees of the agency who would be responsible for carrying out the subject significant rule;

(3) 1 member appointed by the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget from among the employees of that office who have specific knowledge of or responsibilities relating to the regulatory responsibilities of the agency that would be responsible for carrying out the subject significant rule;

(4) 1 member appointed by the Chief Counsel for Advocacy from among the employees of the Office; and

(5) not less than 1 nor more than 3 members selected by the Chief Counsel for Advocacy from among individuals who are representatives of—

(A) small businesses that would be impacted by the significant rule;

(B) small business sectors or industries that would be especially impacted by the significant rule; or

(C) organizations whose memberships are comprised of a cross-section of small businesses.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each review panel member, other than the chairperson, shall be appointed for a term beginning on the date on which the appointment is made and ending on the date on which the report or written record is submitted under section 204.

(2) VACANCIES.—Any vacancy on a review panel shall not affect the powers of the review panel, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—A quorum for the conduct of business by a review panel shall consist of 1 member appointed from each of paragraphs (2) through (5) of subsection (b).

(e) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the meetings of the review panel shall be at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 15 days after all review panel members necessary to constitute a quorum have been appointed under subsection (b), the chairperson shall conduct the initial meeting of the review panel.

(f) POWERS OF REVIEW PANEL.—

(1) INFORMATION FROM FEDERAL AGENCIES.—A review panel may secure, directly from any Federal department or agency, such information as the review panel considers necessary to carry out this subtitle. Upon request of the chairperson, the head of such department or agency shall furnish such information to the review panel.

(2) POSTAL SERVICES.—A review panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) NONCOMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Members of the review panel who are not officers or employees of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—Members of the review panel who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

(h) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to a review panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(i) CONSULTATION WITH OTHER ENTITIES.—In carrying out this subtitle, the chairperson shall consult and coordinate, to the maximum extent practicable, the activities of the review panel with each office of the agency that is responsible for the provision of data or technical advice concerning a significant rule.

SEC. 204. REPORT.

(a) IN GENERAL.—Except as provided in subsection (b), the chairperson shall, in accordance with section 202(d)(2), submit to the appropriate employees of the agency who would be responsible for carrying out the subject significant rule and to the appropriate committees of the Senate and the House of Representatives a report, which shall include—

(1) the findings and recommendations of the review panel with respect to the significant rule, including both the majority and minority views of the review panel members, regardless of the consensus of opinions that may derive from the meetings of the review panel; and

(2) recommendations regarding whether a survey with respect to the subject significant rule should be conducted under section 207, and—

(A) if so—

(i) a timeframe during which the survey should be conducted, taking into account the time required to implement the rule and to gather appropriate data; and

(ii) any recommendations of the review panel regarding the contents of the survey; and

(B) if not, the reasons why the survey is not recommended.

(b) FAILURE TO SUBMIT REPORT.—If the chairperson fails to submit a report under subsection (a), not later than the date on which the final rule is issued, the chairperson shall—

(1) prepare a written record of such failure detailing the reasons therefore; and

(2) submit a copy of such written record to the head of the agency and to the appropriate committees of the Congress.

SEC. 205. APPLICABILITY OF OTHER LAW; JUDICIAL REVIEW.

(a) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act do not apply to any review panel established in accordance with this subtitle.

(b) PROHIBITION ON JUDICIAL REVIEW.—No action or inaction of a review panel, including any recommendations or advice of a review panel or any procedure or process of a review panel, may be subject to judicial review by a court of the United States under chapter 7 of title 5, United States Code, or any other provision of law.

SEC. 206. MORATORIUM ON CERTAIN PUBLICATIONS.

Notwithstanding any other provision of this subtitle, no agency shall make any publication described in clause (i) or (ii) of section 202(c)(1)(A) until the initial chairperson appointed under section 202 has had an adequate opportunity to review the subject proposed rule in accordance with section 202(c)(1)(A).

SEC. 207. PEER REVIEW SURVEY.

(a) IN GENERAL.—If a review panel makes a recommendation in any report submitted under section 204(a) that a survey should be conducted with respect to a significant rule, the agency shall contract with a private sector auditing firm or other survey-related organization to conduct a survey of a cross-section of the small businesses impacted by the rule.

(b) CONTENTS OF SURVEY.—Each survey conducted under this section shall address the impact of the significant rule on small businesses, including—

(1) the applicability of the rule to various small businesses;

(2) the degree to which the rule is easy to read and comprehend;

(3) the costs to implement the rule;

(4) any recordkeeping requirements imposed by the rule; and

(5) any other technical or general issues related to the rule.

(c) AVAILABILITY OF SURVEY RESULTS.—The results of each survey conducted under this section shall be made available—

(1) to each interested Federal agency; and

(2) upon request, to any other interested party, including organizations, individuals, State and local governments, and the Congress.

Subtitle B—Regulatory Ombudsmen

SEC. 211. SMALL BUSINESS AND AGRICULTURE OMBUDSMEN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

"SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) BOARD.—The term 'Board' means a Small Business Regulatory Fairness Board established under subsection (c).

''(2) COVERED AGENCY.—The term 'covered agency' means any agency that, as of the date of enactment of the Comprehensive Regulatory Reform Act of 1995, has promulgated any rule for which a regulatory flexibility analysis was required under section 605 of title 5, United States Code, and any other agency that promulgates any such rule, as of the date of such promulgation.

''(3) OMBUDSMAN.—The term 'ombudsman' means a Regional Small Business and Agriculture Ombudsman designated under subsection (b).

''(4) REGION.—The term 'region' means any area for which the Administrator has established a regional office of the Administration pursuant to section 4(a).

''(5) RULE.—The term 'rule' has the same meaning as in section 601(2) of title 5, United States Code.

''(b) OMBUDSMAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Administrator shall designate in each region a senior employee of the Administration to serve as the Regional Small Business and Agriculture Ombudsman in accordance with this subsection.

''(2) DUTIES.—Each ombudsman designated under paragraph (1) shall—

''(A) on a confidential basis, solicit and receive comments from small business concerns regarding the enforcement activities of covered agencies;

''(B) based on comments received under subparagraph (A), annually assign and publish a small business responsiveness rating to each covered agency;

''(C) publish periodic reports compiling the comments received under subparagraph (A);

''(D) coordinate the activities of the Small Business Regulatory Fairness Board established under subsection (c); and

''(E) establish a toll-free telephone number to receive comments from small business concerns under subparagraph (A).''.

SEC. 212. SMALL BUSINESS REGULATORY FAIRNESS BOARDS.

Section 30 of the Small Business Act (as added by section 211 of this Act) is amended by adding at the end the following new subsection:

''(c) SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Administrator shall establish in each region a Small Business Regulatory Fairness Board in accordance with this subsection.

''(2) DUTIES.—Each Board established under paragraph (1) shall—

''(A) advise the ombudsman on matters of concern to small business concerns relating to the enforcement activities of covered agencies;

''(B) conduct investigations into enforcement activities by covered agencies with respect to small business concerns;

''(C) issue advisory findings and recommendations regarding the enforcement activities of covered agencies with respect to small business concerns;

''(D) review and approve, prior to publication—

''(i) each small business responsiveness rating assigned under subsection (b)(2)(B); and

''(ii) each periodic report prepared under subsection (b)(2)(C); and

''(E) prepare written opinions regarding the reasonableness and understandability of rules issued by covered agencies.

''(3) MEMBERSHIP.—Each Board shall consist of—

''(A) 1 member appointed by the President;

''(B) 1 member appointed by the Speaker of the House of Representatives;

''(C) 1 member appointed by the Minority Leader of the House of Representatives;

''(D) 1 member appointed by the Majority Leader of the Senate; and

''(E) 1 member appointed by the Minority Leader of the Senate.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—

''(A) PERIOD OF APPOINTMENT.—

''(i) PRESIDENTIAL APPOINTEES.—Each member of the Board appointed under subparagraph (A) of paragraph (2) shall be appointed for a term of 3 years, except that the initial member appointed under such subparagraph shall be appointed for a term of 1 year.

''(ii) HOUSE OF REPRESENTATIVES APPOINTEES.—Each member of the Board appointed under subparagraph (B) or (C) of paragraph (2) shall be appointed for a term of 3 years, except that the initial members appointed under such subparagraphs shall each be appointed for a term of 2 years.

''(iii) SENATE APPOINTEES.—Each member of the Board appointed under subparagraph (D) or (E) of paragraph (2) shall be appointed for a term of 3 years.

''(B) VACANCIES.—Any vacancy on the Board—

''(i) shall not affect the powers of the Board; and

''(ii) shall be filled in the same manner and under the same terms and conditions as the original appointment.

''(5) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board.

''(6) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chairperson.

''(B) INITIAL MEETING.—Not later than 90 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

''(7) QUORUM.—A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(8) POWERS OF THE BOARD.—

''(A) HEARINGS.—The Board or, at its direction, any subcommittee or member of the Board, may, for the purpose of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board determines to be appropriate.

''(B) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested to appear at any hearing of the Board. The per diem and mileage allowances for any witness shall be paid from funds available to pay the expenses of the Board.

''(C) INFORMATION FROM FEDERAL AGENCIES.—Upon the request of the Chairperson, the Board may secure directly from the head of any Federal department or agency such information as the Board considers necessary to carry out this section.

''(D) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(E) DONATIONS.—The Board may accept, use, and dispose of donations of services or property.

''(9) BOARD PERSONNEL MATTERS.—

''(A) COMPENSATION.—Members of the Board shall serve without compensation.

''(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.''.

SEC. 213. JUDICIAL REVIEW.

(a) PROHIBITION.—No action or inaction of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board, including any recommendations or advice of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board or any procedure or process of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board, may be subject to judicial review by a court of the United States under chapter 7 of title 5, United States Code, or any other provision of law.

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''Regional Small Business and Agriculture Ombudsman'' means any ombudsman designated under section 30(b) of the Small Business Act, as added by section 211 of this Act.

(2) the term ''Small Business Regulatory Fairness Board'' means any board established under section 30(c) of the Small Business Act, as added by section 212 of this Act.

BAUCUS (AND OTHERS) AMENDMENT NO. 1510

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. REID, Mrs. BOXER, Mr. MOYNIHAN, and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

Beginning on page 42, strike line 3 and all that follows through page 44, line 14, and insert the following:

''§ 628. Petition for alternative method of compliance

HATFIELD AMENDMENTS NOS. 1511–1512

(Ordered to lie on the table.)

Mr. HATFIELD submitted two amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

AMENDMENT NO. 1511

At the end of the substitute amendment add the following new section:

SEC. ___. LOCAL EMPOWERMENT AND FLEXIBILITY.

(a) FINDINGS.—The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) the Nation's communities are diverse, and different needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient local delivery of services to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

(6) many communities have innovative planning and community involvement strategies for providing services, but Federal, State, tribal governments, and local regulations often hamper full implementation of local plans.

(b) PURPOSES.—The purposes of this section are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal financial assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''approved local flexibility plan'' means a local flexibility plan that combines funds from Federal, State, local government or private sources to address the service needs of a community (or any part of such a plan) that is approved by the Flexibility Council under subsection (d);

(2) the term ''community advisory committee'' means such a committee established by a local government under subsection (h);

(3) the term ''Flexibility Council'' means the council composed of the—

(A) Assistant to the President for Domestic Policy;

(B) Assistant to the President for Economic Policy;

(C) Secretary of the Treasury;

(D) Attorney General;

(E) Secretary of the Interior;

(F) Secretary of Agriculture;

(G) Secretary of Commerce;

(H) Secretary of Labor;

(I) Secretary of Health and Human Services;

(J) Secretary of Housing and Urban Development;

(K) Secretary of Transportation;

(L) Secretary of Education;

(M) Secretary of Energy;

(N) Secretary of Veterans Affairs;

(O) Secretary of Defense;

(P) Director of Federal Emergency Management Agency;

(Q) Administrator of the Environmental Protection Agency;

(R) Director of National Drug Control Policy;

(S) Administrator of the Small Business Administration;

(T) Director of the Office of Management and Budget; and

(U) Chair of the Council of Economic Advisers.

(4) the term ''covered Federal financial assistance program'' means an eligible Federal financial assistance program that is included in a local flexibility plan of a local government;

(5) the term ''eligible Federal financial assistance program''—

(A) means a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out the specified program; and

(B) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual;

(6) the term ''eligible local government'' means a local government that is eligible to receive financial assistance under 1 or more covered Federal programs;

(7) the term ''local flexibility plan'' means a comprehensive plan for the integration and administration by a local government of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs;

(8) the term ''local government'' means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term ''priority funding'' means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal financial assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal financial assistance program included in such a plan;

(10) the term ''qualified organization'' means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(11) the term ''State'' means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Virgin Islands, and any tribal government.

(d) PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.—

(1) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal financial assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(2) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal financial assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

(e) APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.—

(1) IN GENERAL.—A local government may submit to the Flexibility Council in accordance with this subsection an application for approval of a local flexibility plan.

(2) CONTENTS OF APPLICATION.—An application submitted under this subsection shall include—

(A)(i) a proposed local flexibility plan that complies with paragraph (3); or

(ii) a strategic plan submitted in application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

(B) certification by the chief executive of the local government, and such additional assurances as may be required by the Flexibility Council, that—

(i) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply; and

(ii) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan; and

(C) any comments on the proposed plan submitted under paragraph (4) by the Governor of the State in which the local government is located;

(D) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under subsection (h); and

(E) other relevant information the Flexibility Council may require to approve the proposed plan.

(3) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this subsection shall include—

(A) the geographic area to which the plan applies and the rationale for defining the area;

(B) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(C)(i) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(ii) a description of how performance shall be measured; and

(iii) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(D) the eligible Federal financial assistance programs to be included in the plan as covered Federal financial assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(i) criteria for determining eligibility for benefits under the plan;

(ii) the services available;

(iii) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(iv) any other descriptive information the Flexibility Council considers necessary to approve the plan;

(E) except for the requirements under subsection (g)(2)(C), any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan;

(F) fiscal control and related accountability procedures applicable under the plan;

(G) a description of the sources of all non-Federal funds that are required to carry out covered Federal financial assistance programs included in the plan;

(H) written consent from each qualified organization for which consent is required under paragraph (2)(B); and

(I) other relevant information the Flexibility Council may require to approve the plan.

(4) PROCEDURE FOR APPLYING.—(A) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this subsection to the Governor of the State in which the local government is located.

(B) A Governor who receives an application from a local government under subparagraph (A) may, by no later than 30 days after the date of that receipt—

(i) prepare comments on the proposed local flexibility plan included in the application;

(ii) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(iii) submit the application and comments to the Flexibility Council.

(C) If a Governor fails to act within 30 days after receiving an application under subparagraph (B), the applicable local government may submit the application to the Flexibility Council.

(f) REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.—

(1) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this section, the Flexibility Council shall—

(A) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(B) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(C) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(2) APPROVAL.—(A) The Flexibility Council may approve a local flexibility plan for which an application is submitted under this section, or any part of such a plan, if a majority of members of the Council determines that—

(i) the plan or part shall improve the effectiveness and efficiency of providing benefits

under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(ii) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(iii) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(iv) the plan shall more effectively achieve Federal financial assistance goals at the local level and shall better meet the needs of local citizens;

(v) implementation of the plan or part of the plan shall adequately achieve the purposes of this section and of each covered Federal financial assistance program under the plan or part of the plan;

(vi) the plan and the application for approval of the plan comply with the requirements of this section;

(vii) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program; and

(viii) the local government has—

(I) waived the corresponding local laws necessary for implementation of the plan; and

(II) sought any necessary waivers from the State.

(B) The Flexibility Council may not approve any part of a local flexibility plan if—

(i) implementation of that part would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under covered Federal financial assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(ii) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal financial assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(C) The Flexibility Council shall disapprove a part of a local flexibility plan if a majority of the Council disapproves that part of the plan based on a failure of the part to comply with subparagraph (A).

(D) In approving any part of a local flexibility plan, the Flexibility Council shall specify the period during which the part is effective.

(E) Disapproval by the Flexibility Council of any part of a local flexibility plan submitted by a local government under this title shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(3) MEMORANDA OF UNDERSTANDING.—(A) The Flexibility Council may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive financial assistance under the plan enters into a memorandum of understanding under this paragraph with the Flexibility Council.

(B) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Flexibility Council, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(i) all requirements under covered Federal financial assistance programs that are to be waived by the Flexibility Council under subsection (g)(2);

(ii)(I) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal financial assistance programs included in those parts; or

(II) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal financial assistance program included in those parts;

(iii) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(iv) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(v) the data to be collected to make that determination.

(4) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Flexibility Council may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(A) impede the exchange of information needed for the design or provision of benefits under the parts; or

(B) conflict with law.

(g) IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.—

(1) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal financial assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(2) WAIVER OF REQUIREMENTS.—(A) Notwithstanding any other law and subject to subparagraphs (B) and (C), the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(i) reasonably necessary for the implementation of the plan; and

(ii) approved by a majority of members of the Flexibility Council.

(B) The Flexibility Council may not waive a requirement under this paragraph unless the Council finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

(C) The Flexibility Council may not waive any requirement under this paragraph—

(i) that enforces any constitutional or statutory right of an individual, including any right under—

(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(II) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(III) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(IV) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(V) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(ii) for payment of a non-Federal share of funding of an activity under a covered Federal financial assistance program; or

(iii) for grants received on a maintenance of effort basis.

(3) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(4) EVALUATION AND TERMINATION.—(A) A local government, in accordance with regulations issued by the Flexibility Council, shall—

(i) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(ii) periodically evaluate the effect implementation of the plan has had on—

(I) individuals who receive benefits under the plan;

(II) communities in which those individuals live; and

(III) costs of administering covered Federal financial assistance programs included in the plan.

(B) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Flexibility Council of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report, comparing those achievements to the goals and performance criteria included in the plan under subsection (e)(3)(C).

(C)(i) The Flexibility Council may terminate the effectiveness of an approved local flexibility plan, if the Flexibility Council, after consultation with the head of each Federal agency responsible for administering a covered Federal financial assistance program included in such, determines—

(I) that the goals and performance criteria included in the plan under subsection (e)(3)(C) have not been met; and

(II) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound.

(ii) In terminating the effectiveness of an approved local flexibility plan under this subparagraph, the Flexibility Council shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal financial assistance programs included in the plan.

(5) FINAL REPORT; EXTENSION OF PLANS.—(A) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Flexibility Council a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(B) The Flexibility Council may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under subparagraph (A).

(h) COMMUNITY ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this section shall establish a community advisory committee in accordance with this section.

(2) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(A) conducting public hearings; and

(B) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(3) MEMBERSHIP.—The membership of a community advisory committee shall—

(A) be comprised of—

(i) persons with leadership experience in the private and voluntary sectors;

(ii) local elected officials;

(iii) representatives of participating qualified organizations; and

(iv) the general public; and

(B) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(4) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(5) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved Federal assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

(i) TECHNICAL AND OTHER ASSISTANCE.—

(1) TECHNICAL ASSISTANCE.—(A) The Flexibility Council may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(B) Assistance may be provided under this paragraph if a local government makes a request that includes, in accordance with requirements established by the Flexibility Council—

(i) a description of the local flexibility plan the local government proposes to develop;

(ii) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(iii) such assurances as the Flexibility Council may require that—

(I) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(aa) individuals and families that shall receive benefits under covered Federal financial assistance programs included in the plan; and

(bb) governmental agencies that administer those programs; and

(II) the plan shall be developed after considering fully—

(aa) needs expressed by those individuals and families;

(bb) community priorities; and

(cc) available governmental resources in the geographic area to which the plan shall apply.

(2) DETAILS TO COUNCIL.—At the request of the Flexibility Council and with the approval of an agency head who is a member of the Council, agency staff may be detailed to the Flexibility Council on a nonreimbursable basis.

(j) FLEXIBILITY COUNCIL.—

(1) FUNCTIONS.—The Flexibility Council shall—

(A) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this section;

(B) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the applicant;

(C) monitor the progress of development and implementation of local flexibility plans;

(D) perform such other functions as are assigned to the Flexibility Council by this section; and

(E) issue regulations to implement this section within 180 days after the date of its enactment.

(2) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the 5 Federal regulations that are most frequently waived by the Flexibility Council for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

(k) REPORT.—No later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(1) describes the extent to which local governments have established and implemented approved local flexibility plans;

(2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(3) includes recommendations with respect to local flexibility.

AMENDMENT NO. 1512

Add at the end of the substitute amendment the following new section:

SEC. ___. LOCAL EMPOWERMENT AND FLEXIBILITY.

(a) FINDINGS.—The Congress finds that—

(1) historically, Federal social service programs have addressed the Nation's social problems by providing categorical assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of social services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex social problems which require the delivery of many kinds of social services;

(4) the Nation's communities are diverse, and different social needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote local delivery of social services to meet the full range of needs of individuals and families;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver social services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national social service goals; and

(6) many communities have innovative planning and community involvement strategies for social services, but Federal, State, and local regulations often hamper full implementation of local plans.

(b) PURPOSES.—The purposes of this section are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal social service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local social services goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal assistance to the particular needs of low income citizens and the operating practices of recipients, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical social service problems.

(c) DEFINITIONS.—For purposes of this Act—

(1) the term ''approved local flexibility plan'' means a local flexibility plan that combines funds from Federal, State, local government, tribal government or private sources to address the social service needs of a community (or any part of such a plan) that is approved by the Community Enterprise Board under subsection (e);

(2) the term ''community advisory committee'' means such a committee established by a local government under subsection (g);

(3) the term ''Community Enterprise Board'' means the board established by the President that is composed of the—

(A) Vice President;

(B) Assistant to the President for Domestic Policy;

(C) Assistant to the President for Economic Policy;

(D) Secretary of the Treasury;

(E) Attorney General;

(F) Secretary of the Interior;

(G) Secretary of Agriculture;

(H) Secretary of Commerce;

(I) Secretary of Labor;

(J) Secretary of Health and Human Services;

(K) Secretary of Housing and Urban Development;

(L) Secretary of Transportation;

(M) Secretary of Education;

(N) Administrator of the Environmental Protection Agency;

(O) Director of National Drug Control Policy;

(P) Administrator of the Small Business Administration;

(Q) Director of the Office of Management and Budget; and

(R) Chair of the Council of Economic Advisers.

(4) the term ''covered Federal assistance program'' means an eligible Federal assistance program that is included in a local flexibility plan of a local government;

(5) the term ''eligible Federal assistance program''—

(A) means a Federal program under which assistance is available, directly or indirectly, to a local government or a qualified organization to carry out a program for—

(i) economic development;

(ii) employment training;

(iii) health;

(iv) housing;

(v) nutrition;

(vi) other social services; or

(vii) rural development; and

(B) does not include a Federal program under which assistance is provided by the Federal Government directly to a beneficiary of that assistance or to a State as a direct payment to an individual;

(6) the term ''eligible local government'' means a local government that is eligible to receive assistance under 1 or more covered Federal programs;

(7) the term ''local flexibility plan'' means a comprehensive plan for the integration and administration by a local government of assistance provided by the Federal Government under 2 or more eligible Federal assistance programs;

(8) the term ''local government'' means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term ''low income'' means having an income that is not greater than 200 percent of the Federal poverty income level;

(10) the term ''priority funding'' means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal assistance program included in such a plan;

(11) the term ''qualified organization'' means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(12) the term ''State'' means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Virgin Islands, and any Indian tribal government.

(d) DEMONSTRATION PROGRAM.—The Community Enterprise Board shall—

(1) establish and administer a local flexibility demonstration program by approving local flexibility plans in accordance with the provisions of this section;

(2) no later than 180 days after the date of the enactment of this Act, select no more than 30 local governments from no more than 6 States to participate in such program, of which—

(A) 3 States shall each have a population of 3,500,000 or more as determined under the most recent decennial census; and

(B) 3 States shall each have a population of 3,500,000 or less as determined under the most recent decennial census.

(e) PROVISION OF FEDERAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.—

(1) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(2) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

(f) APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.—

(1) IN GENERAL.—A local government may submit to the Community Enterprise Board in accordance with this subsection an application for approval of a local flexibility plan.

(2) CONTENTS OF APPLICATION.—An application submitted under this subsection shall include—

(A) a proposed local flexibility plan that complies with paragraph (3);

(B) certification by the chief executive of the local government, and such additional assurances as may be required by the Community Enterprise Board, that—

(i) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply;

(ii) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal assistance programs included in the proposed plan; and

(iii) low income individuals and families that reside in that geographic area participated in the development of the proposed plan;

(C) any comments on the proposed plan submitted under paragraph (4) by the Governor of the State in which the local government is located;

(D) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under subsection (i); and

(E) other relevant information the Community Enterprise Board may require to approve the proposed plan.

(3) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this subsection shall include—

(A) the geographic area to which the plan applies and the rationale for defining the area;

(B) the particular groups of individuals, by age, service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(C)(i) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(ii) a description of how performance shall be measured; and

(D) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(E) the eligible Federal assistance programs to be included in the plan as covered Federal assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(i) criteria for determining eligibility for benefits under the plan;

(ii) the services available;

(iii) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(iv) any other descriptive information the Community Enterprise Board considers necessary to approve the plan;

(F) except for the requirements under subsection (h)(2)(C), any Federal statutory or regulatory requirement applicable under a covered Federal assistance program included in the plan, the waiver of which is necessary to implement the plan;

(G) fiscal control and related accountability procedures applicable under the plan;

(H) a description of the sources of all non-Federal funds that are required to carry out covered Federal assistance programs included in the plan;

(I) written consent from each qualified organization for which consent is required under subsection (e)(2)(B); and

(J) other relevant information the Community Enterprise Board may require to approve the plan.

(4) PROCEDURE FOR APPLYING.—(A) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this subsection to the Governor of the State in which the local government is located.

(B) A Governor who receives an application from a local government under subparagraph (A) may, by no later than 30 days after the date of that receipt—

(i) prepare comments on the proposed local flexibility plan included in the application;

(ii) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(iii) submit the application and comments to the Community Enterprise Board.

(C) If a Governor fails to act within 30 days after receiving an application under subparagraph (B), the applicable local government may submit the application to the Community Enterprise Board.

(g) REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.—

(1) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this section, the Community Enterprise Board shall—

(A) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(B) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(C) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(2) APPROVAL.—(A) The Community Enterprise Board may approve a local flexibility plan for which an application is submitted under this section, or any part of such a plan, if a majority of members of the Board determines that—

(i) the plan or part shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(ii) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(iii) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(iv) the plan shall more effectively achieve Federal assistance goals at the local level and shall better meet the needs of local citizens;

(v) implementation of the plan or part of the plan shall adequately achieve the purposes of this title and of each covered Federal assistance program under the plan or part of the plan;

(vi) the plan and the application for approval of the plan comply with the requirements of this section;

(vii) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program;

(viii) the qualitative level of those benefits shall not be reduced for any individual or family; and

(ix) the local government has—

(I) waived the corresponding local laws necessary for implementation of the plan; and

(II) sought any necessary waivers from the State.

(B) The Community Enterprise Board may not approve any part of a local flexibility plan if—

(i) implementation of that part would result in any increase in the total amount of

obligations or outlays of discretionary appropriations or direct spending under covered Federal assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(ii) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(C) The Community Enterprise Board shall disapprove a part of a local flexibility plan if a majority of the Board disapproves that part of the plan based on a failure of the part to comply with subparagraph (A).

(D) In approving any part of a local flexibility plan, the Community Enterprise Board shall specify the period during which the part is effective. An approved local flexibility plan shall not be effective after the date of the termination of effectiveness of this section under subsection (*l*)(1).

(E) Disapproval by the Community Enterprise Board of any part of a local flexibility plan submitted by a local government under this section shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(3) MEMORANDA OF UNDERSTANDING.—(A) The Community Enterprise Board may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive assistance under the plan enters into a memorandum of understanding under this subsection with the Community Enterprise Board.

(B) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Community Enterprise Board, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(i) all requirements under covered Federal assistance programs that are to be waived by the Community Enterprise Board under subsection (h)(2);

(ii)(I) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal assistance programs included in those parts; or

(II) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal assistance program included in those parts;

(iii) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(iv) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(v) the data to be collected to make that determination.

(4) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Community Enterprise Board may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(A) impede the exchange of information needed for the design or provision of benefits under the parts; or

(B) conflict with law.

(h) IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.

(1) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(2) WAIVER OF REQUIREMENTS.—(A) Notwithstanding any other law and subject to subparagraphs (B) and (C), the Community Enterprise Board may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(i) reasonably necessary for the implementation of the plan; and

(ii) approved by a majority of members of the Community Enterprise Board.

(B) The Community Enterprise Board may not waive a requirement under this subsection unless the Board finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal assistance program.

(C) The Community Enterprise Board may not waive any requirement under this subsection—

(i) that enforces any constitutional or statutory right of an individual, including any right under—

(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(II) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(III) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(IV) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(V) the Americans with Disabilities Act of 1990;

(ii) for payment of a non-Federal share of funding of an activity under a covered Federal assistance program; or

(iii) for grants received on a maintenance of effort basis.

(3) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(4) EVALUATION AND TERMINATION.—(A) A local government, in accordance with regulations issued by the Community Enterprise Board, shall—

(i) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(ii) periodically evaluate the effect implementation of the plan has had on—

(I) individuals who receive benefits under the plan;

(II) communities in which those individuals live; and

(III) costs of administering covered Federal assistance programs included in the plan.

(B) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Community Enterprise Board of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Community Enterprise Board a report on the principal activities and achievements under the plan during the period covered by the report, comparing those achievements to the goals and performance criteria included in the plan under subsection (f)(3)(C).

(C)(i) If the Community Enterprise Board, after consultation with the head of each Federal agency responsible for administering a covered Federal assistance program included in an approved local flexibility plan of a local government, determines—

(I) that the goals and performance criteria included in the plan under subsection (f)(3)(C) have not been met; and

(II) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound;

the Community Enterprise Board may terminate the effectiveness of the plan.

(ii) In terminating the effectiveness of an approved local flexibility plan under this subparagraph, the Community Enterprise Board shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal assistance programs included in the plan.

(5) FINAL REPORT; EXTENSION OF PLANS.—(A) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Community Enterprise Board a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(B) The Community Enterprise Board may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under subparagraph (A).

(i) COMMUNITY ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this section shall establish a community advisory committee in accordance with this subsection.

(2) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(A) conducting public hearings;

(B) representing the interest of low income individuals and families; and

(C) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(3) MEMBERSHIP.—The membership of a community advisory committee shall—

(A) be comprised of—

(i) low income individuals, who shall—

(I) comprise at least one-third of the membership; and

(II) include minority individuals who are participants or who qualify to participate in eligible Federal assistance programs;

(ii) representatives of low income individuals and families;

(iii) persons with leadership experience in the private and voluntary sectors;

(iv) local elected officials;

(v) representatives of participating qualified organizations; and

(vi) the general public; and

(B) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(4) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(5) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

(j) TECHNICAL AND OTHER ASSISTANCE.—

(1) TECHNICAL ASSISTANCE.—(A) The Community Enterprise Board may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(B) Assistance may be provided under this subsection if a local government makes a request that includes, in accordance with requirements established by the Community Enterprise Board—

(i) a description of the local flexibility plan the local government proposes to develop;

(ii) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(iii) such assurances as the Community Enterprise Board may require that—

(I) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(aa) low income individuals and families that shall receive benefits under covered Federal assistance programs included in the plan; and

(bb) governmental agencies that administer those programs; and

(II) the plan shall be developed after considering fully—

(aa) needs expressed by those individuals and families;

(bb) community priorities; and

(cc) available governmental resources in the geographic area to which the plan shall apply.

(2) DETAILS TO BOARD.—At the request of the Chairman of the Community Enterprise Board and with the approval of an agency head who is a member of the Board, agency staff may be detailed to the Community Enterprise Board on a nonreimbursable basis.

(k) COMMUNITY ENTERPRISE BOARD.—

(1) FUNCTIONS.—The Community Enterprise Board shall—

(A) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this section;

(B) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal assistance program under which substantial Federal assistance would be provided under the plan to provide technical assistance to the applicant;

(C) monitor the progress of development and implementation of local flexibility plans;

(D) perform such other functions as are assigned to the Community Enterprise Board by this section; and

(E) issue regulations to implement this section within 180 days after the date of its enactment.

(2) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Community Enterprise Board shall submit a report on the 5 Federal regulations that are most frequently waived by the Community Enterprise Board for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

(*l*) TERMINATION AND REPEAL; REPORT.—

(1) TERMINATION AND REPEAL.—This section is repealed on the date that is 5 years after the date of the enactment of this Act.

(2) REPORT.—No later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(A) describes the extent to which local governments have established and implemented approved local flexibility plans;

(B) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(C) includes recommendations with respect to continuing local flexibility.

BUMPERS AMENDMENT NO. 1513

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 74, line 3 add ''independently'' immediately prior to ''decide''.

MCCAIN (AND LIEBERMAN) AMENDMENT NO. 1514

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

At the end of the amendment insert the following new section:

SEC. . REPEAL OF MEDICARE AND MEDICAID COVERAGE DATA BANK.

(a) REPEAL.—

(1) IN GENERAL.—Section 13581 of the Omnibus Budget Reconciliation Act of 1993 is hereby repealed.

(2) APPLICATION OF THE SOCIAL SECURITY ACT.—The Social Security Act shall be applied and administered as if section 13581 of the Omnibus Budget Reconciliation Act of 1993 (and the amendments made by such section) had not been enacted.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services (hereafter in this subsection referred to as the ''Secretary'') shall conduct a study on how to achieve the objectives of the data bank described in section 1144 of the Social Security Act (as in effect on the day before the date of the enactment of this Act) in the most cost-effective manner, taking into account—

(A) the administrative burden of such data bank on private sector entities and governments,

(B) the possible duplicative reporting requirements of the Health Care Financing Administration in effect on such date of enactment, and

(C) the legal ability of such entities and governments to acquire the required information.

(2) REPORTS.—The Secretary shall report to the Congress on the results of the study described in paragraph (1) by not later than 180 days after the date of the enactment of this Act.

● Mr. MCCAIN. Mr. President, this amendment would eliminate a large and unjustified administrative burden imposed on employers by an ill-considered piece of legislation passed 2 years ago. Specifically, it would repeal the Medicare and Medicaid coverage data bank, section 13581 of OBRA 1993, a law that is extremely expensive, burdensome, punitive, and in my view, entirely unnecessary.

The data bank law requires every employer who offers health care coverage to provide substantial and often difficult-to-obtain information on current and past employees and their dependents, including names, Social Security numbers, health care plans, and period of coverage. Employers that do not satisfy this considerable reporting obligation are subject to substantial penalties, possibly up to $250,000 per year or even more if the failure to report is found to be deliberate.

The purported objective of the data bank law is to ensure reimbursement of costs to Medicare or Medicaid when a third party is the primary payor. This is a legitimate objective. However, if the objective of the data bank is to preserve Medicare and Medicaid funds, why is it necessary to mandate information on all employees, the vast majority of whom have no direct association with either the Medicare or Medicaid Program?

Last year, I introduced S. 1933 to repeal the Medicare and Medicaid coverage data bank. Unfortunately, this bill did not pass in the 103d Congress, in part because of a questionable Congressional Budget Office analysis that estimated that the data bank would save the Federal Government about $1 billion. In contrast, the General Accounting Office found that ''as envisioned, the data bank would have certain inherent problems and likely achieve little or no savings to the Medicare and Medicaid programs.'' Still, due primarily to the fiction that the data bank would save money, S. 1933 was not enacted last year.

The GAO report on the data bank law also found that employers are not certain of their specific reporting obligations, because HCFA has not provided adequate guidance. Much of the information which is required is not typically collected by employers, such as Social Security numbers of dependents and certain health insurance information. Some employers have even questioned whether it is legal for them under various privacy laws to seek to obtain the required information.

The GAO report further found that employers are facing significant costs in complying with the reporting requirements, including the costs of redesigning their payroll and personnel systems. It cites one company with 44,000 employees that would have costs of approximately $52,000 and another company with 4,000 employees that would have costs of $12,000. Overall, the American Payroll Association estimated last year that this requirement will cost between $50,000 and $100,000 per company.

I would add that the reporting requirement applies only to employers that provide health insurance coverage to their employees. It is unconscionable that we are adding costs and penalties to those who have been most diligent in providing health coverage to their employees. The last thing that the Federal Government should do is impose disincentives to employee health care coverage, which is one of

the unintended consequences of the data bank law.

Perhaps the most disturbing aspect of the data bank law is that its enormous costs have little or no corresponding benefit. The GAO report concluded that ''The additional information gathering and record keeping required by the data bank appears to provide little benefit to Medicare or Medicaid in recovering mistaken payments.'' This is in part because HCFA is already obtaining this information in a much more efficient manner than that required under OBRA 1993.

For example, OBRA 1989 provides for HCFA to periodically match Medicare beneficiary data with Internal Revenue Service employment information—the Data Match Program. Also, HCFA directly asks beneficiaries about primary payor coverage. To the extent that the data bank duplicates these efforts, any potential savings will not be realized. It is clearly preferable to require HCFA to use the information it already has than to require the private sector to provide duplicative information.

The GAO report found that ''the data match not only can provide the same information [as the Data Bank] without raising the potential problems described above, but it can do so at less cost.'' It also recognized that both the data match and data bank processes rely too much on an after-the-fact recovery approach, and recommended enhancing up-front identification of other insurance and avoiding erroneous payments. In this regard, it documented that HCFA has already initiated this prospective approach.

For these and other reasons, the Labor and Human Resources Appropriations report last year contained language prohibiting the use of Federal funds for developing or maintaining the data bank. However, this provision by itself did not revoke the requirement that covered entities must still provide the required information on the health coverage of current and former employees and their families, This would have resulted in the bizarre situation in which covered employers would have had to report the information, but there would have been no data bank to process or retrieve it.

Finally, in response to the public outcry about this Federal mandate, the Health Care Financing Administration [HCFA] indicated that it will not be enforcing the data bank's reporting requirements in fiscal year 1995. It stated that in light of the refusal of Congress to fund the data bank, ''we have agreed to stay an administrative action to implement the current requirements, including the promulgation of reporting forms and instructions. Therefore, we will not expect employers to compile the necessary information or file the required reports. Likewise, no sanctions will be imposed for failure to file such reports.''

This was a major step in the right direction. However, the data bank and its reporting requirements are still in the law and are still scheduled to be implemented in the next fiscal year. Consequently, this year I have reintroduced my data bank repeal bill, S. 194. I have recently been informed that the CBO has revised its scoring to recognize that the data bank would not save the Federal Government any money. This removed the only argument in favor of the data bank and the only major impediment to its repeal.

Mr. President, the Federal Government continues to impose substantial financial burdens on the private sector without fully accepting its share of the burden to implement a program. We should once again expect the worst case scenario to occur: employers will provide the required information at substantial administrative burden, there will be no data bank in which to make use of it, and even if a data bank were funded and established, the information stored could not be used efficiently to save Medicare or Medicaid funds.

I do not want this repeal to be construed, in any way, as opposition to HCFA obtaining the information it needs to administer the Medicare and Medicaid programs efficiently, and obtaining reimbursement from third party payors when appropriate. To assure that HCFA has the information it needs, the bill also requires the Secretary of HHS to conduct a study and report to Congress on how to achieve the purported objectives of the data bank in the most cost-effective manner possible.

The Secretary's study would have to take into consideration the administrative costs and burden on the private sector and the Government of processing and providing the necessary information versus the benefits and savings that such reporting requirements would produce. It must also consider current HCFA reporting requirements and the ability of entities to obtain the required information legally and efficiently.

Too often, Congress considers only the costs savings to the Federal Government of legislation while ignoring costs to other parties. The Medicare and Medicaid data bank is a case in point. Congress required information on millions of employees to save the Federal Government money. Yet, it will cost employers more money to comply than the Government saves. Congress must stop passing laws that impose large, unjustified, administrative burdens on other entities. It must consider the impact of its actions on the whole economy and not just on the Government.

In summary, the reporting requirement for the Medicare and Medicaid data bank is duplicative, burdensome, ineffective, and unnecessary. The GAO has characterized it as creating an avalanche of unnecessary paperwork for both HCFA and employers. It penalizes employers who provide health care benefits to their workers—exactly the opposite goal we should be pursuing. The data bank should be repealed and a more cost-effective approach should be found to ensure that Medicare and Medicaid are appropriately reimbursed by primary payors.

Mr. President, the 90 associations, organizations, and individual employers in this coalition continue to demand repeal of this law. Their message is clear. The Federal Government must stop imposing unjustified burdens on the private sector.●

KYL AMENDMENT NO. 1515

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 75, between lines 12 and 13, insert the following:

''(c) In reviewing an agency interpretation of a statute made in a rulemaking or an adjudication, the reviewing court shall—

''(1) hold erroneous and unlawful an agency interpretation that fails to give effect to the unambiguously expressed intent of Congress; or

''(2) if the statute is silent or ambiguous with respect to an issue, hold arbitrary and capricious or an abuse of discretion an agency action for which the agency has—

''(A) refused or failed to consider a permissible construction of the statute on the ground that the statute precludes consideration of that interpretation; or

''(B) failed to explain in a reasoned analysis why the agency selected the interpretation it chose and why it rejected other permissible interpretations of the statute.

''(d) Notwithstanding any other provision of law, the provisions of subsection (c) shall apply to, and supplement, the requirements contained in any statute for the review of final agency action that is not otherwise subject to this section.

JOHNSTON AMENDMENT NO. 1516

Mr. JOHNSTON proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 25, line 19 strike out ''180 days'' and insert in lieu thereof ''one year''.

BAUCUS (AND OTHERS) AMENDMENT NO. 1517

Mr. JOHNSTON (for Mr. BAUCUS, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. REID, Mr. MOYNIHAN, Mr. GLENN, and Mr. KENNEDY) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

Strike out all of section 628 (on p. 42 beginning at line 3 strike out all through line 13 on p. 44) and renumber section 629 as section 628.

On p. 73 in the table of contents for SUBCHAPTER II—ANALYSIS OF AGENCY RULES, replace ''628. Requirements for major environmental management activities'' with ''628. Petition for alternative method of compliance''.

On page 57, lines 6 and 7 strike out the phrase ''or a major environmental management activity''.

KOHL AMENDMENT NO. 1518

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 46, insert between lines 4 and 5 the following:

''630. NONAPPLICABILITY TO CERTAIN NEGOTIATED RULES.

''(a) The provisions of subchapters II and III of chapter 6 of title 5, United States Code (as added by section 4 of this Act) shall not apply to any rule developed pursuant to procedures authorized by subchapter III of chapter 5 of such title (relating to consensual rule-making through negotiation), unless the rule to be proposed on promulgated by the agency is significantly different from the consensus developed through such procedures.

''(b) The Administrative Conference of the United States shall, no later than March 31, 1996, submit a report to the appropriate committees of the Congress describing the experience of agencies with consensus procedures that in its judgement are equivalent in effect to those specified by subchapter III of chapter 5 and with respect to which it would be appropriate to make applicable the provisions of subsection (a) of this section. In addition, the report shall include an assessment of the effects of the application of the Federal Advisory Committee Act to consensual rule-making procedures and may make recommendations in connection therewith.''

FORD AMENDMENT NO. 1519

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 14, line 16, strike the semicolon and insert the following: '', and includes Federal approval of a plan or program adopted by 2 or more States that contains parallel or coordinated provisions that were developed in response to a Federal direction or under threat of Federal action;

REID AMENDMENTS NO. 1520–1522

(Ordered to lie on the table.)

Mr. REID submitted three amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

AMENDMENT NO. 1520

On page 42, line 19, strike out ''$10,000,000'' and insert in lieu thereof ''$100,000,000''.

AMENDMENT NO. 1521

On page 43, line 7, strike out ''or welfare'' and insert in lieu thereof '', welfare, or the environment''.

AMENDMENT NO. 1522

On page 43, beginning with line 8, strike out all through line 7 on page 44.

CAMPBELL AMENDMENT NO. 1523

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 14, after line 16, amend section 621 of title 5, United States Code, as added by section 4(a) of the amendment No. 1487 by inserting after paragraph (5), the following new paragraph:

''(6) The term 'major rule' does not include a rule that approves, in whole or in part, a plan or program that provides for the implementation, maintenance, or enforcement of Federal standards or requirements adopted by an individual State;''

BOXER AMENDMENT NO. 1524

Mrs. BOXER (for herself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. DORGAN, Mr. KENNEDY, Mr. REID, Mr. BIDEN, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. BUMPERS, and Mr. DASCHLE) proposed an amendment to the bill, supra; as follows:

On page 19, line 7, strike the period and insert the following: ''; or (xiii) a rule intended to implement section 354 of the Public Health Service Act (42 U.S.C. 263b) (as added by section 2 of the Mammography Quality Standards Act of 1992).''.

DOLE AMENDMENT NO. 1525

Mr. DOLE proposed an amendment to amendment No. 1524, proposed by Mrs. BOXER, to the bill, S. 343, supra; as follows:

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

It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, or water- or food-borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious and parasitic diseases.

GRAHAM AMENDMENTS NO. 1526–1529

(Ordered to lie on the table.)

Mr. GRAHAM submitted four amendments intended to be proposed by him to amendment No. 1487, proposed by Mr. DOLE, to the bill, S. 343, supra; as follows:

AMENDMENT NO. 1526

On page 4, line 9, insert before the semicolon the following: '', including, where practicable, performance-based standards''.

AMENDMENT NO. 1527

On page 7, line 18, insert ''any performance-based standards,'' after ''of,''.

AMENDMENT NO. 1528

On page 77, line 6, insert before the semicolon the following: '', including any performance-based standards''.

AMENDMENT NO. 1529

On page 92, line 20, insert ''the achievement of any performance-based standards and'' after ''statement,''.

CAMPBELL (AND OTHERS) AMENDMENT NO. 1530

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. WARNER, and Mr. ROBB) submitted an amendment intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 14, after line 16, amend section 621 of title 5, United States Code, as added by section 4(a) of the amendment No. 1487 by inserting after paragraph (5), the following new paragraph:

''(6) The term 'major rule' does not include a rule that approves, in whole or in part, a plan or program that provides for the implementation, maintenance, or enforcement of Federal standards or requirements adopted by an individual State that is not part of a coordinated, multi-state program.

HATCH AMENDMENT NO. 1531

Mr. HATCH proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

At the appropriate place in the amendment, add the following:

It is the sense of the Senate that nothing in this Act is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat, including any rules that would reduce illness or mortality from the following: heart disease, cancer, stroke, chronic obstructive lung diseases, pneumonia and influenza, diabetes mellitus, human immunodeficiency virus infection, or water or food borne pathogens, polio, tuberculosis, measles, viral hepatitis, syphilis, or all other infectious and parasitic diseases.

BOXER AMENDMENT NO. 1532

Mrs. BOXER (for herself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BRADLEY, Mrs. FEINSTEIN, Mr. DORGAN, Mr. KENNEDY, Mr. REID, Mr. BUMPERS, Mr. BIDEN, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. DASCHLE, and Mr. COHEN) proposed an amendment to the bill, supra; as follows:

On page 19, line 7, strike the period and insert the following: ''; or (xiii) a rule intended to implement section 354 of the Public Health Service Act (42 U.S.C. 263b) (as added by section 2 of the Mammography Quality Standards Act of 1992).''.

DOMENICI (AND OTHERS) AMENDMENT NO. 1533

Mr. DOMENICI (for himself, Mr. BOND, Mr. BINGAMAN, Mr. COHEN, and Mr. ABRAHAM) proposed an amendment to amendment No. 1487, proposed by Mr. DOLE, to the bill, S. 343, supra; as follows:

AMENDMENT NO. 1533

At the appropriate place in the Dole substitute, add the following new title:

TITLE II—AGENCY RESPONSIVENESS TO SMALL BUSINESSES

Subtitle A—Small Business Advocacy Review

SEC. 201. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the Environmental Protection Agency; and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the Occupational Safety and Health Administration of the Department of Labor.

(2) AGENCY HEAD.—The term ''agency head'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the Administrator of the Environmental Protection Agency; and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the Assistant Secretary for Occupational Safety and Health of the Department of Labor.

(3) CHAIRPERSON.—The term ''chairperson'' means—

(A) with respect to the Environmental Small Business Advocacy Review Panel, the chairperson of such review panel designated under section 202(a); and

(B) with respect to the Occupational Safety and Health Small Business Advocacy Review Panel, the chairperson of such review panel designated under section 202(b).

(4) CHIEF COUNSEL FOR ADVOCACY.—The term ''Chief Counsel for Advocacy'' means the Chief Counsel for Advocacy of the Small Business Administration.

(5) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule issued by an agency for which a review panel has been established under section 202(c)(2)(A).

(6) OFFICE.—The term ''Office'' means the Office of Advocacy of the Small Business Administration.

(7) REVIEW PANEL.—The term ''review panel'' means—

(A) with respect to a significant rule of the Environmental Protection Agency, an Environmental Small Business Advocacy Review Panel established under section 202(c)(2)(A); and

(B) with respect to a significant rule of the Occupational Safety and Health Administration of the Department of Labor, an Occupational Safety and Health Small Business Advocacy Review Panel established under section 202(c)(2)(A).

(8) RULE.—The term ''rule''—

(A) means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of the agency; and

(B) does not include any rule that is limited to agency organization, management, or personnel matters.

(9) SIGNIFICANT RULE.—The term ''significant rule'' means any rule proposed by an agency that the chairperson, in consultation with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, reasonably estimates would have—

(A) an annual aggregate impact on the private sector in an amount equal to not less than $50,000,000; and

(B) an impact on small businesses.

(10) SMALL BUSINESS.—The term ''small business'' has the same meaning as the term ''small business concern'' in section 3 of the Small Business Act.

SEC. 202. SMALL BUSINESS ADVOCACY CHAIRPERSONS.

(a) CHAIRPERSON OF ENVIRONMENTAL REVIEW PANELS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate an employee of the Environmental Protection Agency, who is a member of the Senior Executive Service (as that term is defined in section 2101a of title 5, United States Code) and whose immediate supervisor is appointed by the President, to serve as the chairperson of each Environmental Small Business Advocacy Review Panel and to carry out this subtitle with respect to the Environmental Protection Agency.

(2) DISABILITY OR ABSENCE.—If the employee designated to serve as chairperson under paragraph (1) is unable to serve as chairperson because of disability or absence, the Administrator of the Environmental Protection Agency shall designate another employee who meets the qualifications of paragraph (1) to serve as chairperson.

(b) CHAIRPERSON OF OSHA REVIEW PANELS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Occupational Safety and Health of the Department of Labor shall designate an employee of the Occupational Safety and Health Administration of the Department of Labor, who is a member of the Senior Executive Service (as that term is defined in section 2101a of title 5, United States Code) and whose immediate supervisor is appointed by the President, to serve as the chairperson of each Occupational Safety and Health Small Business Advocacy Review Panel and to carry out the purposes of this subtitle with respect to the Occupational Safety and Health Administration.

(2) DISABILITY OR ABSENCE.—If the employee designated to serve as chairperson under paragraph (1) is unable to serve as chairperson because of disability of absence, the Assistant Secretary for Occupational Safety and Health of the Department of Labor shall designate another employee who meets the qualifications of paragraph (1) to serve as chairperson.

(c) DUTIES OF THE CHAIRPERSON.—

(1) INITIAL DETERMINATION AND NOTIFICATION.—

(A) TIMING.—The chairperson shall take the actions described in subparagraph (B) not later than 45 days before the earlier of—

(i) the date of publication in the Federal Register by an agency of a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, or any other provision of law; or

(ii) the date of publication in the Federal Register by an agency of a proposed rule.

(B) ACTIONS.—With respect to a proposed rule that is the subject of a publication described in clause (i) or (ii) of subparagraph (A), the chairperson shall—

(i) determine whether the subject proposed rule constitutes a significant rule, as defined in section 201(9); and

(ii) if the proposed rule is determined to constitute a significant rule, notify the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and the Chief Counsel for Advocacy to appoint review panel members for evaluation of the subject significant rule.

(2) ESTABLISHMENT OF REVIEW PANELS.—

(A) IN GENERAL.—Not later than 15 days after receiving notice under paragraph (1)(B)(ii), or such longer period as the chairperson may allow, review panel members shall be appointed by the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel for Advocacy, and the chairperson in accordance with section 203(b).

(B) EXCEPTIONS.—A review panel shall be established in accordance with subparagraph (A) unless the chairperson, in consultation with the Chief Counsel for Advocacy, determines (and notifies the agency in writing of such determination) that—

(i) a good faith effort to secure enough non-Federal employee review panel members necessary to constitute a quorum with respect to the subject significant rule was unsuccessful; and

(ii) compliance with this subtitle is not required with respect to the subject significant rule due to a lack of availability of private sector interests.

(d) DUTIES REGARDING FINAL RULE.—

(1) IN GENERAL.—Not later than 45 days before the issuance of a significant final rule, the chairperson shall—

(A) notify panel members of the intent of the agency to issue a final rule;

(B) provide panel members with a dated draft of the final rule to be issued;

(C) solicit comments from panel members in connection with the duties of the review panel described in section 203(a); and

(D) if the chairperson determines that such action is necessary, call one or more meetings of the review panel and, if a quorum is present, direct the review panel to review, discuss, or clarify any issue related to the subject final rule or the preparation of the report under paragraph (2).

(2) REPORT.—Except as provided in section 204(b), not later than 5 days before the issuance of a final rule, the chairperson shall submit a report in accordance with section 204(a).

SEC. 203. SMALL BUSINESS ADVOCACY REVIEW PANELS.

(a) GENERAL DUTIES.—Before any publication described in clause (i) or (ii) of section 202(c)(1)(A) of a proposed significant rule, and again before the issuance of such rule as a final rule, the review panel shall, in accordance with this subtitle provide technical guidance to the agency, including guidance relating to—

(1) the applicability of the proposed rule to small businesses;

(2) compliance with the rule by small businesses;

(3) the consistency or redundancy of the proposed rule with respect to other Federal, State, and local laws or regulations and recordkeeping requirements imposed on small businesses; and

(4) any other concerns posed by the proposed rule that may impact significantly upon small businesses.

(b) MEMBERSHIP.—Each review panel shall be composed of—

(1) the chairperson;

(2) not less than 1 nor more than 3 members appointed by the chairperson from among employees of the agency who would be responsible for carrying out the subject significant rule;

(3) 1 member appointed by the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget from among the employees of that office who have specific knowledge of or responsibilities relating to the regulatory responsibilities of the agency that would be responsible for carrying out the subject significant rule;

(4) 1 member appointed by the Chief Counsel for Advocacy from among the employees of the Office; and

(5) not less than 1 nor more than 3 members selected by the Chief Counsel for Advocacy from among individuals who are representatives of—

(A) small businesses that would be impacted by the significant rule;

(B) small business sectors or industries that would be especially impacted by the significant rule; or

(C) organizations whose memberships are comprised of a cross-section of small businesses.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each review panel member, other than the chairperson, shall be appointed for a term beginning on the date on which the appointment is made and ending on the date on which the report or written record is submitted under section 204.

(2) VACANCIES.—Any vacancy on a review panel shall not affect the powers of the review panel, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—A quorum for the conduct of business by a review panel shall consist of 1 member appointed from each of paragraphs (2) through (5) of subsection (b).

(e) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the meetings of the review panel shall be at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 15 days after all review panel members necessary to constitute a quorum have been appointed under subsection (b), the chairperson shall conduct the initial meeting of the review panel.

(f) POWERS OF REVIEW PANEL.—

(1) INFORMATION FROM FEDERAL AGENCIES.—A review panel may secure, directly from any Federal department or agency, such information as the review panel considers necessary to carry out this subtitle. Upon request of the chairperson, the head of such department or agency shall furnish such information to the review panel.

(2) POSTAL SERVICES.—A review panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) NONCOMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Members of the review panel who are not officers or employees of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—Members of the review panel who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

(h) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to a review panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(i) CONSULTATION WITH OTHER ENTITIES.—In carrying out this subtitle, the chairperson shall consult and coordinate, to the maximum extent practicable, the activities of the review panel with each office of the agency that is responsible for the provision of data or technical advice concerning a significant rule.

SEC. 204. REPORT.

(a) IN GENERAL.—Except as provided in subsection (b), the chairperson shall, in accordance with section 202(d)(2), submit to the appropriate employees of the agency who would be responsible for carrying out the subject significant rule and to the appropriate committees of the Senate and the House of Representatives a report, which shall include—

(1) the findings and recommendations of the review panel with respect to the significant rule, including both the majority and minority views of the review panel members, regardless of the consensus of opinions that may derive from the meetings of the review panel; and

(2) recommendations regarding whether a survey with respect to the subject significant rule should be conducted under section 207, and—

(A) if so—

(i) a timeframe during which the survey should be conducted, taking into account the time required to implement the rule and to gather appropriate data; and

(ii) any recommendations of the review panel regarding the contents of the survey; and

(B) if not, the reasons why the survey is not recommended.

(b) FAILURE TO SUBMIT REPORT.—If the chairperson fails to submit a report under subsection (a), not later than the date on which the final rule is issued, the chairperson shall—

(1) prepare a written record of such failure detailing the reasons therefore; and

(2) submit a copy of such written record to the head of the agency and to the appropriate committees of the Congress.

SEC. 205. APPLICABILITY OF OTHER LAW; JUDICIAL REVIEW.

(a) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act do not apply to any review panel established in accordance with this subtitle.

(b) PROHIBITION ON JUDICIAL REVIEW.—No action or inaction of a review panel, including any recommendations or advice of a review panel or any procedure or process of a review panel, may be subject to judicial review by a court of the United States under chapter 7 of title 5, United States Code, or any other provision of law.

SEC. 206. SURVEY.

(a) IN GENERAL.—If a review panel makes a recommendation in any report submitted under section 204(a) that a survey should be conducted with respect to a significant rule, the agency shall contract with a private sector auditing firm or other survey-related organization to conduct a survey of a cross-section of the small businesses impacted by the rule.

(b) CONTENTS OF SURVEY.—Each survey conducted under this section shall address the impact of the significant rule on small businesses, including—

(1) the applicability of the rule to various small businesses;

(2) the degree to which the rule is easy to read and comprehend;

(3) the costs to implement the rule;

(4) any recordkeeping requirements imposed by the rule; and

(5) any other technical or general issues related to the rule.

(c) AVAILABILITY OF SURVEY RESULTS.—The results of each survey conducted under this section shall be made available—

(1) to each interested Federal agency; and

(2) upon request, to any other interested party, including organizations, individuals, State and local governments, and the Congress.

Subtitle B—Regulatory Ombudsmen

SEC. 211. SMALL BUSINESS AND AGRICULTURE OMBUDSMEN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

"SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) BOARD.—The term 'Board' means a Small Business Regulatory Fairness Board established under subsection (c).

''(2) COVERED AGENCY.—The term 'covered agency' means any agency that, as of the date of enactment of the Comprehensive Regulatory Reform Act of 1995, has promulgated any rule for which a regulatory flexibility analysis was required under section 605 of title 5, United States Code, and any other agency that promulgates any such rule, as of the date of such promulgation.

''(3) OMBUDSMAN.—The term 'ombudsman' means a Regional Small Business and Agriculture Ombudsman designated under subsection (b).

''(4) REGION.—The term 'region' means any area for which the Administrator has established a regional office of the Administration pursuant to section 4(a).

''(5) RULE.—The term 'rule' has the same meaning as in section 601(2) of title 5, United States Code.

''(b) OMBUDSMAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Administrator shall designate Regional Small Business and Agriculture Ombudsmen in accordance with this subsection.

''(2) DUTIES.—Each ombudsman designated under paragraph (1) shall—

''(A) on a confidential basis, solicit and receive comments from small business concerns regarding the enforcement activities of covered agencies;

''(B) based on comments received under subparagraph (A), annually assign and publish a small business responsiveness rating to each covered agency;

''(C) publish periodic reports compiling the comments received under subparagraph (A);

''(D) coordinate the activities of the Small Business Regulatory Fairness Board established under subsection (c); and

''(E) establish a toll-free telephone number to receive comments from small business concerns under subparagraph (A).''.

SEC. 212. SMALL BUSINESS REGULATORY FAIRNESS BOARDS.

Section 30 of the Small Business Act (as added by section 211 of this Act) is amended by adding at the end the following new subsection:

''(c) SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Administrator shall establish in each region a Small Business Regulatory Fairness Board in accordance with this subsection.

''(2) DUTIES.—Each Board established under paragraph (1) shall—

''(A) advise the ombudsman on matters of concern to small business concerns relating to the enforcement activities of covered agencies;

''(B) issue advisory findings and recommendations with respect to small business concerns;

''(C) review and approve, prior to publication—

''(i) each small business responsiveness rating assigned under subsection (b)(2)(B); and

''(ii) each periodic report prepared under subsection (b)(2)(C); and

''(D) prepare written opinions regarding the reasonableness and understandability of rules issued by covered agencies.

''(3) MEMBERSHIP.—Each Board shall consist of—

''(A) 1 member appointed by the President;

''(B) 1 member appointed by the Speaker of the House of Representatives;

''(C) 1 member appointed by the Minority Leader of the House of Representatives;

''(D) 1 member appointed by the Majority Leader of the Senate; and

''(E) 1 member appointed by the Minority Leader of the Senate.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—

''(A) PERIOD OF APPOINTMENT.—

''(i) PRESIDENTIAL APPOINTEES.—Each member of the Board appointed under subparagraph (A) of paragraph (2) shall be appointed for a term of 3 years, except that the initial member appointed under such subparagraph shall be appointed for a term of 1 year.

''(ii) HOUSE OF REPRESENTATIVES APPOINTEES.—Each member of the Board appointed under subparagraph (B) or (C) of paragraph (2) shall be appointed for a term of 3 years, except that the initial members appointed under such subparagraphs shall each be appointed for a term of 2 years.

''(iii) SENATE APPOINTEES.—Each member of the Board appointed under subparagraph (D) or (E) of paragraph (2) shall be appointed for a term of 3 years.

''(B) VACANCIES.—Any vacancy on the Board—

''(i) shall not affect the powers of the Board; and

''(ii) shall be filled in the same manner and under the same terms and conditions as the original appointment.

''(5) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board.

''(6) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chairperson.

''(B) INITIAL MEETING.—Not later than 90 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

''(7) QUORUM.—A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(8) POWERS OF THE BOARD.—

''(A) HEARINGS.—The Board or, at its direction, any subcommittee or member of the Board, may, for the purpose of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board determines to be appropriate.

''(B) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested to appear at any hearing of the Board. The per diem and mileage allowances for any witness shall be paid from funds available to pay the expenses of the Board.

''(C) INFORMATION FROM FEDERAL AGENCIES.—Upon the request of the Chairperson, the Board may secure directly from the head of any Federal department or agency such information as the Board considers necessary to carry out this section.

''(D) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(E) DONATIONS.—The Board may accept, use, and dispose of donations of services or property.

''(9) BOARD PERSONNEL MATTERS.—

''(A) COMPENSATION.—Members of the Board shall serve without compensation.

''(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.''.

SEC. 213. JUDICIAL REVIEW.

(a) PROHIBITION.—No action or inaction of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board, including any recommendations or advice of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board or any procedure or process of a Regional Small Business and Agriculture Ombudsman or a Small Business Regulatory Fairness Board, may be subject to judicial review by a court of the United States under chapter 7 of title 5, United States Code, or any other provision of law.

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''Regional Small Business and Agriculture Ombudsman'' means any ombudsman designated under section 30(b) of the Small Business Act, as added by section 211 of this Act.

(2) the term ''Small Business Regulatory Fairness Board'' means any board established under section 30(c) of the Small Business Act, as added by section 212 of this Act.

BROWN AMENDMENT NO. 1534

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 1534, proposed by Mr. DOLE, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXECUTIVE PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 559 the following new section:

''§ 560. Preemption of State law

''(a) No agency shall construe any authorization in a statute for the issuance of regulations as authorizing preemption of State law by rulemaking or other agency action, unless—

''(1) the statute expressly authorizes issuance of preemptive regulations;

''(2) there is clear and convincing evidence that the Congress intended to delegate to the agency the authority to issue regulations preempting State law; or

''(3) the agency concludes that the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute.

''(b) Any regulatory preemption of State law shall be narrowly tailored to achieve the objectives of the statute pursuant to which the regulations are promulgated.

''(c) When an agency proposes to act through rulemaking or other agency action to preempt State law, the agency shall provide all affected States notice and an opportunity for appropriate participation in the proceedings.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by adding after the item for section 559 the following:

''560. Preemption of State law.''.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1535

Mr. LAUTENBERG (for himself, Mr. BAUCUS, Mr. LIEBERMAN, Mr. KERRY, Mr. BRADLEY, Mrs. BOXER, Mr. SIMON Mr. KENNEDY, and Mr. MOYNIHAN) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill, S. 343, supra; as follows:

On page 72, strike lines 1 through 15.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1536

Mr. FEINGOLD proposed an amendment to the amendment No. 1487 proposed by Mr. DOLE to the bill, S. 343, supra; as follows:

At the appropriate place in the substitute amendment, add the following new section:

SEC. . EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Equal Access to Justice Reform Amendments of 1995''.

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after ''(2)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.''

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after ''(B)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.''.

(c) HOURLY RATE FOR ATTORNEY FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A)(ii) of title 5, United States Code, is amended by striking out all beginning with ''$75 per hour'' and inserting in lieu thereof ''$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking out all beginning with ''$75 per hour'' and inserting in lieu thereof ''$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);''.

(d) PAYMENT FROM AGENCY APPROPRIATIONS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(d) of title 5, United States Code, is amended by adding at the end thereof the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end thereof the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(e) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

''(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

''(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by striking out all beginning with '', unless the adjudicative officer'' through ''expenses are sought''; and

(B) in subsection (a)(2) by striking out ''The party shall also allege that the position of the agency was not substantially justified.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A) by striking out '', unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust'';

(B) in paragraph (1)(B) by striking out ''The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought.''; and

(C) in paragraph (3) by striking out'', unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust''.

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this section and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

PRYOR (AND FEINGOLD) AMENDMENT NO. 1537

Mr. PRYOR (for himself and Mr. FEINGOLD) proposed an amendment to the 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. . CONFLICT OF INTEREST RELATING TO COST-BENEFIT ANALYSES AND RISK ASSESSMENTS.

(a) INFORMATION BEARING ON POSSIBLE CONFLICT OF INTEREST.—

(1) DEFINITION.—For purposes of this section, the term ''contract'' means any contract, agreement, or other arrangement, whether by competitive bid or negotiation, entered into with a Federal agency for any cost-benefit analysis or risk assessment under subchapter II or III of chapter 6 of title 5, United States Code (as added by section 4(a) of this Act). This section shall not apply to the provisions of section 633.

(2) IN GENERAL.—When an agency proposes to enter into a contract with a person or entity, such person shall provide to the agency before entering into such contract all relevant information, as determined by the agency, bearing on whether that person has a possible conflict of interest with respect to being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons.

(3) SUBCONTRACTOR INFORMATION.—A person entering into a contract shall ensure, in accordance with regulations prescribed by the head of the agency, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract of more than $10,000.

(b) REQUIRED FINDING THAT NO CONFLICT OF INTEREST EXISTS OR THAT CONFLICTS HAVE BEEN AVOIDED; MITIGATION OF CONFLICT WHEN CONFLICT IS UNAVOIDABLE.—

(1) IN GENERAL.—Subject to paragraph (2), the head of an agency shall not enter into any contract unless the agency head finds, after evaluating all information provided under subsection (a) and any other information otherwise made available that—

(A) it is unlikely that a conflict of interest would exist; or

(B) such conflict has been avoided after appropriate conditions have been included in such contract.

(2) EXCEPTION.—If the head of an agency determines that a conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions in the contract, the agency head may enter into such contract if the agency head—

(A) determines that it is in the best interests of the United States to enter into the contract; and

(B) includes appropriate conditions in such contract to mitigate such conflict.

(c) RULES AND REGULATIONS.—No later than 240 days after the date of the enactment of this Act, the Federal Acquisition Review Council shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code, without regard to subsection (a) of such section.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1538

Mr. FEINGOLD (for himself, Mr. PRYOR, and Mr. SIMON) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 57, strike out line 18 through line 25 and insert in lieu thereof the following:

''(B) may exclude any person with substantial and relevant expertise as a participant on the basis that such person has a potential financial interest in the outcome, or may include such person if such interest is fully disclosed to the agency, and the agency includes such disclosure as part of the record, unless the result of the review would have a direct and predictable effect on a substantial financial interest of such person.''

HUTCHISON (AND OTHERS) AMENDMENT NO. 1539

Mrs. HUTCHISON (for herself, Mr. HEFLIN, Mr. HATCH, Mr. NICKLES, Mr. CRAIG, and Mr. LOTT) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

Insert at the appropriate place:

SECTION 709. AGENCY INTERPRETATIONS IN CIVIL AND CRIMINAL ACTIONS.

''(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

''(1) if the court or agency, as appropriate, finds that the rule failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

''(2) if the court or agency, as appropriate, finds that the defendant—

''(A) reasonably in good faith determined, based upon the language of the rule published in the Federal Register, that the defendant was in compliance with, exempt from, or otherwise not subject to, the requirements of the rule; or

''(B) engaged in the conduct alleged to violate the rule in reliance upon a written statement issued by an appropriate agency official, or by an appropriate official of a State authority to which had been delegated responsibility for implementing or ensuring compliance with the rule, stating that the action complied with, or that the defendant was exempt from, or otherwise not subject to, the requirements of the rule.

''(b) In an action brought to impose a civil or criminal penalty for the violation of a rule, the court, or an agency, as appropriate, shall not give deference to any interpretation of such rule relied on by an agency in

the action that had not been timely published in the Federal Register or communicated to the defendant by the method described in paragraph (a)(2)(B) in a timely manner by the agency, or by a state official described in paragraph (a)(2)(B), prior to the commencement of the alleged violation.

''(c) Except as provided in subsection (d), no agency shall bring any judicial or administrative action to impose a civil or criminal penalty based upon—

''(1) an interpretation of a statute, rule, guidance, agency statement of policy, or license requirement or condition, or

''(2) a written determination of fact made by an appropriate agency official, or state official as described in paragraph (a)(2)(B), after disclosure of the material facts at the time and appropriate review,

if such interpretation or determination is materially different from a prior interpretation or determination made by the agency or the state official described in (a)(2)(B), and if such person, having taken into account all information that was reasonably available at the time of the original interpretation or determination, reasonably relied in good faith upon the prior interpretation or determination.

''(d) Nothing in this section shall be construed to preclude an agency:

''(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and, subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted.

''(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement;

''(e) This section shall apply to any action for which a final unappealable judicial order has not been issued prior to the effective date.

GLENN (AND LEVIN) AMENDMENT NO. 1540

Mr. GLENN (for himself and Mr. LEVIN) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 66, after line 15, insert:

''SEC. 643. PUBLIC DISCLOSURE OF INFORMATION.

''(a) OMB RESPONSIBILITY.—The Director or other designated officer to whom authority is delegated under section 642, in carrying out the provisions of such 641, shall establish procedures (covering all employees of the Director or other designated officer) to provide public and agency access to information concerning regulatory review actions, including—

''(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

''(2) disclosure to the public, no later than publication of, or other substantive notice to the public concerning a regulatory action, of—

''(A) all written communications, regardless of form or format, including drafts of all proposals and associated analyses, between the Director or other designated officer and the regulatory agency;

''(B) all written communications, regardless of form or format, between the Director or other designated officer and any person not employed by the executive branch of the Federal Government relating to the substance of a regulatory action;

''(C) a record of all oral communications relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

''(D) a written explanation of any review action and the date of such action; and

''(3) disclosure to the regulatory agency, on a timely basis, of—

''(A) all written communications between the Director or other designated officer and any person who is not employed by the executive branch of the Federal Government;

''(B) a record of all oral communications, and an invitation to participate in meetings, relating to the substance of a regulatory action between the Director or other designated officer and any person not employed by the executive branch of the Federal Government; and

''(C) a written explanation of any review action taken concerning an agency regulatory action.

''(b) AGENCY RESPONSIBILITY.—The head of each agency shall—

''(1) disclose to the public the identification of any regulatory action undergoing review under this section and the date upon which such action was submitted for such review; and

''(2) describe in any applicable rulemaking notice the results of any review under this section, including an explanation of any significant changes made to the regulatory action as a consequence of the review.

On page 66, line 16, strike ''643'' and insert in lieu thereof ''644''.

On page 67, line 1, strike ''644'' and insert in lieu thereof ''645''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, July 13, 1995, in closed session, to receive a briefing on the recent F–16 shoot-down in Bosnia.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 13, 1995, to conduct a hearing on the dollar coin.

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 on Thursday, July 13, 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.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 13, 1995, at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 13, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on S. 479, a bill to provide for administrative procedures to extend Federal recognition to certain Indian groups.

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

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, July 13, 1995, at 9:30 a.m., in room 428A Russell Senate Office Building, to conduct a hearing focusing on the Small Business Investment Company Program.

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

committee on small business

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, July 13, 1995, at 9:30 a.m., in room 428A Russell Senate Office Building, to conduct a markup on legislation which is pending in the committee.

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

SUBCOMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Labor and Human Resources be authorized to meet for a hearing on aging Americans access to medical technology, during the session of the Senate on Thursday, July 13, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Thursday, July 13, at 9 a.m., on reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 13, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 882, to designate certain public lands in the State of Utah as wilderness, and for other purposes.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 13, 1995, at 2 p.m. to hear testimony on economic development and U.S. assistance in Gaza/Jerico.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct an oversight hearing Thursday, July 13, at 2 p.m., on pending GSA building prospectuses, GSA Public Buildings Service cost-savings issues, and S. 1005, the Public Buildings Reform Act of 1995.

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

ADDITIONAL STATEMENTS

CIVILIAN RADIO ACTIVE WASTE MANAGEMENT PROGRAM

● Mr. MURKOWSKI. Mr. President, the Secretary of Energy has transmitted to the Senate legislation to amend the Nuclear Waste Policy Act of 1982 to create a new funding approach for the Department of Energy's civilian radioactive waste management program. This program was created to meet the Department's obligation under the NWPA to provide for the disposal of spent civilian nuclear fuel in a permanent geologic repository by 1998.

To fund the program, the NWPA requires DOE to collect a fee of one mill per kilowatt hour on electricity generated by nuclear energy. The fee is collected by utilities from their ratepayers in their monthly bills and placed into a special nuclear waste fund in the Treasury. The fund receives approximately $600 million per year from collections and interest. To date, approximately $9 billion in fees and interest has been placed in the fund.

Although the nuclear waste fund has a balance of about $4.9 billion that was collected from ratepayers for precisely this purpose, the money is considered to be on-budget, and as such, is subject to discretionary spending caps under Gramm-Rudman-Hollings. Thus, any increases over past spending levels will require spending reductions in other DOE programs under the spending cap. As a part of the DOE fiscal year 1995 budget request, DOE proposed that future contributions to the nuclear waste fund be set aside in a special off-budget fund for the program, with one-half of those funds available as a permanent appropriation each year. This proposal, which would have required legislative action, was not adopted by the Congress. Instead, increased funding for the program was provided under DOE's discretionary spending caps. In its fiscal year 1996 budget request, DOE has proposed again that a mandatory appropriation be established from the nuclear waste fund of $431.6 million per year. The legislation proposed by DOE would be necessary to effectuate that change.

I believe that this legislation has no chance of success. There is strong opposition to taking the waste fund off budget for a variety of reasons. First in my mind is the limitation on budgetary oversight that would result from such an arrangement. Although DOE will have spent over $4.2 billion through the first quarter of fiscal year 1995 on the program, DOE has conceded that the 1998 deadline for the acceptance of spent nuclear fuel will not be met. Both the Nuclear Waste Technical Review Board and the General Accounting Office have issued reports that are critical of the management of the Yucca Mountain program. Although DOE has recently made progress in improving the management of the program, in the past, overhead has consumed 56 percent of the funding for site characterization.

What is needed is more oversight and involvement by the Congress, not less. The Committee on Energy and Natural Resources is considering legislation that would alter the structure of the NWPA and DOE's program, with the goal of providing for the more efficient use of the ratepayer's money. Funding and oversight issues will be considered in the context of that legislation. Therefore, although I am not introducing this bill as legislation, I am acknowledging receipt of the administration's proposal and request that it be printed in the RECORD.

The material follows;

PROPOSED LEGISLATION

A bill to provide additional flexibility for the Department of Energy's program for the disposal of spent nuclear fuel and high level radioactive waste, and for other purposes.

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 ''Nuclear Waste Disposal Funding Act''.

SEC. 2. NUCLEAR WASTE FUND AVAILABILITY.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended by inserting the following after subsection (e):

''(f) NUCLEAR WASTE FUND AVAILABILITY.—(1) If the condition in subsection (g)(2) is met, the net proceeds from the sale of the U.S. Enrichment Corporation which are deposited in a special fund in the Treasury under subsection (g)(1) may be used by the Department for radioactive waste disposal activities under this Act. No more than the following amounts shall be made available in the fiscal year specified—

''(A) for fiscal year 1996, $431,600,000;

''(B) for fiscal year 1997, $540,000,000; and

''(C) for fiscal year 1998, $627,400,000.

The net proceeds are the revenues derived from the sale of U.S. Enrichment Corporation stock, based upon its sales price less cash payments to the purchasers and less the value assigned to highly enriched and natural uranium transferred from the Department to U.S. Enrichment Corporation after February 1, 1995, as specified in the stock offering prospectus of the U.S. Enrichment Corporation. In determining net proceeds, the cash and the value of highly enriched uranium shall be prorated in proportion to the amount of stock that is sold to non-Federal entities.

''(2) In addition to the amounts in paragraph (1), amounts deposited in the Nuclear Waste Fund in fiscal years 1996, 1997, and 1998 resulting from any increase in the fee established under this section shall be available to the Department for expenditure for radioactive waste disposal activities under this Act.

''(3) Amounts available under this subsection shall remain available until expended, without further appropriation but within any specific directives and limitations included in appropriations Acts. Amounts for radioactive waste disposal activities shall be included in the annual budget submitted to Congress for Nuclear Waste Disposal Fund activities.

''(g) OFFSETS.—(1) The net proceeds from the sale of all stock of the U.S. Enrichment Corporation shall be deposited in a special fund in the Treasury and be available for the purposes specified in subsection (f).

''(2) If the President so designates, the net proceeds shall be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be counted for the purposes of section 252 of that Act as an offset to direct spending, notwithstanding section 257(e) of that Act.''.●

WHY BALANCE THE FEDERAL BUDGET?

● Mr. SIMON. Mr. President, some may wonder, why is anyone still talking about the budget when the budget has been adopted?

The reality is that until we act on reconciliation and appropriations, we are still a long way from getting our budget problems resolved.

In addition, without a constitutional amendment requiring a balanced budget, I believe the political pressure will mount to cause us to move away from the direction of a balanced budget. That has been our experience in the past. Legislative answers, such as Gramm–Rudman-Hollings, which I voted for, hold up until they become too politically awkward. And any real move on the budget deficit eventually does become politically awkward.

My reason for mentioning all this is that in the midst of the struggle on the budget, I did not get a chance to read carefully the Zero Deficit Plan put out by the Concord Coalition, headed by two of our former colleagues, Senator Warren Rudman and Senator Paul Tsongas.

It is an impressive document. Each of us could probably make some adjustments, but the staff and officers of the Concord Coalition should take great pride in their solid contribution. The executive director of the Concord Coalition is Martha Phillips, formerly on

the staff of the House Budget Committee, and the president is Peter G. Peterson, the former Secretary of Commerce.

The other officers are:

Lloyd Cutler, secretary and treasurer; Dr. John P. White, vice chair, issues committee; Eugene M. Freedman, vice chair, finance committee; David Sawyer, vice chair, public relations; Roger E. Brinner, vice chair; Hon. Maria Cantwell, vice chair; Dr. John W. Gardner, vice chair; Dr. Hanna Holborn Gray, vice chair; Hon. William H. Gray III, vice chair; Dr. George N. Hatsopoulos, vice chair; Hon. Barbara Jordan, vice chair; Harvey M. Meyerhoff, vice chair; Hon. Timothy J. Penny, vice chair; Joseph M. Segel, vice chair; and Paul Volcker, vice chair.

In the introduction to their proposal, they have a statement that responds to the question ''Why Balance the Federal Budget?'' I ask that the statement be printed in the RECORD.

The statement follows:

WHY BALANCE THE FEDERAL BUDGET?

The Zero Deficit Plan is a plan for our economic future. The goal is to assure a more secure, prosperous future for us and our children.

We are not seeking to balance the budget for its own sake. Reducing government spending and increasing taxes means short-term sacrifice. This can only be justified by the long-term economic benefits that will flow from putting our fiscal house in order.

Eliminating the deficit will help put the nation back on the path to lasting prosperity and to a rising standard of living in the next century. That larger goal cannot be achieved as long as the nation continues to run large budget deficits in good times and bad, year in and year out.

A balanced budget and the nation's economic future are directly linked. There is a tie between budget deficits today and what we can enjoy tomorrow:

Because there are only so many hours in each day, the principal way in which Americans can increase their standard of living is for each worker to become more productive: workers must produce more and better goods and services for each hour worked.

For workers to become more productive, investments must be made in education and training; in modernized plants, equipment, and productive techniques; in new discoveries and innovations; and in transportation, communications, and other infrastructure.

To make these investments, there must be a pool of savings that can be used for this purpose. Historically, the United States has had a particularly low rate of private savings, but, what is worse, the federal government's deficit is financed by soaking up most of the savings we do manage to put away. When the government spends more money than it has, it borrows the rest. Most of the money borrowed comes from private savings.

Only if the government stops using up private savings will the money be available for investment. Balancing the federal budget will free up the nation's savings for investments that would increase our productivity, create good jobs, and raise our standard of living.

The declining trend in what Americans produce for each hour worked illustrates how serious a problem this has become. From 1946 to 1973, what Americans produced for each hour of work increased 2.9 percent each year. From 1974 to 1994, the increase was only 1.1 percent a year. If productivity had improved as rapidly in the past two decades as it had in the previous three, the median annual family income today would be over $50,500, instead of the $35,000 it is. That $15,500-a-year gap is related to our large federal deficit. But because we never had the $15,500, we don't miss it in the same way we would if we had first enjoyed the income and then given it up. As long as incomes continue to creep up even slightly from one year to the next, the cumulative shortfalls in income remains largely hidden from public indignation.

Solving the deficit problem does not automatically guarantee a rosy economic future. Other developments are needed to complement a balanced budget: reduced consumption, increased savings and investment, improved productivity, education, inflation and interest rates at desirable levels, and a favorable worldwide economic climate. But unless we get our deficit problem behind us, we will remain unable to take advantage of these other necessary economic ingredients.

We cannot ignore the consequences of deficits much longer. Growing commitments made by one generation to the next cannot be honored on empty pocketbooks. A stagnant long-term economy cannot support retirement payments, medical care, and all the other benefits and services we would like. And it cannot support economic opportunity for today's youth to live as well as their parents' generation.

Massive federal budget deficits threaten our economy in other ways as well. They increase the likelihood of reigniting inflation by putting pressure on the government simply to print more money to pay off its debt. The more dollars are printed, the less each dollar in your wallet is worth.

As foreign ownership of our resources has grown, so has our dependence on the actions of foreign investors and governments. These entities have come to own more and more of our productive capacity. In addition, foreign investors have bought up almost 20 percent of our government's recently issued debt. As foreign holding of U.S. debt grows, so will U.S. interest payments to foreign nationals.

Huge, continual deficits strangle the ability of even a nation as rich as ours to respond when emergencies arise or when new opportunities or problems emerge, including recession. With our government deep in debt and continuing to run huge deficits, we remain unable to shoulder new responsibilities.

HOW LARGE ARE OUR ANNUAL DEFICITS AND ACCUMULATED NATIONAL DEBT?

In 1994, our government spent $203 billion more than it raised in taxes. That deficit amounts to $780 for every single American, or $3,120 for each family of four. That is the sum your government borrowed on your behalf last year, whether you wanted it to or not.

The $203 billion deficit was equal to 14 percent of federal spending. For every dollar the government spent, 14 cents was borrowed.

The $203 billion deficit was for all government operations in 1994. It included the $57 billion 1994 surplus in the Social Security Trust Fund., and a $1 billion deficit in the Postal Service. This means that all other government spending exceeded other revenues by $259 billion.

Our national debt, the net accumulation of all of the annual deficits we have run and all the money we have borrowed from government trust funds, stood at $4.8 trillion in May 1995. That is $18,460 for every single American, or $73,840 for each family of four.

The $4.8 trillion debt is equal to 67 percent of our national economic output in 1995 (called the gross domestic product, or GDP). If every American worked from January 1 through September 1 and paid all of his or her earnings to the federal government and spent nothing on food, clothing, shelter, or anything else, the public debt would still not quite be paid off.

Some people say there is no line-item in the federal budget labeled ''waste, fraud, and abuse.'' But, in a way, there is. It is called interest on the national debt, and last year it cost our government $203 billion. We spent more on interest than we spent on the entire U.S. military and almost as much as we spent on Social Security. What did we get for it? Nothing—not a single Social Security check, military aircraft or mile of highway—not even a single school lunch.

Because annual interest payments on the debt are so large, our government is actually borrowing just to pay interest. It is as if we were running up our MasterCard to pay off our debt to Visa, knowing that next year we will have to borrow even more from American Express to keep the game going.

HOW DID WE ACCUMULATE A $5 TRILLION NATIONAL DEBT?

Our nation was born in debt, a consequence of the high cost of fighting the Revolutionary War. Our first president, George Washington, adopted the practice of running generally balanced budgets. President Thomas Jefferson went one step further, pledging the nation to the goal of paying off its debt within one generation. All subsequent administrations for more than the next century and a half following the founders' lead: running infrequent deficits during most wars and deep recessions, and building surpluses to pay down the national debt in times of peace and relative prosperity.

The Great Depression of the 1930s led to large deficits when government revenues fell dramatically due to the high number of people out of work, who were no longer paying income taxes. Following on the heels of the depression, World War II required still greater borrowing to mobilize 16 million American troops to fight in Europe and Asia.

In the early postwar period, the Truman and Eisenhower administrations and the Congresses with which they worked roughly balanced the budget. Each president presided over three surpluses and five deficits. As the economy boomed, the national debt fell as a percentage of GDP.

However, during the 1960s and 1970s, the government began to run deficits continuously. The debt grew slowly and steadily, and by 1980 it was almost $1 trillion. By the beginning of 1993, it had exploded to $4 trillion. And, despite enactment of President Clinton's deficit reduction legislation in 1993, the debt will reach the $5 trillion level by the end of 1995. Since 1980, our debt has grown far more quickly than our economy. Today, the debt is a much greater percentage of GDP than it has been since the 1950s. The 1980s marked the first peace-time economic expansion during which the debt grew faster than the economy.

Who is to blame for amassing such debt in times of peace and relative prosperity, a debt that would have shamed our nation's founders? All of us. Presidents Reagan, Bush and Clinton, as well a secession of Congresses, resisted spending cuts and tax increases of the magnitude needed to balance the budget. And voters supported candidates of both parties who kept telling us what we wanted to hear instead of what we needed to hear.

TWO VISIONS OF THE FUTURE

WHAT HAPPENS IF WE DO NOTHING?

If we ignore our mounting debt, if we just wish it would go away and do nothing about it, it will grow and grow like a cancer that will eventually overwhelm our economy and our society. The interest we owe on the debt will skyrocket. We will continue our vicious

cycle of having to raise taxes, cut spending, and borrow more and more and more to pay interest upon interest. Our productivity growth will remain stagnant; more of our workers will have to settle for low-paying jobs; and our economy will continue its anemic growth. America will decline as a world power.

Sometime early in the next century, we will have to confront in the fundamental truth that low productivity and slow economic growth have failed to generate enough goods and services to satisfy all of our demands. Working people will be required to pay an ever larger share of their earnings to support a growing retired population and to pay the exploding interest on the debt that the older generation accumulated. Eventually, working people will refuse to submit to the crushing burden forced upon them by their elders. They will vote for leaders who will slash entitlement programs, even on the truly needy, rather than raise taxes still further. Millions of elderly people who thought that they could count on their retirement benefits will find that the resources are not there to meet their needs. There will be a generational conflict pitting American against American, child against parent, in a way that our nation has not seen before.

WHAT HAPPENS IF WE INSTEAD BALANCE THE BUDGET?

We could, on the other hand, do the right thing: we could refuse to let our leaders continually borrow and spend and borrow and spend; insist that they stop wasting our money and our children's money on programs that do not work and on entitlement payments for the well-off who do not need them; insist that what spending is done is paid for now, out of current taxation. If we do this, our deficits will disappear; our debt will shrink; our interest payments will become more and more manageable; our businesses will invest; our economy will renew its rapid growth of earlier years; and more of our people will find employment in higher-paying jobs. Our society will continue to flourish, and the American dream will be restored to our children and to our children's children.

DO WE HAVE TO START NOW?

Yes. Every year we delay deficit elimination, the problem gets worse. And every year we muddle through with halfway measures, we slip deeper into debt. Even a smaller deficit adds to our mounting national debt and pushes up interest payments.

Some argue that the economy is headed into recession and that this is the wrong time to launch a serious deficit reduction campaign. the same voices were heard opposing deficit reduction in 1993, when the economy was recovering from a severe recession, and opposing a serious run at the deficit in 1994 because an election was approaching. There will always be excuses for postponing the tough choices required to balance the budget. But until we get control over our deficits and our debt, we will not control our economic destiny.

Mr. SIMON. Then, they outline their principles for the deficit elimination.

Those principles strike me as being eminently sound. It is of no small significance that they do not ask for a tax cut.

Why both political parties are so enamored of a tax cut when we have this huge deficit simply defies all logic.

I ask to have printed in the RECORD their principles of deficit elimination at this point.

The material follows:

WHAT ARE OUR PRINCIPLES FOR DEFICIT ELIMINATION?

From the experience of past deficit reduction attempts, the views of our members, and the economic needs of the country, we have derived the following principles for deficit elimination:

1. Balance the budget by the year 2002, and aim for a surplus thereafter.
2. Distribute short-term sacrifice fairly and equitably among Americans of all ages and income groups, except for the very poor.
3. Enact policy changes right away, but phase them in gradually to accomplish steady deficit reduction while minimizing short-term economic dislocations.
4. Cut defense spending prudently, according to a realistic assessment of the military capability needed to counter threats to our national security today and in the foreseeable future.
5. Control entitlement growth.
6. Contain mounting health care costs.
7. Keep revenue increases to a minimum, but if revenues must rise, the increase should come from energy, luxury, and alcohol and tobacco taxes.
8. Enforce deficit elimination with credible mechanisms, including a balanced budget amendment to the Constitution.
9. Avoid gimmicks. Use conservative economic projections.
10. Attract and deserve broad public support with a sound, realistic deficit elimination plan.

Mr. SIMON. Finally, I simply want to commend the Concord Coalition, again, for a very constructive effort. I believe that their program is more solid than the one adopted and, particularly if combined with a balanced budget constitutional amendment, could really move our Nation in the direction that we ought to go.●

TRIBUTE TO THE ANTIOCHIAN ORTHODOX CHRISTIAN ARCHDIOCESE OF NORTH AMERICA

● Mr. ABRAHAM. Mr. President, I rise today with great pleasure and honor to extend my heartfelt congratulations to the Antiochian Orthodox Christian Archdiocese of North America, and the Most Reverend Metropolitan Philip Saliba, primate, in celebration of their 42d Antiochian Archdiocese Convention. As one of the three Orthodox Christian members of the U.S. Senate, it is a privilege for me to highlight this wonderful convention on the floor of the U.S. Senate.

The convention, held from July 24 through July 30, 1995 in Atlanta, GA, marks a biennial effort to bring together the almost six million Antiochian Orthodox Christians from all over this Nation. This year's convention deserves special praise since it marks the 100-year anniversary of the Antiochian Christian Orthodox Archdiocese in North America. The convention is an opportunity for Orthodox Christians to come together as a community and to provide one another with spiritual guidance and support.

Over the years the Orthodox faith has been a source of enormous strength for those of us who worship in this church. The spirit of community evident in the faith provides strength to its followers and serves as the foundation upon which a family can base its values.

I ask my colleagues to join me in saluting this extraordinary congregation and in extending to it our warmest congratulations.●

TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a most significant organization, the Association for the Advancement of the Blind and the Retarded [AABR].

Based in Jamaica, NY, the AABR is a private organization committed to enhancing the quality of life for our developmentally disabled citizens. For four decades they have been a leader in helping disabled individuals live a more fulfilling, dignified, and independent life. The AABR's professional and paraprofessional staff members are trained in the latest advances and methods of instruction for aiding adults and young adults with multiple handicaps.

Through the operation of intermediate care facilities and community residences, the AABR offers communal settings for young disabled adults to live, work and recreate together under the supervision of an expert staff. As well, the AABR operates day treatment centers, family services, recreation programs, a vacation retreat, and education programs throughout New York City. Their successes are truly inspirational.

AABR's significant accomplishments over the years have won the praise and support of the private sector. And on July 31 of this year the Metropolitan Club Managers Association [MCMA] of New York continues their support by hosting its 22d annual charity golf and tennis tournament and dinner dance to benefit AABR's handicapped youth. The encouragement and support provided by MCMA is indeed noteworthy and sets a glowing example for others to follow.

I ask my colleagues to join me in extending great good wishes for an enjoyable event and much continued success to AABR, MCMA, and all those involved in this most worthwhile cause.●

RICK URAY: FRIEND TO SOUTH CAROLINA BROADCASTERS

● Mr. HOLLINGS. Mr. President, let me take this opportunity to congratulate Prof. Richard Uray of the University of South Carolina College of Journalism and Mass Communication for being inducted last week into the South Carolina Broadcasting Association's Hall of Fame.

Rick's public induction signals what we've all known for a long time—that he is one of the most dedicated broadcasting professionals that South Carolina has ever had. We have known privately for years that he ranks up there

with the likes of John Rivers, Walter Brown, Henry Cauthen, Betty Roper, Joe Wilder, Bill Saunders, and Dick Laughridge, among others. Now, everyone in the State will know.

Rick Uray has been teaching and influencing the lives of broadcasters for more than 40 years. After receiving degrees from Kent State University and the University of Houston, he came to South Carolina during the year in which I was first elected to the Senate. That year, 1966, he became the chairman of the broadcasting sequence at the USC College of Journalism and began teaching the art of broadcasting to hundreds of South Carolina's best students. Also in 1966, Rick started a 30-year link with the South Carolina Broadcasting Association when he became the organization's executive manager.

Mr. President, as the leader of the SCBA, Rick Uray has been a testament to true professionalism. His calm dedication and energy made him a model for two generations of broadcasters. And while he'll retire from the university and SCBA at the end of the year, he'll leave a legacy that any college freshman should be proud to emulate.

Mr. President, I appreciate this opportunity to recognize the warmth, energy and lifelong commitment of Dr. Richard Uray. He is a true friend to South Carolina's broadcasting community. Let us wish him a happy retirement and many more years to come.●

HONORING THE 100TH BIRTHDAY OF FRANCES WILHELMINE GODEJOHN

● Mr. ASHCROFT. Mr. President, today I am pleased to honor a woman who has distinguished herself in her lifetime. Frances Wilhelmine Godejohn will celebrate her 100th birthday on July 26. Born and raised in St. Louis, MO, she comes from a colorful heritage and represents a wonderful example of someone who worked long and hard to support herself, living a life of honesty and probity. She is a devout Christian.

Frances Wilhelmine Godejohn was born in St. Louis, MO, on July 26, 1895. Her father, William Mathias Godejohn, was born in Washington, MO, in 1859. Prior to settling in St. Louis, he worked on a railroad construction project in New Mexico where he was shot by Indians, visited Yellowstone before it became a national park, and homesteaded in Montana. Her mother, Mary Elise Dallmeyer, was born in Gasconade County, MO. Both William and Mary's fathers were born in Germany.

Frances Godejohn completed the eighth grade in 1909, then went to Rubicam Business School, where she graduated in 1911. She began a career as a legal secretary that lasted until her retirement in 1972. Primarily, she worked for William H. Allen, first when he was an attorney, then when he served as a judge on the St. Louis Court of Appeals from 1915 to 1927, then again when he was a lawyer until his death in 1952.

Frances Godejohn worked in the corporate headquarters for Pevely Dairy from 1952 to 1960, when she formally retired. Not content in retirement, she resumed work as a legal secretary, first for David Campbell, until he died, and then for Edmund Albrecht. She finally retired in 1972, after breaking her leg while getting off the bus on her way to work.

Still spry and alert, Frances Godejohn regularly attends the Presbyterian Church, reads, follows the St. Louis Cardinals, corresponds with her many relatives and is a source of inspiration to all who know her.●

THE FORGOTTEN GENOCIDE

● Mr. SIMON. Mr. President, recently, I was pleased to note an article in the magazine, the Jerusalem Report, a magazine whose quality of reporting I have come to appreciate. The article concerns the Armenian genocide.

Titled ''The Forgotten Genocide,'' the article deals not only with the genocide but the delicate matter of relations between Israel and Turkey.

It is a frank but sensitive discussion of the problems that have been faced by a people who, in many ways, had an experience similar to the Jewish experience.

I am pleased The Jerusalem Report has published this article by Yossi Klein Halevi, and I hope it is the first of many steps to bring about a closer relationship between Israel and Armenia. I also add the strong hope that the relationship between Armenia and Turkey can improve because both countries can benefit from that improvement.

I ask that the article be printed in the RECORD.

The article follows:

THE FORGOTTEN GENOCIDE

(By Yossi Klein Halevi)

Every night at 10 o'clock, the massive iron doors of the walled Armenian compound in Jerusalem's Old City are shut. Any of the compound's 1,000 residents who plan to return home from the outside world past that time must get permission from the priest on duty. The nightly ritual of self-incarceration is in deference to the monastery, located in the midst of the compound's maze of low arched passageways and stone apartments with barred windows.

Yet the seclusion is also symbolically appropriate: Jerusalem's Armenians are consecrated to historical memory, sealed off in a hidden wound. Every year, on April 24—the date commemorating the systematic Turkish slaughter in 1915 of 1.5 million Armenians, over a third of the total Armenian nation, many of them drowned, beheaded, or starved on desert death marches—the trauma is publicly released, only to disappear again behind the compound's iron doors.

The genocide remains the emotional centerpoint of the ''Armenian village,'' as residents call the compound. In its combined elementary and high school hang photos of 1915: Turkish soldiers posing beside severed heads, starving children with swollen stomachs. On another wall are drawings of ancient Armenian warriors slashing enemies, the compensatory fantasies of a defeated people.

While elders invoke the trauma with more visible passion, young people seem no less possessed. ''There is a sadness with me always,'' says George Kavorkian, a Hebrew University economics student.

In a large room with vaulted ceilings and walls stained by dampness, 89-year-old Sarkis Vartanian assembles old-fashioned pieces of metal type, from which he prints Armenian-language calendars on a hand press. Vartanian is one of Jerusalem's last survivors of the genocide. Though the community has a modern press, it continues to maintain his archaic shop, so that he can remain productive.

Vartanian tells his story without visible emotion. In 1915, he was living in a Greek-sponsored orphanage in eastern Turkey. Police would come every day and ask who among the children wanted to go for a boat ride. Vartanian noticed that none of those who'd gone ever returned. One day, strolling on the beach, he saw bodies. He fled the country, and made his way with a relative to Jerusalem, joining its centuries-old Armenian community.

When he finishes speaking of 1915, he relates some humorous details of his life, a man seemingly at peace with his past. But suddenly, without warning, he begins to sob. For minutes he stands bent with grief. Then, just as abruptly, he turns to the dusty boxes of black metal letters and carefully assembles a line of type.

Even more than grief, Armenians today are driven by grievance: outrage at Turkey's refusal to admit its crime, let alone offer compensation. Though there has been some international recognition of the genocide, a vigorous Turkish public-relations campaign claiming the genocide is a myth has created doubts. The Turks insist that the numbers of Armenian dead have been exaggerated, that no organized slaughter occurred, and that those who did die perished from wartime hardships—the very arguments used by Holocaust ''revisionists,'' notes Dr. Ya'ir Oron, author of a just-published book tracing Israeli attitudes to the Armenian genocide.

Perhaps the most forceful rebuttal to Turkish denial came from the former U.S. ambassador to Turkey, Henry Morgenthau, an eyewitness to the massacres, who wrote in 1917: ''The whole history of the human race contains no such horrible episode as this.'' Despite the overwhelming number of similar eyewitness testimonies, the Armenians must continually prove that their mourning is justified.

Many of Israel's 4,000 Armenians—who live in Haifa and Jaffa as well as in parts of the Old City's Armenian Quarter just outside the monastery compound—feel an almost pathetic gratitude to those Jews who acknowledge them as fellow sufferers. One afternoon, George Hintlian, an Armenian cultural historian, took me to the obelisk memorial in Mt. Zion's Armenian cemetery. I laid a small stone on the memorial, the Jewish sign of respect for the dead. ''Thank you,'' said Hintlian with emotion, as though I'd performed some unusual act of kindess.

While historians attribute the genocide to Turkish fears of Armenian secession from the Ottoman empire, Armenians themselves say the Turks were jealous of their commercial and intellectual success. We're just like the Jews, they say. Indeed, Armenians see the Jewish experience as a natural context for their own self-understanding. They envy the recognition our suffering has earned; they even envy us for having been killed by Germans who, unlike Turks, have at least admitted their crimes and offered compensation.

Like the Jews, say Armenians, they too are a people whose national identity is bound

up with religion, whose members are scattered in a vast Diaspora and whose homeland—politically independent since 1991 but economically dependent on neighboring Turkey—is surrounded by hostile Muslim states. And while some Armenians sympathize with the Palestinians, others privately concede their fear of Muslim fundamentalism.

But for all their affinity with the Jews, Armenians are deeply wounded by Israel's refusal to recognize the genocide—a result, says Oron, of Turkish pressure. Israel looks to Turkey as an ally against Muslim extremism, and owes it a debt for allowing Syrian Jews to escape across its territory in the 1980s. And so no government wreath has ever been laid at the Mt. Zion memorial. And Israel TV has repeatedly banned a documentary film about the Armenians, ''Passage to Ararat.''

Though there are cracks in the government's silence—on the 80th anniversary of the massacre this past April 24, for example, Absorption Minister Yair Tsaban joined an Armenian demonstration at the Prime Minister's Office—the ambivalence persists. Last year, the Education Ministry commissioned Oron to write a high school curriculum on the Armenian and Gypsy genocides. But then, only two weeks before the curriculum was to be experimentally implemented, the ministry abruptly backtracked. A ministry-appointed commission of historians (none of them Armenian experts) claimed that Oron's textbook contained factual errors about the Gypsies and didn't present the Turkish perspective on the Armenians. A spokesman for the ministry says a new textbook will be commissioned.

While Oron is careful to avoid accusing the ministry of political motives. Armenians are far less reticent. Says Hintlian: ''Obviously there is Turkish pressure. If the Turks get away with their lie, it will strengthen the Holocaust deniers, who will see that if you are persistent enough a large part of humanity will believe you.''

So long as the Turks claim the genocide never happened, the Armenians will likely remain riveted to their trauma.

Bishop Guregh Kapikian is principal of the Armenian school. When he speaks of 1915 his head thrusts forward, voice quivering. His cheeks are hollowed, his chin ends in a white-goateed point—a face gnawed by grief and sharpened by rage.

Kapikian, born in Jerusalem, was 3 when his father, a historian, died of pneumonia, having been weakened from the death march he'd survived. Kapikian eventually become a priest—''to be a soldier of the spirit of the Armenian nation.''

Are you concerned, I ask, that your students may learn to hate Turks?

''The Turks have created hatred. Our enemy is the whole Turkish people.''

But didn't some Turks help Armenians?

''They weren't real Turks. Maybe they were originally Christian, Armenian.''

If Turkey should someday admit its crimes, could you forgive them?

''They can't do that. They're not human. What can you expect from wild beasts?''

There are other Armenian voices.

George Sandrouni, 31, runs a ceramics shop outside the compound. He sells urns painted with clusters of grapes, tiles with horsemen and peacocks, chess boards garlanded with pale blue flowers.

As a boy, he feared everyone he knew would disappear. The son of a man who survived the genocide as an infant, Sandrouni grew up with no close relatives, all of whom were killed in 1915. He resolved that when he married he would have 20 children, to fill the world with Armenians.

Now expecting his first child, he has become ''more realistic, less paranoid.'' He says: ''The Turks have to be educated about the genocide. But we also have to learn how to deal with our past. I won't teach my children about the genocide as something abstract, like mathematics. I'll teach them that other people suffer; that some Turks helped Armenians; that evil is never with the majority. I'll try to keep the horror from poisoning their souls.''●

CBO ESTIMATES ON INSULAR DEVELOPMENT ACT

● Mr. MURKOWSKI. Mr. President, on June 30, 1995, I filed Report 104–101 to accompany S. 638, the Insular Development Act of 1995, that had been ordered favorably reported on June 28, 1995. At the time the report was filed, the estimates by Congressional Budget Office were not available. The estimate is now available and concludes that enactment is now available and concludes that enactment of S. 638 would result in no significant cost to the Federal Government and in no cost to State or local governments and would not affect direct spending or receipts. I ask that the text of the CBO estimate be printed in the RECORD.

The text follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, July 11, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 638, the Insular Development Act of 1995, as reported by the Committee on Energy and Natural Resources on June 30, 1995. CBO estimates that S. 638 would result in no significant cost to the federal government and in no cost to state or local governments. Enacting S. 638 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 638 would restructure as agreement for making payments to the Commonwealth of the Northern Mariana Islands (CNMI). Presently, the federal government is obligated to make annual payments of $27.7 million to CNMI. S. 638 would maintain that funding commitment but would expand the purposes for which those funds could be spent. Based on a 1992 agreement reached between CNMI and the federal government, CNMI would receive a declining portion of those funds for infrastructure development through fiscal year 2000. The remaining funds would be used for capital infrastructure projects in American Samoa in 1996 and in all insular areas in 1997 and thereafter. (Insular areas include Guam, the Virgin Islands, American Samoa, CNMI, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.) Of the funds designated for 1997 and thereafter, $3 million would be designated for the College of the Northern Marianas in 1997 only, and $3 million would be allocated each year to the Department of the Interior (DOI) for either federal or CNMI use in the areas of immigration, labor, and law enforcement. Additionally, beginning in fiscal year 1997, DOI would be required to prepare and update annually a five-year capital infrastructure plan for insular projects.

CBO estimates that the reallocation of funds that would occur under this bill would have little, if any, effect on the rates at which such funds are spent. CBO has no reason to expect that infrastructure funds used by other insular areas would be spent at a rate different from those used by CNMI. Also, based on information provided by the DOI, CBO estimates that the bill's capital infrastructure planning requirement would result in no significant cost to the federal government.

S. 638 also would gradually apply the minimum wage provisions of the Fair Labor Standards Act (FLSA) to CNMI, which would require enforcement activity by the Department of Labor (DOL). The department expects that it would continue to receive annually $800,000 of the CNMI funds allocated to DOI for immigration, labor, and law enforcement purposes. DOL uses these funds to train CNMI officials to enforce labor laws, while providing additional temporary enforcement assistance. Based on information from the DOL, CBO expects that DOL would continue to receive these funds under this bill and that they would be sufficient to conduct FLSA enforcement. Therefore, we estimate that no additional costs to the federal government would result from this provision.

Additionally, S. 638 would require that DOI continue to submit annually to the Congress a report on the ''State of the Islands,'' as well as a report on immigration, labor, and law enforcement issues in CNMI. The bill also would make several clarifications to existing law and would require cooperation in immigration matters between CNMI and the Immigration and Naturalization Service. CBO estimates that these provisions would result in no significant cost to the federal government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226–2860.

Sincerely,

JUNE E. O'NEILL,
Director.●

ALBUQUERQUE TECHNICAL-VOCATIONAL INSTITUTE

● Mr. BINGAMAN. Mr. President, I rise today to recognize Albuquerque Technical-Vocational Institute, a community college in New Mexico that is celebrating its 30th year of service to the community.

T-VI's impressive growth has paralleled the expansion of the community it has served for 30 years. From its origins with 150 students in an old abandoned elementary school, Albuquerque Technical-Vocational Institute has matured to become New Mexico's second largest higher educational institution with 20,000 students at three campuses, and an additional satellite campus planned in Bernalillo County's South Valley.

The development of Albuquerque's silicon mesa and high-tech economic expansion would have been impossible without the high-tech training provided at T-VI. T-VI wisely seeks out the counsel of the business community to ensure that its programs and training facilities are state-of-the-art. T-VI is a leader in technical education in New Mexico, placing its graduates in working environments that have helped to expand the state's economy and enrich the community.

In a community noted for its cultural diversity, T-VI has become a model of educational advancement. T-VI graduates are at work in a variety of technical careers, trades and professions throughout New Mexico. They provide

needed technical assistance and services to a variety of industries including our National Labs.

Mr. President, for its outstanding accomplishments, I would like to commend the students, teachers and administration of the Albuquerque Technical-Vocational Institute for 30 years of service to the community and to the State of New Mexico.●

JOYCE FOUNDATION PRESIDENT SPEECH TO LEAGUE OF WOMEN VOTERS

● Mr. SIMON. Mr. President, a longtime friend of mine, Lawrence Hansen, vice president of the Joyce Foundation, sent me a copy of a speech made by Deborah Leff, the president of the Joyce Foundation, on the occasion of the 75th anniversary of the League of Women Voters of the State of Illinois.

The subject of her address is campaign financing.

It contains material that would be startling to most citizens though, unfortunately, not startling to those of us who serve in the Senate.

While the bulk of her remarks are about campaign financing, I want to quote one item that is not. She says:

I am saddened by the media's increasing tendency to exploit, entertain and titillate, leaving us less informed about public affairs and more cynical about politics.

She announces that the Joyce Foundation will make a 3-year, $2.3 million special study on money and politics.

While the emphasis of her project will be the State of Illinois, clearly she draws lessons from what has happened at the national level, and we should draw lessons beyond the State of Illinois.

For example, she says:

In 1976, the average cost of winning a seat in the U.S. House of Representatives was less than $80,000. Last year, it leveled off at $525,000. Between 1990 and 1992 alone, the cost of winning a House seat jumped by 33 percent. In fact, 45 House candidates in 1994 spent over $1 million each.

On PACs, Ms. Leff says:

To understand the competitive effects of the current campaign finance system, consider the giving habits of political action committees—PACs. Last year, PACs distributed close to $142 million to House candidates, three-quarters of which went to incumbents. To appreciate the enormity of this bias, it's worth noting that the winning candidates last year raised more money from PACs than their challengers generated from all sources, including from PACs, individual contributors, their own donations and loans.

She is concerned, as we should be concerned, the present system of financing campaign makes our political institutions unrepresentative. She observes:

The skewed distribution of political money is not just a problem for challengers. There's another—and some would argue more pernicious—side to this imbalance. The campaign finance system favors wealthy candidates over poor candidates, male candidates over female candidates, and white candidates over African-American and Latino candidates. And this bias continues to be reflected in the composition of many legislative bodies.

Although less than one-half of one percent of the American people are millionaires, there are today at least 72 millionaires in the U.S. House of Representatives and 29 in the U.S. Senate. (And these figures don't include Michael Huffington, who spent $5 million of his own money to win a House seat in 1992 and an additional $28 million last year in his failed bid to become a Senator.) There is something terribly wrong when millionaires are over-represented in the ''People's House'' by a factor of 3,000 percent and in the Senate by a factor of more than 5,000 percent.

The president of the Joyce Foundation also notes something every one of us knows to be the fact:

Candidates' increased reliance on television ads has led to less informative and more mean-spirited campaigns. We are told that attack ads work; they must, because why else would candidates invest so much money in this stuff? But who really benefits and at what cost to the political system? The public is fed slivers of information, often deceptively presented. Real issues are not discussed. The most obvious victim, of course, is a political tradition that once prided itself in allowing serious candidates to debate serious issues in a serious way.

Then, she says something that I do not know to be a fact, but, as far as I know, it is accurate. She tells her audience:

The United States is the only major democracy that neither restricts the amount of money candidates can spend on broadcast advertising nor regulates their access to and use of this powerful medium. As a result, the quality of the nation's political discourse has declined sharply. And so, too, has the public's confidence in the veracity and judgment of our leaders.

A minor correction I would make to her speech is that she refers to $100 million being spent to defeat health care. Newsweek magazine uses the figure $400 million, and I believe that Newsweek magazine is correct.

She also notes:

In 1992, half of all the money raised by congressional candidates—$335 million—was provided by one-third of 1 percent of the American people.

Deborah Leff has a number of illustrations of the abuses. They include references to my friend, the former speaker of the Illinois House, Michael Madigan, and the current speaker of the Illinois House, Lee Daniels. What Michael Madigan and Lee Daniels are doing is using the present system. I do not fault them for that. But what Ms. Leff is saying is that the system should be changed, and I agree with her.

She does not call for any specific program of change.

My own belief is that at the Federal level, we have to have dramatic change, and it will not come about without the President of the United States really pushing for change. The system I would like to have is a check-off contribution of $3 or $5 on our income tax that would go to major candidates for the Senate and the House, and no other money could be spent. Then, in a State like Illinois, instead of spending $8 million or $10 million on a campaign, the candidates could spend $2 million, and have some required free time made available by radio and televisions, not for 30-second spots, but for statements of up to five minutes by the candidates in which there is a serious discussion of the issues.

I ask that the full Deborah Leff speech be printed in the RECORD, and I urge my colleagues of both parties and their staffs to read the Deborah Leff speech.

The material follows:

SPEECH OF DEBORAH LEFF, PRESIDENT, THE JOYCE FOUNDATION AT THE 75TH ANNIVERSARY CONVENTION OF THE LEAGUE OF WOMEN VOTERS OF ILLINOIS—JUNE 2, 1995

INTRODUCTION

I am delighted to be here this evening and to play a small role in celebrating the 75th anniversary of the founding of the League of Women Voters. No organization in this century has contributed more to expanding informed citizen participation in the political process and can legitimately claim more victories for democracy than the league. Yours is a proud legacy, and I salute you.

Through the years the Joyce Foundation has frequently partnered with the league. We have labored together to simplify the Nation's voter registration laws—and despite some unseemly footdragging here in the land of Lincoln and several other States, we have made real progress. I read in the newspaper a few weeks ago that in the few months since the Motor Voter Act was put into effect early this year, two million new voters have been registered. Two million. It's a wonderful number. And you should be very proud.

Joyce also stood with the league in its efforts to institutionalize presidential debates, and happily that has occurred.

Two years ago, we supported the ''wired for democracy'' project. This collaborative effort, involving the national league and a number of State and local chapters, has been exploring ways of making greater use of communication technologies to meet the informational needs of citizens.

And last year we joined forces with you in an ambitious experiment to make the Illinois gubernatorial race more issue-oriented. The goal was to enable the people of Illinois to identify their major policy concerns, frame an issues agenda, and engage the candidates for Governor in a conversation about their visions and plans for the State's future. That the candidates took less notice of these citizens' messages than they should have only confirms how desperately we need new and inventive ways for reconnecting people and their elected representatives. The ''Illinois voter project'' was a valiant and useful attempt to bridge that gulf, and Joyce was glad to play a part.

A CRISIS OF CONFIDENCE

Will Rogers once wrote, ''I don't make jokes, I just watch the government and report the facts.'' And although we have much to celebrate tonight, there are a lot of facts to report. And, unfortunately, they're not funny. A terrible malaise has settled over our democracy. The fact is millions of our fellow citizens are fed up with politics. They feel left out, disconnected, unheard, unappreciated and powerless. And in frustration and anger, they are abandoning the system in droves. The signs of discontent are myriad. I'll mention only a few:

Three our of four Americans today say they ''trust government in Washington'' only ''some of the time'' or ''almost never.'' In the mid-1960s, only 30 percent—rather than 75 percent—of Americans felt that way. (Roper Organization)

Nearly 60 percent of us believe that ''the people running the country don't really care what happens to us.'' (Louis Harris)

Public approval of Congress almost reached rock bottom in 1994.

The Roper organization reports that millions of citizens have withdrawn from community affairs over the last 20 years. In 1973 one in four American adults said they attended a public meeting on community or school business during the year. Two years ago, only 13 percent of us claimed we had attended such forums.

And from a relatively high point in the early 1960s, voter turnout in national elections has declined by nearly a quarter. In State and local elections, the trends are even worse. Only 37 percent of Chicago's voters bothered to participate in February's mayoral and aldermanic primary election; and just over 40 percent went to the polls in April's general election, marketing the lowest turnout in a city election in more than a half century.

I wish I could report that these discontents were traceable to a single cause, to some easily identified and manageable condition. But clearly, as everybody in this room recognizes, that is not the case.

We know, for example, that economic anxieties are taking a toll on our civic life. Millions of Americans have grown pessimistic about getting ahead in a rapidly changing economy. Many are struggling just to stay even, and they blame government for their plight.

We know that the breakdown of traditional institutions, like families and schools, and an accompanying rise in social pathologies have deepened the public's despair about the political system.

We know that civic education is in a deplorable state and that the ranks of those voluntary organizations that have traditionally and energetically labored over the years to fill this vacuum are today greatly depleted.

As some of you know, I worked for the news media for years. I respect the news media, and I often admire it. But I am saddened by the media's increasing tendency to exploit, entertain and titillate, leaving us less informed about public affairs and more cynical about politics.

We know that technology, television, and talk radio can reinforce our isolation and exacerbate social divisions rather than fostering the cooperative, tolerant, and generous spirit which a democracy requires.

And then there's the issue of money in politics—an old and spirited demon with which both the league and the Joyce Foundation have done battle off and on over the years. As Senator Bill Bradley recently noted,

''Make no mistake, money talks in American politics today as never before. No revival of our democratic culture can occur until citizens feel that their participation is more meaningful than the money lavished by pacs and big donors.''

The fundamental problem, Bradley says, is that ''the rich have a loudspeaker and everyone else gets by with a megaphone.'' And, of course, he's absolutely right. The Joyce Foundation believes that overhauling the campaign finance system is as urgent a piece of unfinished business on the Nation's crowded policy agenda as any other.

You know, Eleanor Roosevelt once wrote, ''I think if the people of this country can be reached with the truth, their judgment will be in favor of the many, instead of the privileged few.'' We want a Government for the many, a Government where the concerns of the citizenry are respected and addressed. And for that reason, the Joyce Foundation decided last year to launch a 3-year, $2.3 million special project on money and politics.

Campaign finance reform is not a sexy issue. It doesn't get enough attention from the media, and it doesn't get enough attention from foundations. But I want, in my remaining time with you, to talk about why this problem is so critical to the future of America, and why it must be taken on.

THE PROBLEM

As you know, the financing of political campaigns is governed by a patchwork of laws and regulations. Federal candidates operate under one set of rules; State and local candidates under others. The variations among jurisdictions are endless, but these systems have one thing in common: they don't work very well. Let me briefly discuss their most obvious deficiences, leaving to last what I regard as the most compelling argument for reform.

Problem 1: The current system has allowed campaign costs to rise to prohibitive levels

The cost of running for public office has skyrocketed over the past 20 years, especially at the Federal and State levels. Few campaign finance laws make any effort to restrain spending.

In 1976, the average cost of winning a seat in the U.S. House of Representatives was less than $80,000. Last year, it leveled off at $525,000. Between 1990 and 1992 alone, the cost of winning a House seat jumped by 33 percent. In fact, 45 House candidates in 1994 spent over $1 million each.

The same pattern can be seen here in Illinois. Five State Senate candidates spent more than $500,000 each in their 1992 campaigns. The 20 most expensive Senate races that year cost over $5 million.

These trends have had three effects. First, they have rendered public service unaffordable for a growing number of qualified citizens of ordinary means.

Second, the escalating costs of campaigns are making it easier for wealthy and well-connected citizens to win public office.

And third, those willing to pay the price of admission find themselves spending more time begging than meeting voters, doing their policy homework, and governing.

Problem 2: Under the current campaign finance system, money, more than any other factor, determines who wins and loses elections

As a general rule, candidates who raise and spend the most almost always win. Cash—not the qualifications, character and policy views of candidates—has increasingly become the currency of democracy.

In last year's election, House incumbents on average outspent their opponents by nearly 3-to-1 ($572,388 vs. $206,663), and despite the public's anger with Congress and a higher than usual turnover in the House, 90 percent of the incumbents survived. In fact, 72 percent of House incumbents running in last fall's election outraised their challengers by $200,000 or more, and 23 percent outdistanced their opponents by at least $500,000. If a challenger did not spend at least $250,000—and fewer than one-third of last year's challengers reached that threshold, his or her chances of winning were only one in a hundred.

Problem 3: The current campaign finance system has made elections less competitive

The current rules tilt so heavily in favor of incumbent officeholders that most challengers cannot hope to win. As a result, large numbers of elections that should be competitive rarely are.

In 1994, less than one in three congressional races were financially competitive. In fact, four out of five House incumbents faced challengers with so little money—typically less than 50 percent of the amount available to the incumbent—that they did not pose a serious threat.

To understand the competitive effects of the current campaign finance system, consider the giving habits of political action committees—PAC's. Last year, PAC's distributed close to $142 million to House candidates, three-quarters of which went to incumbents. To appreciate the enormity of this bias, it's worth noting that the winning candidates last year raised more money from PAC's than their challengers generated from all sources, including from PAC's, individual contributors, their own donations and loans.

The real losers, of course, are voters. As elections become less competitive and as the range of candidate and policy decisions voters must make narrows, there is less and less reason to go to the polls. Under the circumstances people cannot be entirely blamed for staying away.

Problem 4: Because of the campaign finance system's inherent biases, many of our representative institutions remain terribly unrepresentative.

The skewed distribution of political money is not just a problem for challengers. There's another—and some would argue more pernicious—side to this imbalance. The campaign finance system favors wealthy candidates over poor candidates, male candidates over female candidates, and white candidates over African-American and Latino candidates. And this bias continues to be reflected in the composition of many legislative bodies.

Although less than one-half of one percent of the American people are millionaires, there are today at least 72 millionaires in the U.S. House of Representatives and 29 in the U.S. Senate. (And these figures don't include Michael Huffington, who spent $5 million of his own money to win a House seat in 1992 and an additional $28 million last year in his failed bid to become a Senator.) There is something terribly wrong when millionaires are over-represented in the ''people's house'' by a factor of 3,000 percent and in the Senate by a factor of more than 5,000 percent.

When 64 House and Senate candidates can reach into their own pockets and give their campaigns a $100,000 shot in the arm, as occurred last year, it takes your breath away. Twelve of these candidates, let me add, invested more than $1 million each in their campaigns.

These financial disparities are not limited to just rich and poor candidates. In 1991, white candidates for the Chicago city council raised five times more money than African-American candidates and one and a half times more than Latino condidates. If African-Americans had to run regularly against white or Latino candidates in racially and ethnically mixed wards, they would likely operate at a severe financial disadvantage. And given the importance of money, their chances of being elected from such wards would at best be problematic.

As I am sure you know, never in the long history of this city has an African-American represented a predominantly white ward. And were it not for the voting rights act which has helped to mitigate the financial disadvantages experienced by minority candidates, the city council would almost certainly be less representative of Chicago's diversity than it is today.

Problem 5: The current campaign finance system has made legislators and candidates too financially dependent on a small number of legislative leaders.

The past decade has witnessed a proliferation of political action committees established and controlled by Federal and State legislative leaders. These entities, which attract enormous amounts of special interest money, provide an alternative way of getting

money to favored candidates. However, these conduits—which are perfectly legal—also allow leaders to solidify their positions within their party caucuses, exercise greater control over members and increase their influence over a range of legislative matters.

This trend has not only accelerated the decline of political parties but has led to an unhealthy financial dependence by many rank and file legislators on their leaders and, according to some experts, to a dimunition of their independence. There was a time, of course, when leaders earned the loyalty of their followers; today, loyalty is increasingly a purchasable commodity. That is not a good development.

In 1994, Federal leadership PACS distributed more than $3.6 million to congressional candidates. But what has occurred in Illinois makes the growth and reach of Federal leadership PACS look trivial in comparison. Last year, Michael Madigan, then the speaker of the Illinois house, controlled a $5.3 million war chest, and his Republican counterpart, Lee Daniels, the current speaker, had $2.5 million at his disposal. Much of this nearly $8 million was directed to candidates in 23 pivotal legislative races in which the candidates on their own had already raised $4.5 million

Although I have not seen a detailed analysis of how these leadership funds were distributed last year, I can tell you what occurred in 1992. The Democratic House candidates running in 21 targeted races that year received on average $81,000 from the Madigan fund. Of all the money spent by those candidates, nearly 60 percent came from this single source. It is not hard to believe that those Democrats who won feel a special debt of gratitude for the speakers generosity.

Problem 6: The current campaign finance system has coarsened the political dialogue in this country

Costly broadcast advertising has driven up campaign costs. But that is not the only problem. Candidates' increased reliance on television ads has led to less informative and more mean-spirited campaigns. We are told that attack ads work; they must, because why else would candidates invest so much money in this stuff? But who really benefits and at what cost to the political system? The public is fed slivers of information, often deceptively presented. Real issues are not discussed. The most obvious victim, of course, is a political tradition that once prided itself in allowing serious candidates to debate serious issues in a serious way.

The United States is the only major democracy that neither restricts the amount of money candidates can spend on broadcast advertising nor regulates their access to and use of this powerful medium. As a result, the quality of the Nation's political discourse has declined sharply. And so, too, has the public's confidence in the veracity and judgment of our leaders.

Problem 7: The campaign finance system has driven people out of the electoral process and reduced their role to voting on election day

The last 30 years have witnessed what can only be described as a hostile take-over of the election process by highly paid and often unaccountable professional operatives. The campaign finance system has spawned an industry of pollsters, ad producers, time-buyers, professional fundraisers, direct-mail specialists and spin-doctors. Their exorbitant demands on campaign resources require that ever increasing amounts of money be raised. It is a trend that leaves little room in campaigns for the citizen-volunteers who were once the backbone of most campaigns. The ascendancy of political consultants has robbed our politics of the fun, hoopla, and sadly, much of the substance once commonly associated with campaigns.

Problem 8: The campaign finance system all too often elevates or appears to elevate private interests over the public interest

Of all the system's shortcomings, this by far is the most serious. When citizens on a large scale harbor suspicions about the fairness and integrity of policymaking and regulatory processes, as is clearly the case today, it casts doubts on the legitimacy of the political system itself.

VIGNETTES

Hardly a week passes without some news report about how special interest money is being used to skew policy priorities, shape legislation and influence regulatory decisions. Elected officials may find the suggestion offensive, but a growing number of Americans are convinced that those who pay the piper also call the tune. Let me give you some examples.

Tort Reform. When Illinois State legislators on one side of the tort reform debate accept nearly $2 million in campaign contributions as well as business contracts from the Illinois State Medical Society, and lawmakers on the other side accept nearly half a million dollars from the Illinois Trial Lawyers Association and tens of thousands of dollars from individual members, what are we to think? Would it be unfair to conclude that the public interest may not have been the paramount consideration in this debate? I don't think so.

Clean Water. In 1994, 273 PACs associated with industries bent on weakening the Clean Water Act contributed nearly $8 million to Members of the U.S. House Representatives. Those serving on the committee with jurisdiction over the bill alone received $1.2 million. So far, the industries' efforts appear to be paying off. Water quality standards have been rolled back. As a foundation committed to cleaning up the Great Lakes, we are all too aware that money talks . . . and it may speak loudly enough to drown out 25 years of progress on environmental issues.

Pesticides. The environmental working group—one of our foundation's grantees—issued a report late last year showing that sponsors of legislation designed to weaken Federal pesticide laws received $3.1 million in contributions from 44 industry-supported PACs. This represented nearly a 100-percent increase over donations made during a comparable period two years earlier. What accounted for this sudden spurt of generosity? Industry was reacting to a Federal court decision that threatened to ban dozens of cancer-causing pesticides. In the end the pesticide industry got largely what it wanted. Whether the Americans people won is another matter altogether, money talks.

Guns. Last year the National Rifle Association poured $3 million into the campaigns of Congressional candidates who support that organization's agenda—an agenda, I might add, which is at odds with the majority of the American people. The NRA targeted for defeat four Members who had voted in favor of last year's assault weapons ban. Three, including Speaker Tom Foley, lost.

More recently Speaker Gingrich appointed a task force to review current Federal laws pertaining to guns, including the Brady bill and the assault weapons ban. All six Members appointed by the speaker are outspoken opponents of gun control, and four received significant NRA financial support during the last election. Will this panel give people who want to quell the epidemic of gun violence a chance to be heard? And if it does, will it listen to what they, and so many others have to say? Or will they be—if you'll excuse the expression—shot down by the influence of money?

State Contracts. In fiscal year 1992, the State of Illinois contracted with businesses and individuals for $4.6 billion worth of goods and services. A third of those contracts—$1.6 billion—were awarded to campaign contributors of statewide candidates. And about $437 million in State business went to contributors on a non-bid basis. According to the Illinois State-Journal, the dollar amount of the non-bid contracts awarded contributors was six times greater than the value of the contracts awarded non-contributors. For the more enterprising among us, I think there's a message here. Money talks.

Health Care. Despite solemn promises from nearly all quarters, the American people didn't get health care reform last year. In the end, reform was swallowed up in a sea of dollars.

I doubt we will never know how much money was at play. It is conservatively estimated that in 1993 and 1994 the medical professions, insurance industry, pharmaceutical companies and an assortment of business interests spent $100 million to influence the outcome of the health care debate.

There are some things, thanks to disclosure, that we do know. For example, we know that during the last election cycle health care-related industries poured at least $25 million into the campaign coffers of Members of Congress. One-third of that largesse was directed to Members serving on the five House and Senate committees with jurisdiction over health care issues.

We know that in 1992 and 1993 at least 85 Members availed themselves of 181 all-expense paid trips sponsored by health care industries—trips designed to help Members learn about health care in out-of-the-way places where distractions could be kept to a minimum. Places like Paris, Montego Bay, and Puerto Rico.

We also know that health care interests hired nearly 100 law, public relations and lobbying firms to do their bidding at both ends of Pennsylvania Avenue—and that these firms in turn brought 80 or so former high-ranking Federal officials on board, including recently retired Members of Congress, to give their efforts greater authority.

We know that the health insurance association of America spent millions to produce and air its ''Harry and Louise'' ads—a strategy that almost single-handedly led to a 20-point drop in public approval of the Clinton proposal.

We know that the tobacco industry spent millions more to scuttle a proposed $2 tax on cigarettes, the revenue from which would have helped finance a new health care system.

We know that the national federation of independent businesses spent even more to kill a mandatory employer tax designed to help pay for universal health care coverage.

We are told that all the pushing and shoving by competing interests around health care reform was a textbook demonstration of democracy at work. We may not like the results, we are told, but this is how a democracy functions and should function.

This is not how a democracy functions. The analysis overlooks one critically important fact. The interests of those with the largest stake in reform—the 39 million Americans without health insurance, the 80 million with pre-existing medical conditions, and the 120 million with lifetime limits on their health insurance policies—were grossly underrepresented. Those most in need of help didn't have an army of lobbyists on capitol hill, couldn't afford television ads, and were in no position to contribute millions of dollars to Members of Congress. On every front, they were heavily outgunned.

When the definitive history of this episode is written, one conclusion will be impossible

to avoid: in the great debate over health care reform, money didn't just talk, it roared.

CASH CONSTITUENTS

Defenders of the current system are quick to point out that suspected overreaching is not proof of official wrongdoing. They are right. But the absence of indictable offenses is a flimsy defense for practices that bring about widespread distrust of the political system.

In the final analysis, what counts is what people believe, and most people believe they are being shortchanged by a system which puts them into one of two classes: cash constituents or non-cash constituents. Cash constituents have regular access to elected officials; non-cash constituents don't. Cash constituents are willing to pay to play; non-cash constituents can't afford to.

If you remember no other statistic I cite tonight, let me offer one that's worth storing away for future reference. In 1992, half of all the money raised by congressional candidates—$335 million—was provided by one-third of 1 percent of the American people.

Unbelievably, things could get worse. For example, in the name of deficit reduction, Senate Republicans recently tried to scrap the public finance system for presidential candidates—arguably, the most important and durable reform coming out of the Watergate era. The effort was narrowly beaten back.

Congress has already passed legislation that would significantly reduce the budget of the Federal Election Commission. Unless President Clinton vetoes this bill, the agency's ability to ensure financial disclosure by political candidates and committees will be severely crippled. In an unusually blunt letter to Members of Congress, the commission's chairman recently warned that a deep cut could lead ''the public, fairly or not, to suspect that Congress is punishing the agency for doing its job.''

Now, if these developments were not enough for one season, G. Gordon Liddy, the former Nixon aide and mastermind of the Watergate break-in 23 years ago, has just been honored with the freedom of speech award by the national association of talk show hosts. It's enough to make you question the Bible's assurances about the meek inheriting the earth.

THE FOUNDATION'S APPROACH

In the face of all these problems, what is the Joyce Foundation's strategy? Our goal is to make the issue of campaign finance a more prominent part of the public policy agenda. And we are seeking to do that through projects emphasizing expanded news media coverage, public education, fresh analyses of campaign finance practices and improved disclosure and regulation. Through the work of our grantees, we hope to create incentives that will help persuade lawmakers to face up to and finally meet their responsibilities.

I should quickly add that the foundation is not promoting any particular reform approach. But we believe that reform, if it is worthy of that name, must at a minimum control the costs of campaigns, increase political competition, encourage voting and restore the public's confidence in the fairness of elections and in the integrity of the policymaking process. Two foundation-supported projects designed to move us in these directions deserve mention tonight.

The Illinois Project. Twenty years have elapsed since Illinois last overhauled its campaign finance system. It is time to do it again. Here is a system in which the only limits are the sky itself. In Illinois, there are: no limits on the amount of campaign money candidates can raise; no limits on the sources of campaign contributions; no limits on the amount of money candidates can spend; no limits on the size of contributions individual and institutional donors can make; no limits on the vast war chests candidates can accumulate and carry over from one election to the next; no limits on candidates' use of campaign funds for personal and non-campaign related expenses; and no limits on leadership PACs.

The only restrictions worth noting are those intended to inhibit public access to and understanding of the financial disclosure reports that candidates and committees are required to file periodically with the State board of elections. And, if perchance, you even rummage through these records, you'll quickly discover that it's virtually impossible to figure out, beyond names and addresses, who the State's political high rollers really are. Illinois has the distinction of being one of a handful of States that still does not require candidates to list the occupation of their contributors.

Illinois' campaign finance system makes the federal system look relatively tame, if not pristine. And that is why the Joyce Foundation is supporting a 2-year, $200,000 examination of this system by the State's leading public affairs magazine, Illinois Issues.

By this fall, the magazine's project staff will have put the finishing touches on a vast computerized database that will include all contributions of $25 or more made to legislative and statewide candidates since 1990. And as much occupational information about donors as can be independently obtained will also be incorporated into the database.

This reservoir of information will enable Illinois Issues to begin answering a question that should intrigue us all: Who is giving how much to whom for what purposes and with what effects? Detailed and customized profiles of individual candidates, interest groups, regions and districts will be developed. These reports, which will be made available to the States news media, are certain to shed light on the often murky financial behavior of candidates and donors alike. Citizens wishing direct access to the database will be able to get it at relatively low cost through an on-line information network.

In addition, the magazine has assembled a distinguished panel of citizens who over the next year and a half will examine various alternatives for reforming the State's campaign finance rules. This task force which is comprised of scholars, journalists, political practitioners, and civic leaders—including Senator PAUL SIMON, two university presidents and your own Cindy Canary—is expected to formulate and advance a set of reform recommendations late next year. But before doing so, the panel will consult with and collect testimony from a diverse cross-section of interested Illinoisans as well as carefully weigh the reform experiences of other jurisdictions across the country.

Money, Politics and the Public Voice. As angry as people are about the influence private money exerts on our politics, there is no groundswell of popular support for one reform approach or another. Indeed, there is no clear and loud public demand for change—at least not the kind of impatient outcry elected officials are inclined to take notice of and heed.

The foundation is convinced that reform will come more quickly if the public is brought into this debate in a much bigger way. But this is not small challenge. After all, just how do you clear a space at the policymaking table and pull up a chair for the American people? Well, that's the riddle the League of Women Voters education fund, in partnership with the Benton Foundation and the Hardwood group, have set out to answer over the next 2 years. And the Joyce Foundation is betting nearly half a million dollars that this unusual consortium will help solve that mystery.

About a year from now thousands of citizens, armed with background and discussion materials, will meet in neighborhoods and communities across America to learn about the campaign finance problem, to debate various reform options, and to clarify and make known to their elected Representatives the changes they want and are willing to support. These will not be undisciplined rap and complaint sessions but instead structured and expertly facilitated conversations that we hope and believe will yield the kind of reasoned and considered policy judgments that the political community will find difficult to dismiss.

It is our hope that other groups—like the American association of retired persons, the American association of community colleges and the university extension system—will eventually join the campaign, adding to the league's considerable organizational reach and enabling the project to host at least one forum in each of the country's 435 congressional districts.

To ensure that every step of this process is fully amplified, including the final results and public interactions between project participants and elected officials, the project is developing an aggressive public information and media outreach strategy. In addition, video, teleconferences, computers and other communication technologies will be used to connect the project's participants with each other, the news media and policymakers.

To date, the league-led project team has hired a staff of seasoned organizers, engaged the services of a professional communications firm, assembled an advisory panel of campaign finance experts and completed an exhaustive review of the vast literature on this subject. In the coming days, it will launch a series of focus groups in order to get a better fix on what people know and don't know about the campaign finance problem, how they talk about it, and how they would fix it, were it in their power to do so. These insights will aid in the development of the project's educational materials and a deliberative process designed to assist non-experts work through a complex policy problem like campaign finance.

The two projects I've briefly sketched out are ambitious, complex, expensive and labor intensive. If they are to succeed, the sponsors will need all the help they can garner. I know the ED fund and Illinois Issues would warmly welcome your participation and assistance, and I hope you will be able to offer some of each in the coming months.

Although this organization's plate is always full and this year is no exception, I would strongly encourage you to leave a little room for campaign finance reform. Your reputation for raising public consciousness on important issues, for educating and mobilizing citizens and for talking sense to lawmakers could make a huge difference in ending those campaign finance practices that often make the realization of the league's own policy goals needlessly difficult. So I hope you will join us; the water's fine and sure to get a lot warmer in the next year.

CONCLUSION

If I sound perturbed about the problem of money in politics, it's because I am. It's a problem, after all, that hits very close to home. This year the foundation will award nearly $6 million in grants to scores of organizations that are working tirelessly and in most cases with limited resources to repair and reserve the environment for future generations. These nonprofit organizations are in no position to compete financially with

those interests whose commitments to environmental protection often take a backseat to other economic considerations.

It's not a fair fight, when the congressional co-sponsors of amendments to the Safe Water Drinking Act get 60 times more money from businesses supporting the bill than from pro-environmental groups. And it's even less fair, when the co-sponsors of the private property owners bill of rights get 300 times more money from the bill's industry supporters than from pro-environmental groups. For this reason, in addition to all the others I've discussed, the foundation has a keen interest in cleaning up the campaign finance system. If the playing field were more level, I know that our conservation grantees and those working in other areas, like gun violence, could more than hold their own against the forces that oppose them. But as things now stand, every fight involving the good guys is uphill these days, and that's not right.

In conclusion, let me say this. The continuing debate on campaign finance reform is more than a squabble over how to revise the rules of the road. The debate is really about fundamentals and first principles; it is at bottom a struggle for the soul of the American political system. And that is a struggle which people who yearn for a more open, participatory and accountable politics—people like you and me—dare not take lightly, walk away from or lose.●

LIVESTOCK GRAZING ACT

● Mr. BAUCUS. Mr. President, I recently wrote a letter to the principal author of the Livestock Grazing Act outlining my concerns over this bill. I ask that this letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
WASHINGTON, DC,
July 13, 1995.

Hon. PETE V. DOMENICI,
Hart Senate Office Building, Washington, DC.

DEAR PETE: The purpose of this letter is to let you know that I have added my name as a cosponsor of S. 852, the ''Livestock Grazing Act.'' Livestock operators are a vital part of Montana's economic base. It is my belief that S. 852, as originally drafted, offers the security that ranchers need to remain viable during these uncertain economic times.

The men and women who make their living off the land form the backbone of Montana. Without the rancher, many small communities would simply cease to exist. Absent ranching, the wide open spaces that provide elk winter range, wildlife corridors and critical wildlife habitat would be jeopardized by subdivision and development. In short, ranching is fundamental to preserving much of what makes Montana, ''the last, best place.''

As you move to Energy Committee markup of S. 852, I ask that you satisfy three specific concerns that are critical to my support of this legislation. These concerns are as follows:

1. PUBLIC PARTICIPATION

While the federal public lands are essential to many livestock operators, they are also deeply valued by the general public. Clean streams and healthy wildlife populations are just as important to Montana's sportsmen as predictability and security in the federal grazing rules are to the rancher. S. 852 must ensure that the public is granted full participation in the decision-making process affecting the use and management of these lands. If it does not, I will work to see that comprehensive public participation is assured before this legislation reaches a final vote on the Senate floor.

We must not lose sight of the fact that these are public lands; they belong to all of us. Ranchers, hunters, fishermen, birdwatchers, motorized recreationists and every other segment of the user public must be granted an equal seat at the table. Montana has already worked with the BLM to identify and select individuals interested in working together to improve our public range lands. Just last week, the BLM and the Governor of Montana jointly appointed 45 individuals to three advisory councils to begin this important work. S. 852 cannot deprive these Montanans of their fundamental democratic right of participation.

2. MORE ON-THE-GROUND WORK, LESS PAPERWORK

With over 30 percent of our land base in federal ownership, many Montanans interact on a daily basis with federal land managers. Perhaps our biggest criticism with all federal land management agencies is the ever-increasing allocation of limited resources to paperwork and bureaucracy rather than actual work in the field. The men and women who work for these agencies share this sentiment, and are frustrated by it.

Having spent a rainy day working with ranchers, conservationists and government personnel to rehabilitate a stream in the Blackfoot Valley, I have seen firsthand how much good can be done with a little start-up money and a few strong backs. As the budgets of our land management agencies continue to shrink, their resources must be directed to the field, rather than to increased bureaucracy and paperwork. S. 852 must de-emphasize paperwork and get the money to the allotment level where we can see tangible benefits come from our tax dollars.

3. STEWARDSHIP

Over 70 percent of BLM grazing lands in Montana are rated good to excellent, while less than 5 percent is in poor condition. These numbers demonstrate that our public lands grazers are largely good stewards of the land. Still, there is room for improvement. S. 852 must include a mechanism that gives permittees increased responsibility for bringing the public range into good to excellent condition. Such solutions cannot be rigidly imposed by those who are removed from the land and the unique challenges that exist on each allotment. We will see improvement only if these solutions come from the permittee. S. 852 should encourage innovative local stewardship.

In closing, I look forward to working with you on this very important issue to our states. It is my belief that the fundamental thrust of S. 852, coupled with these recommendations, will serve to promote responsible public lands stewardship while providing the necessary security that our ranchers need to remain viable in Montana and throughout the West.

With best personal regards, I am

Sincerely,

MAX BAUCUS.●

EDMUNDO GONZALES

Mr. BINGAMAN. Mr. President, I rise today to commend the U.S. Senate in its recent confirmation of Mr. Edmundo Gonzales to be Chief Financial Officer of the Department of Labor. I am confident that Mr. Gonzales will continue to be an asset to that department and to the United States.

Mr. Gonzales is originally from El Rito, a small town in northern New Mexico. He graduated from Arizona State University with an education major, and also received a MBA and Juris Doctor from the University of Colorado. He has worked as an attorney, and as a manager for U.S. West, Inc. In 1993, he came to the Labor Department, where he has worked on management standards and in the Office of the American Workplace.

Throughout his career, Mr. Gonzales has demonstrated a commitment to public service. While working for U.S. West, Inc., in addition to other duties, he served as an Executive on Loan to the Denver Public Schools, working on budgetary and strategic planning matters. He has served as President of the Hispanic Bar Association, and on a number of charitable and cultural boards.

We as a Nation are fortunate to have a person of Mr. Gonzales's caliber serving our Government. I wish him well in his new position.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEES AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 150, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 150) to authorize testimony by Senate employees and representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I ask unanimous consent the resolution be considered and agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution with its preamble reads as follows:

S. RES. 150

Whereas, the plaintiffs in Barnstead Broadcasting corporation and BAF Enterprises, Inc. v. Offshore Broadcasting Corporation, Civ. No. 94–2167, a civil action pending in the United States District Court for the District of Columbia, are seeking the deposition testimony of Barbara Riehle and John Seggerman, Senate employees who work for Senator John Chafee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to subpoenas or requests for testimony issued or made to them in their official capacities: Now, therefore, be it

Resolved, That Barbara Riehle and John Seggerman are authorized to provide deposition testimony in the case of Barnstead Broadcasting Corporation and BAF Enterprises, Inc. v. Offshore Broadcasting Corporation, except concerning matters for which a privilege should be asserted; and

SEC. 2. That the Senate Legal Counsel is authorized to represent Barbara Riehle and John Seggerman in connection with the deposition testimony authorized by this resolution.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 13

Mr. HATCH. Mr. President, I ask unanimous consent that Calendar No. 109, Senate Concurrent Resolution 13 be indefinitely postponed.

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

CORRECTING THE ENROLLMENT OF S. 523

Mr. HATCH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 82, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 82) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 523.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GLENN. Do we have these? Have these been cleared by the leadership?

Mr. HATCH. Yes.

Mr. GLENN. The minority leader cleared them also?

Mr. HATCH. Yes. That is my understanding.

Mr. GLENN. Fine.

Mr. HATCH. Mr. President, I ask unanimous consent the resolution be considered and agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 82) was considered and agreed to.

ORDERS FOR FRIDAY, JULY 14, 1995

Mr. HATCH. 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. tomorrow, July 14, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, the Senate then immediately resume consideration of S. 343, the regulatory reform bill, and Senator GLENN be recognized to speak for up to 45 minutes. Further, that at the conclusion of Senator GLENN's remarks, the Senate resume consideration of the Hutchison amendment, No. 1539.

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

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will resume consideration of the regulatory reform bill tomorrow and the pending Hutchison amendment. Senators should therefore expect votes tomorrow morning and throughout Friday's session of the Senate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HATCH. 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 9:53 p.m., recessed until Friday, July 14, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE FARM CREDIT SYSTEM REGULATORY RELIEF ACT OF 1995

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. ALLARD. Mr. Speaker, I am joined today by the gentleman from South Dakota [Mr. JOHNSON] in introducing a bill to provide regulatory relief to institutions of the Farm Credit System, the cooperative lender to America's farmers, ranchers, and member-owned service and supply cooperatives.

I should point out that the Farm Credit Administration [FCA], the System's regulator, has acted diligently in reducing, as safety and soundness considerations allow, the regulatory and cost burdens on System institutions. This legislation in no way reflects on FCA's ability or willingness to carry out the Farm Credit Act efficiently with an eye on the costs and benefits of its regulatory program.

Since assuming the chairmanship of the conservation subcommittee, I have made it a priority to reduce wherever possible the regulatory burden on farmers and ranchers. While the subcommittee, as well as the full Committee on Agriculture, has been looking more at the burdens of environmental regulations, we also must examine, within the full range of our legislative responsibilities, the provision of credit services to agricultural producers.

This bill requires FCA to continue its comprehensive review of regulations in order to identify and eliminate, consistent with safety and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on statute.

The bill contains 14 sections, including the bill title and a section of findings and regulatory review requirements.

Section 4 amends the act to provide for institution examinations, except for Federal land bank associations, at least every 18 months. Current law requires examinations at least once a year, which is unduly burdensome. Under the amendment, FCA retains authority to examine institutions more frequently than 18 months should that be necessary.

Section 5 deals with the operations of the Farm Credit System Insurance Corporation [FCSIC]. The section authorizes FCSIC to allocate to System banks excess earnings of the insurance fund. Current law requires FCSIC to assess premiums until such time as the aggregate amount in the insurance fund equals the secure base amount. That number is equal to 2 percent of the insured liabilities of System institutions or such other amount FCSIC determines is actuarially sound. FCSIC assumes the secure base amount to be reached in early 1997, but current law provides no authority to deal with interest earnings once the secure base amount is attained.

This section provides for the rebate of excess interest earnings as well as authorizing the reduction of insurance premiums as the insurance fund approaches the secure base amount.

Section 6 of the legislation requires FCSIC to use the least costly approach should a System institution need assistance instead of the current requirement that any assistance provided must be less costly than liquidation.

Section 7 repeals provisions of the 1992 Safety and Soundness Act that require a new, full-time board to govern FCSIC. This is an unnecessary and costly requirement. The amendment would retain the status quo with the FCA board, a full-time, presidentially appointed panel, responsible for insurance fund activities.

Section 8 authorizes FCSIC to act as either a conservator or receiver.

Section 9 empowers FCSIC to prohibit or limit any golden parachute or indemnification payment by a System institution in troubled condition. This legislative language conforms to similar provisions contained in the Federal Deposit Insurance Act.

Section 10 extends authorizations currently enjoyed by System banks to other System institutions. These authorities would provide for the formation of administrative service entities but does not extend to the offer or sale of credit or insurance services to System institution borrowers.

Section 11 removes borrower stock requirements for any loan originated for sale into the secondary market. Current law requires System institution borrowers to purchase and maintain stock or participation certificates in the institution which originated a loan even though the loan was intended to be sold into the secondary market.

Section 12 removes or changes paperwork requirements currently in place, including disclosure requirements, compensation of certain System institutions' personnel and procedures for the approval of joint management agreements, as well as allowing for a borrower to finance more than 85 percent of the value of real estate if the borrower obtains private mortgage insurance.

Section 13 removes the certification requirement by the Rural Utilities Service [RUS] administrator for the private sector financing of loans or loan guarantees to borrowers who otherwise would be eligible to borrow from the RUS.

Finally, Section 14 provides the flexibility for evolving cooperative structures, including dealing with such issues as dividend, member business and voting practices. Current law requires rigid procedures to maintain borrowing eligibility from a System bank for cooperatives. The language would allow coops to adapt their operations, with the continued traditional farm relationships, so they may continue as a borrower of banks for cooperatives.

Mr. Speaker, the cooperative Farm Credit System has made great strides since the 1987 Agricultural Credit Act brought the System back to its feet. Institutions have provided for the repayment of the assistance received from the 1987 act. System institutions have consolidated and reformed their operations much as the 1987 act contemplated. The System is to be congratulated for these improvements and their diligence in fulfilling the agreements they made with the Congress and each other. FCA has provided sound and efficient regulation; FCSIC will assure the System continues to move forward into the next century. This bill will assist the System institutions in moving forward, and I would hope the House could adopt this bill at its earliest opportunity. Thank you, Mr. Speaker.

RECOGNITION OF REAR ADM. JOHN HEKMAN

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. POMBO. Mr. Speaker, I rise today to recognize and honor Rear Adm. John Hekman, Supply Corps, U.S. Navy, as he prepares to retire on 28 July 1995. Rear Admiral Hekman is completing over 33 years of dedicated service to the Navy and our Nation.

A native of Ripon, CA. Rear Admiral Hekman graduated from Calvin College and was commissioned through Officer Candidate School in 1962. He subsequently earned a Masters of Business Administration degree from George Washington University, and is a graduate of the National War College, class of 1980. Rear Admiral Hekman is a CAPSTONE Fellow and a 1992 graduate of the Senior Executive Program in National and International Security at Harvard University.

For the final tour of his distinguished career, Rear Admiral Hekman currently commands the Naval Information Systems Management Center in Arlington, VA, and is the principal assistant to the Assistant Secretary of the Navy for Information Resources. In his current position Admiral Hekman has provided the leadership and direction for business process reengineering, information technology, enterprise planning, and the procurement of ADP equipment and software for Navy and Marine Corps activities.

Rear Admiral Hekman's other tours ashore have included command at the Defense General Supply Center in Richmond, VA, and the Navy Supply in Charleston, SC. He has also served at the Navy Finance Center, Cleveland, OH; Navy Supply Systems Command, Washington DC; Navy Fleet Material Support Office, Mechanicsburg, PA; Staff of U.S. Pacific Fleet, Pearl Harbor, HI; and at the Naval Support Activity, DaNang, Vietnam.

Admiral Hekman served at sea aboard U.S.S. *Fiske*, a destroyer that participated in the 1962 Cuban crisis and made deployments to the Mediterranean and Indian Ocean while he was aboard. He also served on the U.S.S. *Samuel Gompers,* a destroyer tender and on the staff of Cruiser Destroyer Group One where he served in the Western Pacific.

Admiral Hekman's decorations include the Defense Superior Service Medal, the Legion

of Merit with one Gold Star, the meritorious Service Medal with two Gold Stars, the Navy Commendation medal with Combat ''V'', the Navy Achievement Medal, and numerous unit and campaign medals. He is a dynamic and resourceful naval officer who throughout his tenure has proven to be an indispensable asset to our nation and Navy. His superior contributions and distinguished service will have long term benefits for the U.S. Navy.

Mr. Speaker, John Hekman and his wife Gail have made many sacrifices during his 33-year naval career. It is only fitting that we should recognize their many accomplishments and thank them for the many years of service to our country. I ask all of my colleagues on both sides of the isle to join me today in wishing this great American every success as well as ''Fair Winds and Following Seas'' as he brings to close a long and distinguished career.

S.O.S.—SAVE OUR SENIORS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. PACKARD. Mr. Speaker, this week we have witnessed, once again, the Democrats' steadfast opposition to change. Day after day, hour after hour, Democrats insist on playing politics as usual. I am tired of their obstructionist attitude, and so are the American people. When will they realize that America is crying out for change? Republicans have heard the message and are ready to act.

The Medicare crisis paints a crystal clear picture between the party of obstruction and the party of action. According to President Clinton's Medicare trustees, in just 7 years, Medicare will be bankrupt and 37 million senior and disabled Americans will be left out in the cold.

Are we going to wait until then, until it's too late, to do anything? I will not stand by and watch Medicare spend itself into bankruptcy. That is why I fully endorse the Republicans' statement of principles for strengthening Medicare for the 21st century. We must act now to save Medicare.

Thankfully, the President has finally acknowledged the need for action over Medicare. When will the rest of the Democrats wake up to this reality? How much longer will they continue trying to prop up a rotting status quo, blissfully unaware that by their actions millions of Americans will suffer? The fact is, they don't know what else to do. They have no ideas of their own. All they offer is obstruction. Well, I would like to repeat to them the British Prime Minister's words last week to his opponents, ''put up or shut up.''

A SPECIAL SALUTE TO KALEIDOSCOPE MAGAZINE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. STOKES. Mr. Speaker, I rise today to salute an outstanding new publication which is enjoying wide circulation in my congressional district. Since its founding in 1992, Kaleidoscope magazine has more than tripled its circulation. In fact, the magazine is the largest African-American owned and operated periodical in the State of Ohio, with a circulation of more than 20,000.

Kaleidoscope brings a refreshing and unique perspective on a variety of issues of importance to the community. The magazine often highlights individuals who represent professional fields including business, medicine, politics, and law, just to name a few. Kaleidoscope is very popular for its Forty-Forty Club, which focuses on African-American achievers in the Greater Cleveland area who are 40 years of age or younger.

Mr. Speaker, Kaleidoscope magazine can attribute its overwhelming success to the efforts of its publisher and coowner, Richard A. Johnson, and his talented staff. Mr. Johnson, who is a native of Cleveland Heights, takes responsibility for all aspects of publishing Kaleidoscope including editorials, advertising, production, and distribution. He enters the publishing arena with a wealth of experience and a vast knowledge of the greater Cleveland community.

Richard Johnson is a major consultant for minority outreach marketing campaigns. His efforts include work with The Center for Families and Children; Harambee, an organization which recruits black families for the adoption of black children; and MOTTEP, an organization which seeks to educate the African-American community on the issue of organ donation and transplantation. Mr. Johnson's affiliations also include advisory board memberships on the United Negro College Fund and the National Alzheimer's Association. He has been recognized by Crain's Cleveland Business as one of the top 40 leaders in the greater Cleveland area under the age of 40. In addition, the city of Cleveland recently saluted Richard Johnson for his community efforts by proclaiming October 7, 1994, as Richard A. Johnson Day.

Mr. Speaker, the promotion of Kaleidoscope Magazine is also being led by Kevin A. Carter. Mr. Carter serves as vice president and director of Diversity and Business Development for McDonald and Co. Securities, Inc. McDonald and Co. is the largest Ohio-based investment bank in the State. Without the business community's strong support for Kaleidoscope, it would not have been possible to move the idea forward.

Kevin Carter is a former senior analyst at LTV Steel, and a former senior consultant at Ernst and Young Consulting. He serves as president of the Cleveland Chapter of the National Black MBA Association and was elected to the 1993–94 Leadership Class of the Greater Cleveland Growth Association. Mr. Carter is a board member of the Cleveland branch of the NAACP. In addition, his board memberships include the Cleveland Convention Center and the Center for Contemporary Art.

Mr. Speaker, I am proud to applaud Richard Johnson, Kevin Carter and the entire staff at Kaleidoscope magazine. The wealth of information that Kaleidoscope shares with its readers is invaluable. I ask my colleagues to join me today in this special salute to Kaleidoscope magazine. I am certain that the publication will continue to enjoy great success.

THE PELL GRANT STUDENT/TAXPAYER PROTECTION ACT OF 1995

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mrs. ROUKEMA. Mr. Speaker, I am pleased today to introduce the Pell Grant Student/Taxpayer Protection Act of 1995. This legislation would prevent a postsecondary school from participating in the Pell Grant Program if that school is already ineligible to participate in the federally guaranteed student loan program. Plain and simple, this legislation will make sure that if you have high default rates, then you should not receive any title IV higher education funding period.

This is a critical time for our country. Congress is trying to save taxpayer dollars while improving the quality of post-secondary education that is available to all Americans. We took strong steps forward in achieving this in 1992 when we reauthorized the Higher Education Act with nearly 100 sorely needed reforms that were good for students and good for taxpayers.

Reforms such as the 3 year 25 percent cohort default rate were intended to put an end to risk-free Federal subsidies for those unscrupulous, for-profit trade schools who promise students a good education that leads to a good job and then fail to deliver on that promise—at the expense of both students and the taxpayer. If these schools violated these rules, then they would be bounced from the program.

We have already determined that schools with unacceptably high student loan default rates should not be permitted to participate in the federally guaranteed student loan program. I submit that if a school is deemed ineligible to participate in the federally guaranteed student loan program, then it should also not be permitted to participate in the Pell Grant Program. While the House passed modified language addressing this concern in 1992, it was mysteriously dropped in conference. So, we are back here today discussing the one that got away.

If we could find a way to pay for an increase in title IV student aid programs, there would be a very few Members, if any, who would not be supportive. But, faced with a $4.7 trillion debt and annual deficits exceeding $200 billion, we do not have that luxury. However, today we have an opportunity to stretch our Pell Grant funds by disqualifying those schools that we have already disqualified from the federally guaranteed student loan program.

Today, the Senate Governmental Affairs Permanent Subcommittee on Investigations will be holding a hearing to examine the abuse of the Pell Grant Program by proprietary schools. In particular, the subcommittee will examine the case of a California-based trade school chain that allegedly stole millions in Pell Grant money, failed to reimburse loans, and filed false loan applications.

The title IV student aid program currently serves 2,487 proprietary schools, and proprietary schools represent 41 percent of all Pell Grant recipients. And, despite corrective actions taken through the 1992 Higher Education Amendments to prevent fraud and abuse of the Federal student aid program, this hearing only confirms that similar problems still persist,

and that much more needs to be done to stop them.

I urge my colleagues to support this critical legislation. Make our Pell Grant money go farther. Throw the scam schools out of the Pell program. Protect the taxpayer. Cosponsor the Pell Grant Student/Taxpayer Protection Act of 1995.

CLINTON'S POLICY ON VIETNAM IS CONTEMPTIBLE

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. FUNDERBURK. Mr. Speaker, I am the only Member of the House to have served as an ambassador to a Communist country. I have seen first hand the barbarity and duplicity of Communists. In what Winston Churchill called ''the dark and lamentable catalog of human crime,'' there is nothing on record to compare to the 30 years of destruction and human misery, communism brought to Europe, Latin America, Africa, and Asia. Hundreds of millions died. Religious and political freedom was obliterated. To fight communism America spent thousands of lives and trillions of dollars. In light of that bloody history it is all the more tragic that the Clinton administration has decided to ignore a clear campaign promise and recognize and assist one of the last but most brutal Communist dictatorships left—Vietnam.

The Vietnamese Communists deserve only our contempt. They crushed our allies in South Vietnam, killing millions. They overthrew the Government of Cambodia and Laos. They forced the entire ethnic Chinese population of their own country into the sea, prompting Beijing to invade. They opened up reeducation camps and suppressed all dissent and religious expression. As we speak, Buddhist monks are threatening to take to the streets to immolate themselves. Vietnam has entered into formal defense arrangements with Cuba and Iraq and has recently invited Saddam Hussein for a state visit thereby thumbing its nose at the world community.

Hanoi brutally murdered hundreds of American POW's before the Paris peace accords were signed and they have lied about it ever since. Yet, the Clinton administration claims that we must rethink our relationship with Vietnam and reward it with the benefits of American recognition and aid because progress has been made on the POW/MIA issue. That progress is so illusory it is scarcely worth the mention.

There has been no progress in accounting for over 300 Americans last known to be alive in the hands of their Communist captors. According to information produced by Congressman DORNAN's National Security Subcommittee on Personnel, Hanoi still refuses to hand over the remains of almost 100 Americans we know died in captivity. Recently, the Communists have resorted to releasing scores of records and boxes of remains which when examined prove to be the bones of animals and ethnic Asians. In fact over 150 boxes of remains handed over to American authorities in recent years show signs of chemical processing and prolonged cold storage. Mr. DORNAN's subcommittee disclosed that Hanoi stored over 400 boxes of preserved remains to use as leverage over American leaders. Vietnam has cynically and criminally played upon the emotions of POW/MIA families to extract financial and diplomatic concessions from this administration.

In testimony last month, retired military POW/MIA investigators told the House that Hanoi still holds back remains, still holds back documentary evidence, and deliberately manufactures and manipulates crash site evidence. The administration was forced to admit that none of the hundreds of documents and remains handed over to a blue ribbon Presidential delegation in May will lead to the closing of one POW/MIA case. In fact, leaders of the most prominent POW/MIA family and veterans' groups were asked to participate in the administration's trip to Hanoi. They refused, feeling that the entire process was arranged to conclude that the Vietnamese were working hard to full account for missing Americans.

The Pentagon's own joint task force full accounting [JTFFA] has repeatedly been denied access to areas where live sightings have been alleged. In addition, the JTFFA has never been allowed to interview one witness without the presence of a Vietnamese military or political officer. Despite administration claims that better relations with Hanoi have led to more MIA case closings the opposite is in fact true. During the Reagan administration an average of 21 MIA cases were closed per year. Under Bush the average was 24. But, under the Clinton administration case closings have fallen off to 12 per year. Since the open door on trade was granted to Hanoi 5 months ago, only five cases have been closed.

For those who argue that opening up Vietnam to our largest companies will pave the way for reform, one need only look to China for refutation. We have been engaged in China for 25 years and all we have to show for it is an entrenched dictatorship and multinationals which are all too willing to bank in the slave-like working conditions which exist in that country. The same scenario will play out in Vietnam. But it won't stop there. The administration will request and the Vietnamese will demand—in exchange for more cooperation on POW/MIA's—access to the Overseas Private Investment and the Export-Import Bank. Once again the American taxpayer will be stuck floating a brutal dictatorship which will never have the means to repay us.

Some in the administration and Congress are now advocating that we open up relations with Vietnam and open up security ties with her in order to counter balance resurgent Chinese militarism. That is also a prescription for disaster. I have seen what happened when we toyed with a Communist dictator who promised us that he would side with us against a more powerful adversary. We placated Romania's Ceausescu and turned a blind eye to one of the most savage regimes in the history of eastern Europe. Kowtowing to Romania was shameful then, but it pales in comparison to the policy we are about to set for Vietnam.

Mr. Speaker, the only way for reform, the only way to stand up for our ideals is to say that respect for human rights and progress toward democracy is the precondition for American recognition. Vietnam fails our ideals on all accounts not the least of which is the contempt it has shown for the emotions and sensibilities of our POW/MIA families. In that light, the Clinton policy on Vietnam is contemptible.

BLM LANDS TRANSFER

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mrs. CUBIN. Mr. Speaker, I rise in support of the legislation being introduced today by Mr. HANSEN of Utah to transfer lands administered by the Bureau of Land Management to the States. I appreciate the efforts that Mr. HANSEN and Senator THOMAS of Wyoming have put into this legislation and as an original cosponsor of the bill, I will do what I can to help move it quickly through the legislative channels.

In my opinion, this legislation is long overdue. Not since the Sagebrush Rebellion has there been such a groundswell of support for returning the lands to the States. As the 1994 election results have shown, the majority of Americans want to reduce the role of the Federal Government and grant the States more flexibility to arrive at localized solutions to a host of problems. The better the local understanding, the better the decision made by those most affected by a local problem.

With this legislation, the Western States are asking nothing more than to be put on an equal footing with the Eastern States. We want a stable tax base and we can and will see to it that our lands are more efficiently managed and more beneficially used. That includes protecting the scenic beauty of our States while promoting the wise use of our natural resources.

For too long, the Federal Government has forgotten that the Western States are its partners. It is time for us to send a clear signal that we are tired of the historical Federal dominance that has left the West in a state of political and economic decline. This legislation is the proper vehicle for examining how to best end Federal ownership of the vast areas of the West and return stability to that region of our country.

SALUTE TO HARRY WU

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. GEJDENSON. Mr. Speaker, today is the 25th day of the arrest of American citizen Harry Wu, the tenacious human rights investigator, by the Chinese authorities at the Kazakhstan border.

These are the crimes for which Harry Wu is imprisoned, and facing a possible death sentence: Harry testified before the U.S. Congress many times in the past 5 years, including the subcommittee overseeing international trade which I chaired—that was a crime. Harry recorded and filmed forced hard labor prisons in China, where he himself was a prisoner for 19 years—that was a crime. Harry told the world China was exporting prisoner-produced goods to the United States, among other countries—once again that was a crime. Harry revealed the horrific evidence of forcible removal of prisoner organs; these donations occurred without the donors consent, and at times there were planned executions so that high society Chinese officials could get the organs at the right time—that too was a crime.

The Wall Street Journal calls Harry Wu ''A hero of our time. A dissident of the stature of Vaclav Havel and Anatoly Scharansky, like them he suffered for his principles and speaks from personal experience.'' Harry Wu is an American citizen who was traveling with valid American papers, and was granted a visa from the Chinese Government. As an American citizen, Harry's rights, under the consular agreement between the two countries, to meet a U.S. Embassy official, within 48 hours of an official request, were violated. It took more than 20 days to arrange a meeting. When finally arranged, the conversation took place through thick glass and telephones, with armed supervision making sure the case was not being discussed. The Chinese Government and has continued to violate basic human rights of its own citizens, and is now doing the very same to a U.S. citizen. The United States cannot continue to reward China for these crimes with the most favored nation [MFN] status, as long as Harry's rights and so many others are being violated.

The Chinese Government calls all of these admirable and courageous acts preformed by Harry Wu espionage and treason. I call them worthy of the Nobel Prize, not the death penalty.

PERSONAL EXPLANATION

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. BROWDER. Mr. Speaker, due to malfunction of my pager yesterday, I missed the vote on final passage of the Energy and Water Appropriations Act.

Had I been present I would have voted ''yea'' on rollcall 494.

I ask unanimous consent that a statement to this effect appear in the permanent RECORD following that vote.

THE NEW HOUSE ORDER: BUSY-WORK UP—PRODUCTIVITY DOWN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mrs. SCHROEDER. Mr. Speaker, per today's Roll Call analysis, the House, under Republican rule for the first time in 40 years, has compiled a dismal productivity record so far this year. It's Parkinson's Law at its worst: more activity and less work.

Here are the gory details. As compared to the 103d Congress at this point in 1993, January 3–June 30, the House has been in session 15 percent more days and 70 percent more hours. So much for family friendly. It churned out 52 percent more pages in the CONGRESSIONAL RECORD—the ''Hot Air Index''; and has had twice as many recorded votes—the ''Busy Work Index.'' Yet it passed 15 percent fewer bills and had zero public bills enacted into law.

The Senate's record is marginally better, but nothing to write home about.

CONGRESS' BOX SCORE

The workload figures are in for the first six months of the year. Here's a comparison of Congress' effort so far this year against the same time period in 1993:

	House (January 3–June 30)	
	104th Congress	103d Congress
Days in session	90	78
Hours in session	774	454
Pages in Congressional Record	6,699	4,409
Public bills enacted into law	[1]0	20
Measures passed, total	183	208
Measures reported, total	164	157
Conference reports	7	4
Measures pending on calendar	30	22
Measures introduced, total	2,358	3,124
Yea-and-nay votes	117	141
Recorded votes	338	164
Bills vetoed	1	0

	Senate (January 3–June 30)	
	104th Congress	103d Congress
Days in session	108	85
Hours in session	950	587
Pages in Congressional Record	9,596	8,381
Public bills enacted into law	10	23
Measures passed, total	154	172
Measures reported, total	118	114
Conference reports	0	0
Measures pending on calendar	93	53
Measures introduced, total	1,218	1,452
Yea-and-nay votes	296	192
Bills vetoed	0	0

[1] All bills signed into law this year have originated in the Senate. Source: Congressional Record.

INTRODUCTION OF THE GUAM WAR RESTITUTION ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation to address the mistakes that were made immediately following the occupation and liberation of Guam in World War II. My bill, the Guam War Restitution Act, would authorize the payment of claims for the people of Guam who endured the atrocities of the occupation, including death, personal injury, forced labor, forced march, and internment in concentration camps. I am introducing this bill today in honor of Mrs. Beatrice Flores Emsley, a great American and advocate of the Chamorro people and their struggle for recognition of their sacrifices on behalf of this great Nation during occupation of our island.

Mrs. Beatrice Flores Emsley has been a leader in this effort, and the bill I am introducing is made possible to a large degree by her work over decades to see that justice is done. She is a legend on our island, and her story of courage and survival against all odds is an inspiration to our people. Mrs. Emsley miraculously survived an attempted beheading in the closing days of the Japanese occupation. She, and a group of Chamorros, were rounded up in the city of Agana and were slated for execution. She was struck on the neck by a sword, was shoved into a shallow grave and left for dead. When she regained consciousness, Mrs. Emsley crawled out and made it to safety. Her survival, and the survival of others at mass executions, was as if the Good Lord ordained that there would be people to bear witness to these events.

Mr. Speaker, I regret to inform this body and this Nation that Mrs. Emsley is seriously ill at this moment on Guam. Our thoughts and prayers are with her today and with her family. I am introducing this bill to let her know that her work is appreciated, her courage is admired, and her love of her people is reciprocated by all those who know her. She has testified in hearings on the war restitution bills that I have introduced, and on a bill to establish a memorial on Guam in honor of our people as part of the 50th anniversary of liberation commemoration last year. Each time her testimony has been powerful and poignant. Each time she has affected all the Members of Congress and congressional staffers who listened to her story. And each time she has helped us to move war restitution forward. I respectfully acknowledge the work and contributions of Mrs. Beatrice Flores Emsley as I call on my colleagues to enact the Guam War Restitution Act.

This is a year of commemoration as we look back 50 years to the Allied victory in Europe and the Pacific. This is also a year of healing for the remaining survivors and descendants of victims of wartime atrocities. While events such as the Holocaust receive vast media attention, there are other dreaded experiences that do not receive this attention and have not received proper restitution. Today, I introduce the Guam War Restitution Act that will compensate the American nationals on Guam who endured great hardship during the war and will help them to finally heal their wounds.

This is not the first time I have spoken to this House and to the American people about the wartime atrocities that were endured during World War II by the people of Guam, and I will continue telling the Nation until we bring justice to these people. It is the job of this Congress to correct the oversight of past Congresses and show the Chamorros that their Government remembers and values the loyalty they demonstrated to the United States during World War II.

From the invasion day of December 10, 1941, to liberation day on July 21, 1944, Guam was the only American soil with American nationals occupied by an enemy; something that had not happened on American soil since the War of 1812. Throughout the occupation, the American nationals' loyalty to the United States would not bend. They even defied the occupiers by providing food and shelter for American sailors who had evaded initial capture by the enemy.

In the months prior to the liberation, thousands of Chamorros were made to perform forced labor by building defenses and runways for the enemy or working in the rice paddies. Thousands were forced to march from their villages in northern and central Guam to internment camps in southern Guam. Everyone marched; old men and women, newborn babies, children, and the sick. They were marched to internment camps at Maimai, Malojloj, and Manengon, where they awaited their fate—many did not live to see liberation. Once the Japanese realized the end of their occupation was close at hand, they began to execute these victims of war, some by beheadings. Mass executions at Fena, Faha, and Tinta and other atrocities were committed by the enemy forces as their fate became apparent.

There have been several opportunities in the past for Guam to receive war reparations; however, all failed to include Guam or did not provide ample opportunity for the people of Guam to make their claims.

The Guam Meritorious Claims Act of 1946 contained several serious flaws that were brought to Congress's attention in 1947 by the Hopkins Commission and by Secretary of the Interior Harold Ickes. Both the Hopkins Commission and Secretary Ickes recommended that the Guam Act be amended to correct serious problems. Both also noted that Guam was a unique case and that Guam deserved special consideration due to the loyalty of the people of Guam during the occupation.

The problems with this act include:

The act allowed only 1 year for claimants to file with the Claims Commission. Many Chamorros were not aware of the Claims Commission's work due to language barriers, displacement from their homes, and misunderstanding of the procedures. Instead of speeding up the process, the deadline served no useful purpose except to deny valid claims filed after the December 1, 1946, deadline.

It required that claims be settled based on prewar 1941 values. Therefore, property claims were undervalued and residents of Guam were not able to replace structures destroyed during the war.

The act did not allow compensation for forced march, forced labor, and internment during the enemy occupation. Another law, the War Claims Act of 1948, allowed for compensation for American citizens and American nationals for internment and forced labor; however, Guam was excluded from this act even though it was the only American territory occupied in the war.

It allowed death and injury claims only as a basis for property claims. This was another provision unique to the Guam law and an unexplained stipulation. The Guam bill, Senate bill S. 1139, was actually modeled on a claims bill passed for other Americans in 1943, the Foreign Claims Act. The legislative history for the Foreign Claims Act emphasized the need to address these claims. In a floor statement on April 12, 1943, in support of passage of this bill, Senator Barkley noted that, ''it is necessary to do this in order to avoid injustices in many cases, especially in cases of personal injury or death.''—Senate Report 145, 78th Congress, 1st Session, pp. 2–3. The original language for S. 1139, following the Foreign Claims Act model language, allowed the Claims Commission to adjudicate claims for personal injury and death. But the language was amended by the Senate Naval Affairs Committee to ensure that the U.S. Government, and specifically the Navy, would not be setting a precedent or legal obligation for the Navy—CONGRESSIONAL RECORD, 79th Congress, 1st Session, pp. 9493–9499. However, these types of concerns were not raised for the almost identical situation of the Philippines or other American citizens or nationals when the War Claims Act of 1948 was passed by Congress.

Finally, the Guam Meritorious Claims Act encouraged Chamorros to settle claims for lesser amounts due to the time delay in having claims over $5,000 sent to Washington for congressional approval. Again, this was a procedure unique to the Guam law. No such requirement existed for those covered under the 1948 War Claims Act. The net effect on Guam was that Chamorros with property damage over $5,000 would lower their claims just so that they could be compensated in some fashion and get on with their lives.

These flaws could have been rectified had Guam been included in the 1948 War Claims Act or the 1962 amendment to the act. Unfortunately for the Chamorros, Guam was not included.

The Treaty of Peace with Japan, signed on September 8, 1951, by the United States and 47 Allied Powers, effectively precluded the just settlement of war reparations for the people of Guam against their former occupiers. In the treaty, the United States waived all claims of reparations against Japan by United States citizens. The people of Guam were included in this treaty by virtue of the Organic Act of Guam which gave American citizenship to the people on August 1, 1950.

The bitter irony then is that the loyalty of the people of Guam to the United States has resulted in Guam being forsaken in war reparations.

So while the United States provided over $2 billion to Japan and $390 million to the Philippines after the war, Guam's total war claims have amounted to $8.1 million, and the Guam War Reparations Commission has on file 3,365 cases of filed claims that were never settled. This is a grave injustice whose time has come to an end. It is our duty to bring justice to these people and their descendants; that is why I now propose the Guam War Restitution Act.

Not only will this act provide monetary support to the survivors and their descendants, it will also assure them that the United States recognizes the true loyalty of the people of Guam.

This act will provide for the Guam trust fund from which awards the benefits will be paid to the claimants. This fund will be established by a 0.5 percent surcharge on military sales to Japan and any gifts or donations of funds, services, or property.

Luisa Santos, a survivor of the Tinta Massacre, once told me,

> I have fought hard and suffered, and no one has ever been able to help me or my children, but justice must be done. Even if you have to go to the President of the United States, let him know that the Japanese invaded Guam not because they hated the Chamorro people. The Japanese invaded Guam because we were a part of the United States, and we were proud of it.

Mrs. Santos passed away shortly after our conversation.

Mrs. Emsley, in testifying before a House subcommittee on May 27, 1993, ended her statement with the powerful plea of one who has survived and who daily bears witness to the suffering of the Chamorro people. Mrs. Emsley simply ended by saying, ''All we ask Mr. Chairman, is recognize us please, we are Americans.''

We cannot wait and hope that the last survivors will pass away before any action is taken. This event will never be forgotten by the people of Guam, and the Government's unwillingness to compensate victims such as Mrs. Santos and Mrs. Emsley will only serve to deepen the wounds they have already incurred, and deepen the bitterness of the Chamorro people.

I believe it is time to truly begin the healing process, and passage of the Guam War Restitution Act is the first step.

THE S CORPORATION REFORM ACT OF 1995

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation to strengthen small and family-owned businesses. Recently we have grown more aware of the burdens that regulations and tax complexities place on small and family-owned businesses. It is time for us to enact legislation to help the businesses that are the driving force of the American economy. The S Corporation Reform Act of 1995 will provide such support. Today almost 1.9 million businesses pay taxes as S corporations and the vast majority of these are small businesses. The S Corporation Reform Act of 1995 is targeted to growing these small businesses by improving their access to capital, by preserving family-owned businesses, and by simplifying many of the outdated, unnecessary, and complex rules for S corporations.

Under current law, S corporations face obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and C corporations. For instance, S corporations are unable to turn to nontraditional sources of financing such as venture capitalists and pension funds because they are unable to offer inducements that partnerships or C corporations can offer. This has greatly hindered their growth as traditional sources of debt financing, such as commercial bank loans, can at times be hard to get, especially for smaller businesses. This bill would expand S corporations access to capital by increasing the number of permitted shareholders from 35 to 75, by permitting tax-exempt entities to be shareholders, and by allowing nonresident aliens to own S corporation stock. More importantly, S corporations would be allowed to issue convertible preferred stock opening the door to the venture capital market.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility and better enabling families to establish trusts funded by S corporation shares. Under current law, multi-generational family businesses are threatened by the artificial 35 shareholder limit which counts each family member as one shareholder. S corporations also do not have access to the same estate planning techniques available to C corporation owners since there are restrictions on the types of trusts permitted to be shareholders of an S corporation.

Another important feature of this bill is the flexibility it would offer to S corporations and their shareholders in structuring their business operations. Under the bill, S corporations would be allowed to hold wholly-owned corporate subsidiaries that would for Federal tax purposes be effectively treated as a division or branch of the parent company. From a compliance perspective, only one tax return would be filed by the corporations, which would significantly simplify the compliance burden imposed by present law.

Further, the bill would eradicate a number of outmoded and arcane provisions some of which date back to enactment of the S corporation in 1958. For example, S corporations

would be given the opportunity under the bill to clean up invalid or untimely S corporation elections.

I encourage my colleagues to support this important and badly needed legislation that is vital to small and family-owned businesses' ability to grow and compete in the next century. I am submitting a section-by-section summary of the legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

TITLE I—ELIGIBLE SHAREHOLDERS OF A CORPORATION

Subtitle A—Number of Shareholders

Sec. 101. S corporations permitted to have 75 shareholders—The maximum number of eligible shareholders would be increased from 35 to 75. Increasing the number of eligible shareholders would help S corporations stay within multi-generational families, and the expanded number would offer opportunity for additional cyclical investors.

Sec. 102. Members of family treated as one shareholder—All family members within seven generations who own stock could elect to be treated as one shareholder. The election would be made available to only one family per corporation, must be made with the consent of all shareholders of the corporation and would remain in effect until terminated. This provision is intended to keep S corporations within families that might span several generations.

Subtitle B—Persons Allowed As Shareholders

Sec. 111. Certain exempt organizations—A new source of financing would be provided to S corporations by allowing certain exempt organizations including pensions, profit sharing plans, and employee stock ownership plans (ESOPs) to acquire S corporation stock. S corporation income that flows through to these organizations would be treated as unrelated business income (UBI) to the organization or entity. In addition, charities would be allowed as shareholders of an S corporation for purposes of allowing more flexibility in estate planning.

Sec. 112. Financial institutions—Under the bill, financial institutions that do not use the reserve method of accounting for bad debts would be eligible to elect S corporation status.

Sec. 113. Nonresident aliens—This provision would provide the opportunity for aliens to invest in domestic S corporations and S corporations to operate abroad with a foreign shareholder by allowing nonresident aliens (individuals only) to own S corporation stock. Any effectively-connected U.S. income allocable to the nonresident alien would be subject to the withholding rules that currently apply to foreign partners in a partnership.

Sec. 114. Electing small business trusts—Trust eligibility rules would be expanded by allowing stock in an S corporation to be held by certain trusts (''electing small business trusts'') provided that all beneficiaries of the trust are individuals, estates or exempt organizations. Each potential current beneficiary of the trust would be counted as a shareholder under the counting conventions of the maximum number of shareholder rules. In a situation where there are no potential current beneficiaries, the trust would be treated as a shareholder. For taxation purposes, the portion of the trust consisting of S corporation stock would be treated as a separate taxpayer and would pay tax at the highest individual tax rate.

Subtitle C—Other Provisions

Sec. 121. Expansion of post-death qualification for certain trusts—The bill would extend the holding period for all testamentary trusts to two years.

TITLE II—QUALIFICATION AND ELIGIBILITY REQUIREMENTS FOR S CORPORATIONS

Subtitle A—One Class of Stock

Sec. 201. Issuance of preferred stock permitted—An S corporation would be allowed to issue either convertible or plain vanilla preferred stock. Holders of preferred stock would not be treated as shareholders, thus, ineligible shareholders like corporations or partnerships could own preferred stock interests in S corporations. Payments to owners of the preferred stock would be deemed as interest rather than a dividend and would provide an interest deduction to the S corporation. This provision would afford S corporations and their shareholders more flexibility in estate planning and in capitalizing the S corporation by giving it access to venture capital.

Sec. 202. Financial institutions permitted to hold safe harbor debt—An S corporation is not considered to have more than one class of stock if outstanding debt obligations to shareholders meet the ''straight debt'' safe harbor. Currently, the safe harbor provides that straight debt cannot be convertible into stock. However, the legislation would permit a convertibility provision so long as that provision is the same as one that could have been obtained by a person not related to the S corporation or S corporation shareholders. Additionally, the straight debt safe harbor would be amended to allow creditors who are persons actively and regularly engaged in the business of lending money to hold such debentures.

Subtitle B—Elections and Terminations

Sec. 211. Rules relating to inadvertent terminations and invalid elections—The legislation would provide the IRS with the authority to extend its current automatic waiver procedure for inadvertent terminations due to defective elections. Additionally, the IRS would be allowed to treat a late Subchapter S election as timely if the Service determines that there was reasonable cause for the failure to make the election timely. The provision would apply to taxable years beginning after December 31, 1982.

Sec. 212. Agreement to terminate year—The bill provides that the election to close the books of the S corporation upon the termination of a shareholder's interest would be made by, and apply to, all affected shareholders rather than by all shareholders.

Sec. 213. Expansion of post-termination transition period—The post-termination period would be expanded to include the 120-day period beginning on the date of any determination pursuant to an audit of the taxpayer that follows the termination of the S corporation's election and that adjust a subchapter S item of income, loss or deduction of the S corporation during the S period. In addition, the bill would repeal the TEFRA audit provisions applicable to S corporations and would provide other rules to require consistency between the returns of the S corporation and its shareholder.

Sec. 214. Repeal of excessive passive investment income as a termination event—This provision would repeal the current rule that terminates S corporation status for certain corporations that have both subchapter C earnings and profits and that derive more than 25 percent of their gross receipts from passive sources for three consecutive years. The legislation would not repeal the rule that imposes a tax on those corporations possessing excess net passive investment income. It would liberalize this tax by raising the threshold triggering the tax to 50% of passive receipts from passive income sources rather the present law 25% threshold. The rate of the passive income tax would be increased if applicable.

Subtitle C—Other Provisions

Sec. 221. S corporations permitted to hold subsidiaries—The legislation would repeal the current rule that disallows an S corporation from being a member of an affiliated group of corporations, thus enabling an S corporation to own up to 100 percent of a C corporation's stock. It does preclude, however, an S corporation from being included in a group filing a consolidated tax return. In addition, S corporations would be permitted to own wholly-owned S corporation subsidiaries. Thus, a parent S corporation and its wholly-owned subsidiary would be treated as one corporation and would file one tax return. This provision offers tremendous structuring flexibility to existing S corporations by allowing them to put operations into wholly-owned subsidiaries and be treated as one S corporation.

Sec. 222. Treatment of distributions during loss years—Basis adjustments for distributions made by an S corporation during a taxable year would be taken into account before applying the loss limitation for the year. This would result in distributions during the year reducing adjusted stock basis for purposes of determining the tax status of the distributions made during that year before determining the allowable loss for the year. A similar concept would apply in computing adjustments to the accumulated adjustments account.

Sec. 223. Consent divided for AAA bypass elections—The bill codifies a Treasury regulation which allows an election to by-pass the AAA to apply to deemed dividends.

Sec. 224. Treatment of S corporations under subchapter C—The current rule treating an S corporation as an individual in its status as a shareholder of another corporation would be repealed, permitting IRC Section 332 liquidations and IRC Section 338 elections. These rules effectively expand an S corporation's ability to participate in tax-free structuring transactions.

Sec. 225. Elimination of pre-1983 earnings and profits—S corporation earnings and profits attributable to taxable years prior to 1983 would be eliminated. This change will simplify distributions for those S corporations in existence prior to 1983.

Sec. 226. Allowance of charitable contributions of inventory and scientific property—This provision would allow the same deduction for charitable contributions of inventory and scientific property used to care for the ill, needy or infants for subchapter S as for subchapter C corporations. In addition, S corporations are no longer disqualified from making ''qualified research contributions'' (charitable contributions of inventory property to educational institutions or scientific research organizations) for use in research or experimentation. The S corporation's shareholders would also be permitted to increase the basis of their stock by the excess of deductions for charitable over the basis of the property contributed by the S corporation.

Sec. 227. C corporation rules to apply for fringe benefit purposes—The current rule that limits the ability of ''more-than-two-percent'' S corporation shareholder-employees to exclude certain fringe benefits from wages would be repealed for benefits other than health insurance. Under the bill, fringe benefits such as group-term life insurance would become excludable from wages for these shareholders. However, health care benefits would remain taxable (please note that on April 11, 1995, President Clinton signed into law P.L. 104–7, which provides in years 1995 and thereafter a 30% deduction for health insurance costs of the self-employed which partially offsets taxable health insurance benefits).

TITLE III—TAXATION OF S CORPORATION SHAREHOLDERS

Sec. 301. Uniform treatment of owner-employees under prohibited transaction rules—Provides that subchapter-S shareholder-employees no longer will be deemed to be owner-employees under the rules prohibiting loans to owner-employees from qualified retirement plans.

Sec. 302. Treatment of losses to shareholders—Loss recognized by a shareholder in complete liquidation of an S corporation would be treated as ordinary loss to the extent the shareholder's adjusted basis in the S corporation stock is attributable to ordinary income that was recognized as a result of the liquidation.

TITLE V—EFFECTIVE DATE

Sec. 401. Effective date—Except as otherwise provided, the amendments made by this Act shall apply to taxable years beginning after December 31, 1995.

IMPROVING MEDICARE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. RADANOVICH. Mr. Speaker, recently, Mr. Frank J. O'Neill, a constituent of mine from Dunlap, CA, wrote to me about his concerns regarding Medicare. I think he expressed his views very well, and I want to take this opportunity to share with my colleagues his words, which were also printed in the Fresno Bee.

Mr. O'Neill recognizes the need to slow the unsustainable high rate of growth in Medicare spending. However, he points out that many other programs are in desperate need of reform, such as food stamps and Social Security disability.

I want to assure Mr. O'Neill that there is a very big difference between the two parties. Republicans are committed to protecting and improving Medicare. We also are committed to reforming every other area of our Government, rooting out waste and fraud, and getting the Federal Government out of functions that are more appropriately handled at the State or local level or by the people themselves. And I think our commitment will be borne out in the months ahead.

The people want us to save Medicare, but at the same time they want us to bring fundamental reform to other programs. I urge my colleagues on both sides of the aisle to heed Mr. O'Neill's wise words of advice:

[From the Fresno Bee, June 10, 1995]

MEDICARE RECIPIENT SAYS ALL PROGRAMS NEED EXAMINATION

(By Frank J. O'Neill)

George Wallace had it exactly right. While campaigning for president as an independent he said, ''There's not a dime's worth of difference between Democrats and Republicans.''

I was thrilled at the Republican landslide last November. I really thought it would make a big difference. I'm 68 years old. You'd think I'd know better.

As I write there is an American Association of Retired Persons announcement on the radio. In a doomsday voice the speaker is asking if I know what Congress is planning to do to Medicare. He asks, do I know what the reductions in Medicare will cost me?

Why isn't the AARP looking at the big picture and lobbying for a plan that will be good for me, good for my children, good for the country? If they succeed in terrifying all the seniors it will only precipitate a partisan screaming match and solve nothing. Of course it will promote a ''who's to blame'' contest and generate innumerable bumper stickers for next year's election.

Is it possible that I don't understand the problem? My hero, Rush Limbaugh, coming from the right, challenges that I must understand that ''something must be done about Medicare—it will be broke in 2002.'' Well, a pox on both their houses. I am willing to accept numbers that we say we can't keep spending at the current rate. I am also more than willing to cinch up my belt and contribute my share. But I am not willing to do it alone.

NOT ALONE

Limbaugh says the government has become a giant sow with everyone looking for a nipple. Well, he may be right. And I'll agree that one of the nipples may be labeled ''Medicare,'' but what about all the others?

I'll share my nipple as soon as there is an overall plan to get everyone else to do the same thing. No way will I agree to be penalized as long as I can stand in line at a 7-Eleven in Henderson, Nev., watching a young 30-something buy a package of gooey cinnamon buns with food stamps and then walk across the store to play the slot machine with the change she received in cash. My Medicare is threatened when there is a big new sign in front of the Subway sandwich restaurants announcing, ''We now accept food stamps!'' Food stamps to eat out! And my Medicare is the economic culprit?

Even if a child's disability is the result of physical abuse inflicted by the parents, the child is still eligible for Social Security disability payments—payments made to the parents who caused the disability. A spokesman for Social Services says, ''Well, it is extremely difficult to remove a child from the home of its natural parents!'' Need money? Hurt the kid. While my Medicare is threatened.

Drug abusers are in many cases classified as disabled. As such they are eligible for Social Security disability payments. But my Medicare is threatened.

What is needed is an across-the-board analysis of these programs to make sure all facets are examined and treated fairly. The very first step is something that could be done quickly. Separate the Medicare program for seniors over 65 from all these other Social Security activities.

CLEAR DISTINCTION

The Republicans are reported to be surprised to find from a survey that most people don't realize that Medicare and Social Security are separate and different. Oh, yeah? If so how come the Part B payment I must make for Medicare is deducted from my Social Security check? And where does that money go? Into a ''trust fund''? Sure. Just like my 40 years of Social Security payments.

I accept as a fact that the Medicare program needs a close examination but I will not support any revisions that penalize me without correcting abuses that are financially impacting the system.

AARP is wrong. Limbaugh is wrong. George Wallace was right.

IN HONOR OF GERALD W. OLSON

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise to honor Gerald W. Olson, a distinguished policy officer from Lawrence Park, who is retiring tomorrow, July 14, 1995, after 28 years of outstanding service to his community. Mr. Olson began his career as a part time police officer at the age of 27. In addition to serving on the Lawrence Park police force, he also protected his community as a volunteer fireman. While working to make our streets safer, Gerald is also heavily involved in Little League and American Legion Baseball.

A hero can be defined in many different ways. A soldier who is courageous in the face of death on a battlefield, a person who gives selflessly for the benefit of the whole or someone who makes a positive difference in the lives of others. Perhaps the most heroic act is to live your life in a honorable way. Gerald Olson has served his community in many facets and has shown that you can have an impact on the world even if you do so quietly, without the fanfare. He has been a role model to the children of his community and an example to us all.

PERSONAL EXPLANATION

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. PETERSON of Florida. Mr. Speaker, due to an illness in the family, I was forced to miss rollcall votes 346 through 366, 389 through 391. Had I been present, I would have voted ''yes'' to rollcalls 349, 354, 355, 358, 360, 361, 365, and ''no'' on rollcalls 346, 347, 348, 350, 351, 352, 353, 356, 357, 359, 362, 363, 364, 366, 389, 390, 391.

TRIBUTE TO THE WASHINGTON-BONAPART FAMILY REUNION

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. FOGLIETTA. Mr. Speaker, the Washington-Bonapart family gathers this weekend to celebrate its 15th national family reunion, which has some of its roots in my district in Philadelphia, PA.

The Washington-Bonapart family reunion is composed of the descendants of Moses and Grace Washington, Sr. Grace was born as a slave in the West Indies, eventually immigrating to the United States as a free woman. She settled in Charleston, SC, where she met and later married her beloved husband, Moses. It is from this union that the Washington-Bonapart family was born, now more than 500 members strong.

Family members from six States, and 20 cities will gather in Washington this weekend for a celebration of family, community, and

heritage. Highlights of the weekend include an African cultural, fashion, and talent show, and honorary awards dinner, and a posthumous dedication ceremony to distinguished family member Jesse Nathaniel Hunt.

I am especially pleased to commemorate the Winder family of Philadelphia, PA, who are serving as key organizers of this special event. Their dedication to their family and community is most impressive, and will certainly be evident in every activity this weekend.

The Washington-Bonapart family motto is: The family is the strongest institution in the world, and its preservation is essential to a prosperous future for all humankind. I could not agree more. I ask my colleagues to join with me in saluting the Washington-Bonapart family reunion, which I am certain will be a weekend to remember.

RECOGNIZING UNION CITY FOR ITS PARTICIPATION IN NATIONAL NIGHT OUT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize and commend Union City for its participation in National Night Out, 1995. On August 1, residents in this municipality of the 13th District will join fellow Americans across the country to create a night of celebration free from the fear of crime and drugs.

I wish also to pay tribute to the National Association of Town Watch in New Jersey for sponsoring the event. They have succeeded in developing community awareness within many American cities and towns by bringing concerned citizens to the forefront. Community leaders and law enforcement officers are joining them to send the message that crime will not be permitted to threaten our communities and dictate our lives.

I am proud to say I have dedicated citizens in my district creating safe neighborhoods through education and action. On this night Union City residents and law enforcement officers in participating cities will celebrate with a town-wide block party, contests, dances for community youth, concerts at various senior centers, safety demonstrations, and educational forums. These events are a continuation of past efforts whose full benefits will be felt for years to come in my district.

This admirable project is a nation-wide endeavor supported by over 8,000 communities throughout our 50 States. Their continuing aim is to focus America's attention on the alarming crime rates and the unacceptable level of drug abuse which has affected every community in our Nation. Police-citizen partnerships created by the efforts of these organizations have promoted cooperative crime prevention programs allowing Americans to come from behind their locked doors and join their neighbors in the fight for our Nation's safety.

The ''12th Annual National Night Out'' comes at a time when the leaders of our Nation are debating the appropriate methods of crime prevention here, in the Nation's Capital. But in Union City and in other communities around our great Nation, the people are taking a stand, defending their streets, their homes, and their families.

Union City officials are to be commended not only for their participation in National Night Out 1995 but also for their concern and their efforts. Their fight for safer communities gives me hope that America can build a crime and drug-free Nation for our children. I salute them today, thank them for their past efforts, and wish them luck in their future crime-fighting endeavors.

IN MEMORY OF EDWARD CHARLES BEDDINGFIELD, SR.

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. POSHARD. Mr. Speaker, I rise today to express the sorrow of the people of Decatur and the 19th District at the passing of Mr. Edward C. Beddingfield. Ed's passing is a great loss to all that knew him, and the community he devoted his life to helping.

Ed worked for the Pontiac Division of General Motors for 11 years, and dreamed of one day owning his own automobile business. In 1989, Mr. Beddingfield's dream came true when he purchased a Buick dealership in Decatur, IL, and with much ambition and hard work, Edward turned his dealership into a thriving and successful business.

Mr. Speaker, Ed was involved in many things to help make his community a better place to work and live. He was a Millikin University Trustee, a Decatur sanitary district commissioner, and a pillar of the National Association of the Advancement of Colored People. He also served as president of Webster-Cantrell Hall's board of directors and on the boards of the First National Bank and the Metro Decatur Chamber of Commerce. In addition, he touched the lives of many children throughout central Illinois through his work with the Y.M.C.A., the Boys Club & Girls Club, and the Decatur-Macon County Opportunities Corp.'s summer jobs program.

Mr. Ed Beddingfield was a true example of a public servant. Mr. Speaker, Ed Beddingfield will not be forgotten. His everlasting love, commitment, and dedication serves as a living monument to his family, friends, and neighbors. I want to take this opportunity to offer my condolences to all the people that knew and loved this fine man.

INTRODUCING THE PARENTAL CHOICE IN TELEVISION ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. MARKEY. Mr. Speaker, today, Representatives JIM MORAN, DAN BURTON, JOHN SPRATT, and I, along with a long list of bipartisan cosponsors from every region of the United States, are introducing the Parental Choice in Television Act of 1995.

We are introducing this bill with the intention of offering it as an amendment when the telecommunications bill comes to the House floor in July.

It is supported by a broad coalition of groups from the PTA to the AMA.

It is supported by 90 percent of the American public.

In short, its time has come.

In my view, there is no more compelling governmental interest in the United States today than providing families a healthy, safe environment in which to raise healthy, productive children.

The fact is that television is one of the most important influences on our children's lives. We might wish it were different, but that won't bring us back to the 1950's when children watched relatively little TV. Today they watch 4 to 7 hours every day. ''Electronic teacher'' for many children, but what it teaches to young children is scary. The average American child has seen 8,000 murders and 100,000 acts of violence by the time he or she leaves elementary school.

Parents know what's going on. I have held six hearings over the last 2 years on the subject of children and televised violence. In every hearing I have heard both compelling testimony about the harmful effects of negative television on young children, and about the efforts of industry to reduce gratuitous violence. But parents don't care whether the violence is gratuitous or not. When you have young children in your home, you want to reduce all violence to a minimum.

That's why parents are not impressed with the temporary promises of broadcast executives to do better. Parents know that the good deeds of one are quickly undermined by the bad deeds of another.

The pattern is familiar. Parents plea for help in coping with the sheer volume and escalating graphics of TV violence and sexual material. Congress expresses concern. The industry screams ''first amendment''. The press says they're both right, calling on Congress to hold off and calling on industry to tone things down.

Meanwhile, parents get no help.

Until parents actually have the power to manage their own TV sets using blocking technology, parents will remain dependent on the values and programming choices of executives in Los Angeles and New York who, after all, are trying to maximize viewership, not meet the needs of parents.

In 1993, a USA Today survey found that 68 percent of its readers supported mandating the inclusion of V-chip technology in new TV sets. By 1996, a similar survey found that this number had risen to 90 percent.

Clearly the public is clamoring for solutions which make it easier to control their own TV sets.

That is why we in the House intend to move forward with the V-Chip.

We will give the industry a year to develop a ratings system and activate blocking technology on a voluntary basis, but if they fail to act, then the legislation will require the FCC to:

First, form an advisory committee, including parents and industry, to develop a ratings system to give parents advance warning of material that might be harmful to children;

Second, prescribe rules for transmitting those ratings to TV receivers, and

Third, require TV set manufacturers to include blocking technology in new TV sets so that parents can block programs that are rated, of block programs by time or by program.

We want both the House and the Senate on record as favoring this simple, first-amendment friendly, parent-friendly, child-friendly solution to this ongoing problem.

You will hear arguments from some that this technological way of dealing with the problem of TV violence is akin to ''Big Brother.'' It's exactly the opposite. It's more like ''Big Mother'' and ''Big Father.'' Parents take control.

And we know this technology works. In this country, the Electronics Industries Association has already developed standards for it. In Canada, a test in homes in Edmonton proved that it works and works well.

This is not a panacea. It will take some time for enough new sets to be purchased to have an impact on the Nielsen ratings and, therefore, an impact on advertisers. But its introduction in the cable world through set-top boxes is likely to be much more rapid. The cable industry has said that it is prepared to move forward with a V-chip approach as long as broadcasters move forward as well.

And the Electronic Industries Association has already agreed to introduce the technology into sets that would allow up to four levels of violence or sexual material to be rated.

Only the broadcasters have remained adamant in their opposition. They are opposed because the V-chip will work so well, not because it won't work. It will take only a small number of parents in key demographic groups using the V-chip to test the willingness of advertisers to support violent programming.

Parents will have the capacity to customize their own sets—to create their own private safe harbor—to protect their own children as they see fit.

I urge my colleagues to support this important initiative.

ELIMINATION OF THE INDIAN ARTS AND CRAFTS BOARD

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today in opposition to the elimination of funds for the Indian Arts and Crafts Board at the Bureau of Indian Affairs. The Board is the primary Federal advocate for American Indian and Alaska Native art and its interconnected economic, cultural, social, and spiritual purposes. I feel strongly that the activities of the Board are in large part responsible for the explosion of interest in contemporary Native American arts and crafts in recent years, laying the ground work for long-term economic benefits to Indian tribes.

The Board is the only Federal program concerned with increasing the economic benefits of American Indian creative work. According to a 1985 Congressionally-mandated Commerce Department study, annual sales of Indian handicrafts and other artwork are over $1 billion. Many producers reside on their own reservations, however American Indians and tribes control only a small portion of this market. The Board engages in a variety of promotional efforts to change that. For example, the Board's source directory publication is the primary means of establishing direct contact between consumers and Indian producers at an annualized cost of $50,000—this publication will end with the termination of the Board.

Federal expenditures for social programs continue to exceed investments for economic growth in Indian country. I feel strongly that the role of the Federal Government must be to encourage tribal self-sufficiency at every opportunity and to prioritize programs which enhance economic growth for tribal communities. Without the Board, the Federal Government will no longer have the capacity to provide economic development assistance for Indian art to the 554 federally-recognized tribes and their thousands of artists and crafts people.

Additionally, the Board has been charged by the Congress with developing regulations and administering, on an ongoing basis, the Indian Arts and Crafts Act of 1990 (Public Law 101–6440), which provides specific legal protection for Indian art producers. This congressional charge of responsibility reflects the unique expertise of the Board relative to marketing Indian arts and crafts. Abolishing the Board will deprive the Secretary of the Interior of the expertise necessary to fulfill this congressional mandate.

The Board maintains outstanding collections of contemporary and historic American Indian and Alaska Native art (23,000 objects), which are a multi-million dollar promotional asset and include over 50 percent of the artwork managed by the Department of the Interior nationwide. The Board's collection's will require continued management and protection and should not be hastily dispersed, as they include objects that some tribes consider sacred, as well as objects of cultural patrimony under the Native American Graves Protection and Repatriation Act (Public Law 101–601). Although the board's collections are well cared for, management of museum property in general is currently identified as one of the most critical department material weaknesses under the Federal Financial Manager's Integrity Act. Abolishing the Board will add to, not diminish, this departmental material weakness.

Mr. Speaker, two thirds of these collections are located at the three Indian museums operated by the Board in reservation areas in Montana, Oklahoma, and my State of South Dakota. They are major economic, cultural and educational attractions in their regions. In Browning, MT, annual attendance at the Museum of the Plains Indians averages over 78,000. Annual attendance at the Southern Plains Indian Museum in Anadarko, OK, and the Sioux Indian Museum in Rapid City, SD, averages over 41,000. For $600,000 per year, the Board maintains its collections and operates these three museums with contemporary exhibitions and sales of the work of emerging Indian artists These museums, and the museum sales shops operated by local Indian organizations, will close their doors if funding for the Indian Arts and Crafts board is eliminated.

Closing the Sioux Indian Museum in South Dakota will have an especially adverse effect, as the city of Rapid City has just voted $11,000,000 of local tax funds to build an innovative new museum facility which will include the Board's Sioux Indian Museum collection at no additional cost to the Federal Government. It would have a projected operating deficit of $169,000 without the Board's continued financial participation in maintaining the Board's own collection. That level of operating deficit will undermine Rapid City's plans to raise $1.6 million in additional capital from private foundations required to complete the project, which is expected to attract at least 182,000 annual visitors and to generate a direct spending impact of $3.6 million annually on the regional economy.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. While the elimination of the Board would be a direct blow to the encouragement and development of native American arts and crafts in South Dakota as a sound source for economic growth, I believe the repercussions of the board's termination will be felt nationwide.

THE B–2: A PERFECT WEAPON FOR THE POST-COLD WAR WORLD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Ms. HARMAN. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Charles Krauthammer that appeared in today's edition of the Washington Post.

I believe that Mr. Krauthammer presents cogent and powerful arguments for continued production of B–2 bombers. He points out that only the B–2, with its long range, can deploy from secure U.S. bases on short notice and is invulnerable to enemy counterattack. It is the kind of weapon the United States needs for the post-cold war world.

I recommend Mr. Krauthammer's article to my colleagues:

[From the Washington Post, July 13, 1995]

THE B–2 AND THE ''CHEAP HAWKS''

(By Charles Krauthammer)

We hear endless blather about how new and complicated the post-Cold War world is. Hence the endless confusion about what weapons to build, forces to deploy, contingency to anticipate. But there are three simple, glaringly obvious facts about this new era:

(1) America is coming home. The day of the overseas base is over. In 1960, the United States had 90 major Air Force bases overseas. Today, we have 17. Decolonization is one reason. Newly emerging countries like the Philippines do not want the kind of Big Brother domination that comes with facilities like Clark Air Base and Subic Bay. The other reason has to do with us: With the Soviets gone, we do not want the huge expense of maintaining a far-flung, global military establishment.

(2) America cannot endure casualties. It is inconceivable that the United States, or any other Western country, could ever again fight a war of attrition like Korea or Vietnam. One reason is the CNN effect. TV brings home the reality of battle with a graphic immediacy unprecedented in human history. The other reason, as strategist Edward Luttwak has pointed out, is demographic: Advanced industrial countries have very small families, and small families are less willing than the large families of the past to risk their only children in combat.

(3) America's next war will be a surprise. Nothing new here. Our last one was too. Who expected Saddam to invade Kuwait? And even after he did, who really expected the

United States to send a half-million man expeditionary force to roll him back? Then again, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War?

What kind of weapon, then, is needed by a country that is losing its foreign bases, is allergic to casualties and will have little time to mobilize for tomorrow's unexpected provocation?

Answer: A weapon that can be deployed at very long distances from secure American bases, is invulnerable to enemy counterattack and is deployable instantly. You would want, in other words, the B–2 stealth bomber.

We have it. Yet, amazingly, Congress may be on the verge of killing it. After more than $20 billion in development costs—costs irrecoverable whether we build another B–2 or not—the B–2 is facing a series of crucial votes in Congress that could dismantle its assembly lines once and for all.

The B–2 is not a partisan project. Its development was begun under Jimmy Carter. And, as an urgent letter to President Clinton makes clear, it is today supported by seven secretaries of defense representing every administration going back to 1969.

They support it because it is the perfect weapon for the post-Cold War world. It has a range of about 7,000 miles. It can be launched instantly—no need to beg foreign dictators for base rights; no need for weeks of advance warning, mobilization and forward deployment of troops. And because it is invisible to enemy detection, its two pilots are virtually invulnerable.

This is especially important in view of the B–2's very high cost, perhaps three-quarters to a billion dollars a copy. The cost is, of course, what has turned swing Republican votes—the so-called ''cheap hawks''—against the B–2.

But the dollar cost of a weapon is too narrow a calculation of its utility. The more important calculation is cost in American lives. The reasons are not sentimental but practical. Weapons cheap in dollars but costly in lives are, in the current and coming environment, literally useless: We will not use them. A country that so values the life of every Capt. O'Grady is a country that cannot keep blindly relying on non-stealthy aircraft over enemy territory.

Stealth planes are not just invulnerable themselves. Because they do not need escort, they spare the lives of the pilots and the fighters and radar suppression planes that ordinarily accompany bombers. Moreover, if the B–2 is killed, we are stuck with our fleet of B–52s of 1950's origin. According to the undersecretary of defense for acquisition, the Clinton administration assumes the United States will rely on B–52s until the year 2030—when they will be 65 years old!

In the Persian Gulf War, the stealthy F–117 fighter flew only 2 percent of the missions but hit 40 percent of the targets. It was, in effect, about 30 times as productive as nonstealthy planes. The F–117, however, has a short range and thus must be deployed from forward bases. The B–2 can take off from home. Moreover, the B–2 carries about eight times the payload of the F–117. Which means that one B–2 can strike, without escort and with impunity, as many targets as vast fleets of conventional aircraft. Factor in these costs, and the B–2 becomes cost-effective even in dollar terms.

The final truth of the post-Cold War world is that someday someone is going to attack some safe haven we feel compelled to defend, or invade a country whose security is important to us, or build an underground nuclear bomb factory that threatens to kill millions of Americans. We are going to want a way to attack instantly, massively and invisibly. We have the weapon to do it, a weapon that no one else has and that no one can stop. Except a ''cheap hawk,'' shortsighted Republican Congress.

HONORING BON VIEW ELEMENTARY SCHOOL

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. KIM. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a wonderful accomplishment that occurred on Saturday July 8, 1995—the grand reopening of Bon View Elementary School in Ontario, CA.

Several years ago, parents, school staff members, and concerned neighbors alerted me to problems surrounding the existing Bon View Elementary School. The school was in a neighborhood that had gone from a rural neighborhood to one in an urbanized setting. The changing environment encroached on the campus with low-flying planes, industrial traffic, city yards and the inherent problems of being completely surrounded by industrial facilities. This was not a good environment for our students to learn in.

The need for a new or relocated school was apparent. Working together with a design team of two teachers, parents, classified staff, maintenance staff, the board of trustees for the Ontario-Montclair School District, the school superintendent, school principal and the architect, a school was put together that truly meets the needs of quality education. This $7.5 million facility was designed for a team approach to both curriculum and management, with the year-round schedule in mind. With funding from Asset Management, $1.5 million from the FAA and Department of Airports, State matching funds, and a generous $2.1 million gift from the city of Ontario, the dream of a new, state of the art school was realized.

The new Bon View Elementary School is truly a school for the entire community, and it is indeed a day for celebration.

A TRIBUTE TO THE VICTIMS OF ''13TH OF MARCH'' TUGBOAT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Ms. ROS-LEHTINEN. Mr. Speaker, today marks the first anniversary of the indiscriminate murder by the Castro regime, of over 40 Cuban citizens, mostly women and children, while they were attempting to escape the island aboard the *13th of March* tugboat. We do not forget the love of freedom which these Cuban nationals represented nor the risks they took to obtain that freedom.

Today, hundreds of Cuban exiles sail toward those same waters where the massacre occurred in order to pay tribute in a solemn ceremony to those who perished on that day and to the thousands of Cubans who struggle daily against Castro's repressive apparatus.

On this tragic anniversary, the White House and the State Department have acted as Castro's spokesman and have warned the flotilla participants that if attacked by Castro authorities, expect no help from their own national government. So it is that the saga continues in the Clinton administration's drive to coddle up to dictator's from Cuba to Vietnam while setting aside the aspirations of freedom of millions of citizens from around the world.

On this day, let us remember that while in the United States we are blessed with countless freedoms, only 90 miles from our shores, in Cuba, life is marked by repression, persecution, and misery. Let us remember those who have perished and continue to suffer under the hand of Cuba's tyrant.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

SPEECH OF

HON. WILLIAM P. LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. LUTHER. Mr. Chairman, I wish to express my concerns regarding the future status of funding for the National Ignition Facility [NIF] included in the fiscal year 1996 House Energy and Water Appropriations measure.

I applaud the Appropriations Committee's decision to defer money for construction on this project. However, I am concerned that the full Appropriations Committee added $10 million to the bipartisan subcommittee funding proposal for the NIF.

My major concern with the NIF is the stark reality of budgetary demands in future years, particularly with respect to the construction funds necessary of completion of the NIF. Current estimates of completion of the NIF, after design and construction, place the cost at more than $1 billion and perhaps as much as $1.5 billion.

At a time when Federal budget realities require hard, difficult choices, the NIF project will require an obligation of an ever-increasing amount of funds from an invariably shrinking funding source.

Therefore, in order to protect higher priorities, particularly basic science research projects, serious questions need to be raised in the coming months about future plans involving future funding for NIF design and construction.

There are some who argue that we need the NIF in order to keep our stockpile of nuclear weapons safe. The NIF is, in fact, the most expensive of many components that make-up DOE's stockpile stewardship program. Yet, according to most experts, the NIF's contribution to stockpile safety is nominal.

Given our current budget situation, and the recommended levels of funding for energy research in the recently passed budget conference report, we cannot afford to fully construct the NIF.

While I understand the compromise position of the full Appropriations Committee, Mr.

Chairman, I intend to monitor the NIF throughout future authorizations and appropriations legislation and when appropriate, will support efforts to limit significant amounts of funding intended for NIF construction.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE FOR ANTI-TERRORISM INITIATIVES FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT 1995

SPEECH OF

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1995

Mr. ISTOOK. Mr. Speaker, Congress is aware that several downtown churches were severely damaged as a result of the April 19, 1995, terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Among these are first United Methodist Church, First Baptist Church, St. Paul's Episcopal Cathedral and St. Joseph's Catholic Church. These churches assisted in the emergency relief effort immediately after the bombing and one was even used as a temporary morgue for victims of the blast.

These religious institutions have been informed by the Federal Emergency Management Agency that under current regulations they are not eligible for any Federal disaster assistance for the repair and reconstruction of their facilities. However, Congress recognizes that the Oklahoma City bombing is a unique case. The bombing was a single, man-made assault directed against our National Government. These churches, like the other businesses and residences in the damaged area, were innocent bystanders to a violent attack on the Federal Government. This special instance is therefore distinguished from other kinds of disasters in which religious buildings may be damaged. Congress thus agrees that religious institutions in Oklahoma City should be eligible for the Federal assistance provided in this bill in the same manner as nonprofit organizations providing public services.

THE 100TH ANNIVERSARY OF SUNNY HILLS CHILDREN'S SERVICES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Sunny Hills Children's Services as they celebrate their 100th anniversary. Sunny Hills has a main campus in San Anselmo, CA, as well as two group homes in Novato, CA, and a school and therapy program in San Rafael, CA, all of which are located in the congressional district that I am privileged to represent.

Started in 1895, Sunny Hills Children's Services is an extraordinary nonprofit organization that assists troubled teenagers, and helps them overcome their lives of abuse, neglect, abandonment, and hopelessness. Sunny Hills' programs are so successful that they have become famous throughout the North Bay Area serving as a national model. There is no doubt that Sunny Hills helps hundreds of youth every year to lead independent and productive lives by providing them with the tools they need to deal with their troubles and problems.

The founders of Sunny Hills, which was then called the San Francisco Presbyterian Orphanage and Farm, clearly possessed the vision, compassion, and determination to make this endeavor the success it is. One hundred years later, the many people affiliated with Sunny Hills can be extremely proud of their numerous successes and accomplishments. On July 15, I am proud to be able to join them as they celebrate their achievements and recognize the many outstanding Sunny Hills volunteers, such as Helen Caletti, who has volunteered for the agency for almost 50 years. We will also be joined by current and former members of the Sunny Hills Board of Directors who are to be commended for contributing their time and energy, as well as for their commitment, to such a worthwhile cause.

Sunny Hills continues to be a major resource for young people in the San Francisco Bay area. The need for its services persists. In fact, in 1995, it is expected that half a million California children will be reported abused or neglected. Suicides are twice the national average in the Bay Area where one is seven teenagers contemplates suicide.

Mr. Speaker, I urge my colleagues to pay tribute to everyone who has contributed to making Sunny Hills the success that it is today. It is appropriate that we offer sincere thanks for their dedicated and selfless commitment to helping our Nation's youth—and building our Nation's future.

TRIBUTE TO BOB COLLINS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. JACOBS. Mr. Speaker, they very definitely threw away the mold when Bob Collins came along. He bought sunshine to the lives of hundreds of thousands of Hoosiers during his career as both sports writer and all-around wit for the Indianapolis Star.

The reason that we shall miss Bob unusually painfully is that he literally and literarily cannot be replaced.

[From the Indianapolis (ID) Star, May 30, 1995]

ROBERT J. COLLINS

Bob Collins professionally and personally was a legend in his own time. His death here Friday on the eve of this year's biggest sports weekend was as if he planned it that way. And maybe he did.

The veteran sports editor and columnist for the Indianapolis Star, who retired in 1991 after three years of serious illness and dire predictions from his doctors that he would not live another, had said he wanted to die in May because that was when so many of his friends from across the country would be in Indianapolis. But he didn't say what May.

Collins was correctly eulogized by Star sports writter Robin Miller as ''the toughest of the tough'':

''He never missed a deadline or a nightcap. Burn the candle at both ends? Collins was the enternal flame.''

In his 43 years with The Star, Collins had covered virtually every major sporting event of the day, from the Superbowl, the World Series and the Olympics to the Final Four, the PGA tour and the Indianapolis 500 Mile Race where he could count many of the drivers as good friends.

There was no reason to doubt him when he said best of all he had enjoyed covering Indiana high school basketball, that and the Masters golf tournament at Augusta. The Masters, he wrote, was like stepping into another world.

Collins, who was a key organizer of the Indiana Pacers, was also a founder of the Indiana Basketball Hall of Fame. His early reporting of the all-black Crispus Attucks High School teams helped bring them into the mainstream of Indiana basketball.

As a writer's writer, Collins was a master storyteller with an elephantine memory. His simple, straight forward style rippled with humor, surprises and historical references.

Indiana University basketball coach Bob Knight, not one to praise journalists, once wrote that simply calling Collins a writer was an injustice.

''He is an analyst, a satirist, humorist and a philosopher bound together with an extraordinary ability of expression.''

Longtime friend and Star sportswriter Don Bates noted correctly that Collins was ''one of those rare journalists whose talent was as big as his ego.''

Robert Joseph Collins, dead at 68, will be laid to his final rest tomorrow after 11 a.m. services in St. Anthony's Catholic Church. His legend and his words will long live in the hearts and minds of his many readers and friends.

SESQUICENTENNIAL OF CHESTER, ORANGE COUNTY, NY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to pay tribute to the town of Chester in Orange County, NY. Chester celebrated its 150th anniversary on March 22, 1995.

Chester's beginnings can be traced as far back as 1712. The first settlers of Chester settled on a spot on the edge of an Indian trail, later known as Kings Highway. The first house was built in 1716 by Daniel Cromline in Grey County. Chester is named after the birthplace of John Yelvertons, the first private property owner in Chester.

In 1775, several inhabitants of Chester participated in engagements against the British during the Revolution. George Washington frequently visited Chester on his way from Trenton to his main army on the Hudson.

Many of Chester's first residents served in the Continental Army in the American Revolution. Early settlers of Chester were industrious, helping the town to grow quickly into farms and many small businesses. One of the most prominent early settlers of Chester was Hector DeCreveoeur, author of ''Letters From an American Farmer.'' This novel which was written in and about Chester assumed international, literary, and political significance.

On March 22, 1845, after about three quarters of a century as a precinct of Goshen, NY,

the town of Chester was founded. Chester was formed from parts of Warwick, Goshen, Monroe, and Blooming Grove.

With its Greycourt meadows known as the Black Dirt Area, Chester provided an unparalleled farming area for early settlers. Onions, celery, lettuce, and other vegetables provided a market that sustained many families whose ancestors still reside in Chester. The uplands of Chester provided a dairyman's paradise. The advent of the Erie Railroad in 1841 provided these farmers with an outlet to distant markets. Moreover, the formation of this railroad provided residents of New York City with their first means of fresh milk and vegetables.

In 1892, the village of Chester, in the northern part of the town, was incorporated. About that same time, an ingenious system brought water to Chester from Walton Lake. In 1903, the Grange came to Chester and was an important influence on the agricultural sciences until the 1960's.

Dairy farming continued to grow in Chester until the 1950's when it slowly began to decline. The Chester Meadows still produce an abundance of vegetables. New businesses, shopping malls, industrial parks are all growing and becoming an integral part of the Chester economy. A new town hall, and library have both been constructed to meet the ever growing needs of this now modern town. Sugar Loaf, one of the oldest communities in Orange County, has changed from a sleepy country village to one of industry and skilled craftsmen. While many of the farmers have disappeared, Chester has now become a desirable place to settle and raise a family.

Beginning on June 2, the town of Chester held a 3-day celebration commemorating its sesquicentennial anniversary. The celebration was hosted by town supervisor, Stephen Shortess, and town historian, Clark Holbert, and included the dedication of a new town flag for Chester, an award ceremony from Chester High School, a dinner dance, and many other fun-filled events. A dinner dance featuring a live band and a fireworks show concluded the opening ceremonies.

On Saturday, June 3, a celebrity softball game against a team of town officials took place. After the game, Vidbel's Olde Circus performed at Chester Commons. A barbecue dinner and dance concluded the second day of the celebration.

On Sunday, June 4, a religious service began the day, and was followed by an old time community picnic, featuring performances by various ethnic groups. Closing ceremonies began at 5 p.m.

Mr. Speaker, I invite all of my colleagues to join in congratulating the town of Chester on this very special occasion.

HAPPY 53D ANNIVERSARY TO HELEN AND HUBERT JOLLY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. BARCIA. Mr. Speaker, I rise today to salute a couple who has endured the test of time. Today, Hubert and Helen Jolly are celebrating their 53d wedding anniversary.

They met at a high school dance in Albany, NY—two young people from adjoining boys and girls schools. Soon after, they fell in love and on July 13, 1942, Helen and Hubert made a commitment to spend their lives together, a commitment they have taken very seriously.

In these days of disintegrating families, it is reassuring to see a strong, stable marriage built on love, respect, and trust. They show the rest of us by example that a marriage can truly endure. Their faith, loyalty, and sense of humor has been a great example to their 7 children and 10 grandchildren. Their willingness to help others by giving their time and service to their church, scouts, little league, PTA, and other organizations throughout their lives has been greatly appreciated by their family and friends.

While the families have spread across the country, not a Christmas goes by where their children and grandchildren don't think of Helen and Herb's wonderful Christmas Eve celebrations filled with good food, drinks, and lots of laughter and joy. Although the entire family cannot celebrate together, the traditions are carried on through the generations.

A World War II veteran, Herb is active with the VFM and has marched in dozens of parades proudly wearing his uniform. A lifelong humorist, Herb can still reel off a dozen jokes on any topic at the drop of a hat. Helen is a dynamic and energetic woman and her children and grandchildren often have a hard time keeping up with her fast pace. Together, they blossomed into a strong family that is on 53 years and growing. Their newest grandchild is due in November and two of their granddaughters are getting married this year.

With so much talk on reinstalling traditional family values, this event deserves special recognition. I ask my colleagues to join me in wishing Hubert and Helen good health and many more happy years together.

FROM THE HORSE'S MOUTH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. FARR. Mr. Speaker, Members on both sides of the aisle have been known on occasion for playing fast and loose with the facts and obscuring the truth with statistics.

Tonight I'd life to submit for your consideration a different perspective.

This one comes from someone in the field—a nose-to-the-grindstone Federal employee who works as a tax collector for the IRS. In correspondence I received from him, he tells me of the folly of Republican proposals ensconced in the budget resolution to cut funding for, and then privatize certain tax collection activities.

His argument is clear: only the force of the Federal Government can compel tax evaders to comply and only well-trained, dedicated IRS agents have the wherewithal to produce the kind of results that Congress seeks in bringing scofflaws to justice.

You may be tempted to put my comments down as partisan posturing but I submit here a copy of my constituent's letter for the RECORD and ask you to take it from one who knows.

July 7, 1995.

Hon. SAM FARR,

Congress of the United States, Salinas, CA.

DEAR CONGRESSMAN FARR, I just heard some of the provisions of the House Budget Resolution passed last week in the name of deficit reduction, and I am appalled at the contents. It is clear that some members of Congress have taken leave of their senses, and I hope that you can assist me in changing their minds.

As a federal employee, I strongly resent the fact the House chose to ''balance the budget'' on our backs by increasing the contributions we will have to make to our retirement system, weakening our health insurance system, changing how pensions are to be calculated, etc. As far as I'm concerned, it was an act of cowardice, because law enforcement and general government operations only constitute about 2% of federal outlays. What about taking a look at the other 98%?! However, Congress has never been known for its ability to make the tough choices, so we expected that. We've had to make sacrifices for so many years . . . I guess we can make a few more.

Much worse than that, however, are the seeds of 'FISCAL INSANITY' contained in the Treasury Appropriations portion of the Resolution. Not only does it contain provisions for testing the contracting-out of tax collection activities (a supremely stupid exercise in futility), it cuts the Internal Revenue Service's budget for the Compliance Initiative by $130 million, Returns Processing by $130 million, and enforcement by $268 million!! If the Republican majority in the House thinks this is the way to achieve deficit reduction. I know what they've been smoking—and they did inhale!!

Let me explain, I am a GS–12 Revenue Officer with the IRS here in Salinas. Even if some of your Congressional counterparts don't understand it, we at IRS do understand money. After all revenue is our middle name!! First, we are sworn, commissioned officers with broad powers of collection granted to us by statute. Giving equal powers to a private firm operating under contract would require the modification or deletion of literally hundreds (if not thousands) of existing laws! We have a rate of assaults and threats against us that is twice that of the next highest agency, The Drug Enforcement Administration. How is a private company going to find people that will take that kind of abuse, collect taxes as efficiently and effectively as we do and make a profit??!! Whoever proposed that idea has an intelligence level sufficient to qualify him as plant life. Second, actual numbers are quite telling. The house has proposed a cut in the enforcement portion of IRS budget of $268 million. Well, enforcement is Collection, basically. So how much does Collection collect? Here are some real numbers. My Collection group consists of a Group Manager, a secretary, a Revenue Representative (for simpler, smaller cases) and thirteen Revenue Officers (five of whom are trainees). During the first nine months (which included the highly disruptive move of our entire office to a new location), our group has collected over $9.8 million in back taxes. At an average of $1.1 million per month that would be $13 million for a year. The total of salaries for our sixteen people is $582,953 a year. That means $22.30 in delinquent taxes collected for each dollar of our salaries. That is a ''Return on Investment'' (ROI) of 2200%!! Where else can you find an ROI like that? Real Estate? The Stock Market? Collectibles? None of them come close—and we do it year after year.

So in order to reduce the deficit, the house intends to cut the Enforcement portion of IRS' budget by $268 million. Well, $268 million X $22.30 equals almost $6 billion that

won't get collected. what a novel idea—you reduce the deficit by adding to the deficit!!! The number of returns to be processed increases each year, so we'll decrease the budget for doing that. Compliance has been steadily eroding for years so why not cut monies there and make it even easier for the cheats, the scofflaws and the underground economy to flaunt their noncompliance in the face of the taxpaying public. All of this OZ-type logic is giving me a headache. I guess I'd better hold onto Toto a little more tightly. It doesn't look like we're in Kansas anymore.

I hope that you share my concerns for the severely adverse impact that this portion of the House Budget Resolution will have not only on the administration and enforcement of America's tax laws but on the budget itself? Killing the goose that lays the golden egg is counterproductive.

I've been a registered Republican all my life, but now I'm ashamed to admit it. How the House leadership could even permit (much less promote?) such a gross act of fiscal irresponsibility is beyond my comprehension. They need to rise above whatever petty personal grievances they may have with the Service and think about their country.

Taxes are the lifeblood of Government, and if the taxes due cannot be collected because of budgetary insufficiencies, we will only sink deeper into the morass of mounting deficits in which we find ourselves already. In the end it will be the body politic that will suffer, and the damage will last for years.

I hope you will exercise your good offices as Congressman for our District by meeting with the Treasury Appropriations Committee conferees next week and convincing them how short-sighted and ill-conceived this piece of budgetary lunacy really is. Don't hesitate to give them copies of this letter if you think it will help. Any assistance you can provide will be greatly appreciated.

Sincerely yours,

JAMES R. NORMAN,
Revenue Officer.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9827–S9943

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 1028–1033, and S. Res. 150.

Measures Reported: Reports were made as follows:

S. 1033, to amend the Federal Water Pollution Control Act to establish uniform national discharge standards for the control of water pollution from vessels of the Armed Forces. (S. Rept. No. 104–113)

Page S9905

Measures Passed:

Authorizing Senate Testimony: Senate agreed to S. Res. 150, to authorize testimony by Senate employees and representation by Senate Legal Counsel.

Page S9942

Enrollment Correction: Senate agreed to H. Con. Res. 82, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 523. **Page S9943**

Comprehensive Regulatory Reform Act: Senate continued consideration of S. 343, to reform the regulatory process, taking action on amendments proposed thereto, as follows: **Pages S9834–S9902**

Adopted:

(1) Roth/Biden Modified Amendment No. 1507 (to Amendment No. 1487), to strengthen the agency prioritization and comparative risk analysis section of the bill by requiring agencies to review existing regulations, to be sensitive to the cumulative regulatory burden, and to select the most cost-effective, market-driven method practical. **Pages S9836–39**

(2) Johnston Amendment No. 1516 (to Amendment No. 1487), to extend time for cost-benefit and risk assessment for waivers in emergency situations from 180 days to 1 year. **Pages S9839–40**

(3) Johnston (for Baucus) Amendment No. 1517 (to Amendment No. 1487), to delete the provisions extending cost-benefit and risk-assessment requirements to environmental management activities.

Pages S9840–41, S9844–58, S9874–78

(4) By a unanimous vote of 99 yeas (Vote No. 304), Hatch Amendment No. 1531 (to Amendment No. 1487), to express the sense of the Senate that nothing in the bill is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat. **Pages S9871–73**

(5) By a unanimous vote of 99 yeas (Vote No. 305), Boxer Amendment No. 1532 (to Amendment No. 1487), to protect public health by ensuring the continued implementation of mammography quality rules. **Pages S9873–74**

(6) Feingold Amendment No. 1536 (to Amendment No. 1487), to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, and administrative settlement offers. **Pages S9891–93, S9897**

(7) Pryor/Feingold Amendment No. 1537 (to Amendment No. 1487), to prevent conflicts of interest of persons entering into contracts relating to cost-benefit analyses and risk assessments.

Pages S9894–96

(8) Feingold/Pryor Amendment No. 1538 (to Amendment No. 1487), to provide that an agency may include any person with substantial and relevant expertise to participate on a peer review panel.

Pages S9896–97

(9) Glenn/Levin Amendment No. 1540 (to Amendment No. 1487), to ensure public accountability in the regulatory process by establishing ''sunshine'' procedures for regulatory review.

Pages S9900–02

Rejected:

Lautenberg Amendment No. 1535 (to Amendment No. 1487), to strike the provisions relating to the toxic release inventory review. (By 50 yeas to 48 nays (Vote No. 306), Senate tabled the amendment.)

Pages S9886–91, S9893–94, S9897–99

Withdrawn:

(1) Boxer Amendment No. 1524 (to Amendment No. 1487), to protect public health by ensuring the continued implementation of mammography quality rules. **Pages S9841–44 S9858, S9871**

(2) Dole Amendment No. 1525 (to Amendment No. 1524), to express the sense of the Senate that nothing in the bill is intended to delay the timely promulgation of any regulations that would meet a human health or safety threat. **Pages S9858–71**

Pending:

(1) Dole Amendment No. 1487, in the nature of a substitute. Page S9834

(2) Domenici Amendment No. 1533 (to Amendment No. 1487), to facilitate small business involvement in the regulatory development process.

Pages S9878–79, S9882–86

(3) Hutchison Amendment No. 1539 (to Amendment No. 1487), to protect against the unfair imposition of civil or criminal penalties for the alleged violation of rules. Pages S9899–S9900

A unanimous-consent agreement was reached providing for the vote on the motion to invoke cloture on Amendment No. 1487, listed above, scheduled to occur on Friday, July 14, occur on Monday, July 17, 1995, at a time to be determined. Page S9840

Senate will resume consideration of the bill on Friday, July 14, 1995.

Measure Indefinitely Postponed:

Concurrent Budget Resolution: Senate indefinitely postponed S. Con. Res. 13, setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002. Page S9943

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the recommendations of the Defense Base Closure and Realignment Commission; referred to the Committee on Armed Services. (PM–65).

Page S9904

Messages From the President: Page S9904

Messages From the House: Page S9904

Measures Referred: Page S9904

Communications: Pages S9904–05

Statements on Introduced Bills: Pages S9905–15

Additional Cosponsors: Pages S9915–16

Amendments Submitted: Pages S9917–32

Authority for Committees: Pages S9932–33

Additional Statements: Pages S9933–42

Record Votes: Three record votes were taken today. (Total—306) Pages S9873, S9874, S9899

Recess: Senate convened at 9 a.m., and recessed at 9:53 p.m., until 9 a.m., on Friday, July 14, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S9943).

Committee Meetings

(Committees not listed did not meet)

BOSNIA

Committee on Armed Services: Committee met in closed session to receive a briefing on certain issues relating to the recent F–16 shoot-down in Bosnia from Walter B. Slocombe, Under Secretary of Defense for Policy; and Maj. Gen. Patrick M. Hughes, USA, Director for Intelligence (J–2), and Rear Adm. Charles W. Moore, Jr., USN, Deputy Director for Current Operations (J–33), both of the Office of the Joint Chiefs of Staff.

Committee recessed subject to call.

UNITED STATES ONE DOLLAR COIN ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 874, to provide for the minting and circulation of one dollar coins, after receiving testimony from Edward W. Kelley, Jr., Member, Board of Governors of the Federal Reserve System; Philip N. Diehl, Director, United States Mint, Department of the Treasury; L. Nye Stevens, Director, Federal Management and Workforce Issues, General Government Division, General Accounting Office; James L. Blum, Deputy Director, Congressional Budget Office; Robert J. Leuver, Numismatic Association, Colorado Springs, Colorado, former Director, Bureau of Engraving and Printing, on behalf of the Coin Coalition; David J. Ryder, Ryder Company, former Director, United States Mint, on behalf of Save the Greenback, and Linda F. Golodner, National Consumers League, both of Washington, D.C.; William Buetow, Chicago Transit Authority, Chicago, Illinois, on behalf of the American Public Transit Association; Tommy E. Looper, Anchor Bank, Myrtle Beach, South Carolina, on behalf of the American Bankers Association; and R. David Clayton, Automatic Food Service, Inc., Nashville, Tennessee, on behalf of the National Automatic Merchandising Association.

UTAH WILDERNESS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 884, to designate certain public lands in the State of Utah as wilderness, after receiving testimony from Senators Hatch and Bennett; Representatives Hansen, Orton, and Waldholtz; Sylvia Baca, Deputy Assistant Secretary of the Interior for Land and Minerals Management; Mayor Phillip Bimstein, Springdale, Utah; San Juan County

Commissioner Bill Redd, and James Parker, on behalf of the Utah State Bureau of Land Management Office, both of Monticello, Utah; Ted Stewart, Utah State Department of Natural Resources, Robert Morgan, Utah State Water Department, John A. Harja, Utah State School and Institution Trust Lands Administration, George Nickas, Utah Wilderness Association, Ray Wheeler, Utah Wilderness Coalition, William B. Smart, Desert News, on behalf of the Grand Canyon Trust, and Terry Tempest Williams, Utah Museum of Natural History, all of Salt Lake City, Utah; and Paul R. Frischknecht, Manti, Utah, on behalf of the Utah Wool Growers Association.

AUTHORIZATION—ENDANGERED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Drinking Water, Fisheries, and Wildlife held hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, receiving testimony from Bruce Babbitt, Secretary of the Interior; Douglas K. Hall, Assistant Secretary of Commerce for Oceans and Atmosphere; Montana State Representative Emily Swanson, Bozeman; Montana State Representative Dick Knox, Winifred; Michael T. Clegg, University of California, Riverside, on behalf of the National Research Council's Committee on Scientific Issues in the Endangered Species Act; Jane Lubchenco, Oregon State University, Corvallis; Stuart L. Pimm, University of Tennessee, Knoxville; Mark L. Plummer, Discovery Institute, Seattle, Washington; Wm. Robert Irvin, Center for Marine Conservation, Washington, D.C.; David F. Mazour, Central Nebraska Public Power and Irrigation District, Holdrege, on behalf of the National Endangered Species Act Reform Coalition; Judy DeHose, White Mountain Apache Tribe, Whiteriver, Arizona; John A. Harja, Salt Lake City, Utah, on behalf of the Western Governors' Association; David R. Schmidt, Linn County, Oregon, on behalf of the National Association of Counties; and Gregg Easterbrook, Arlington, Virginia.

Hearings continue on Thursday, July 20.

GSA PUBLIC BUILDINGS

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded 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 initiatives, after receiving testimony from Roger W. Johnson, Administrator, General Services Administration; J. William Gadsby, Director, Government Business Operations Issues, General Government Division, General Accounting Office; and Robert C. Broomfield, Chairman, Judicial Conference Committee on Security, Space and Facilities.

MEDICAID

Committee on Finance: Committee continued hearings to examine ways to control the cost of the Medicaid program, focusing on Medicaid beneficiaries and provider groups, receiving testimony from Sheldon L. Goldberg, American Association of Homes and Services for the Aging, Gregg Haifley, Children's Defense Fund, on behalf of the Maternal and Child Health Coalition, Stephen McConnell, Alzheimer's Association, and Kathleen H. McGinley, The Arc, on behalf of the Consortium for Citizens with Disabilities, all of Washington, D.C.; Clyde W. Oden, Jr., Watts Health Foundation, Inc., Inglewood, California, on behalf of the Group Health Association of America; and Bruce Siegel, New York City Health and Hospitals Corporation, New York, New York.

Hearings were recessed subject to call.

U.S. GOALS AND OBJECTIVES

Committee on Foreign Relations: Committee concluded hearings to examine United States national goals and objectives in international relations in the year 2000 and beyond, after receiving testimony from Henry A. Kissinger, Kissinger Associates, New York, New York.

UNITED STATES ASSISTANCE IN GAZA/ JERICHO

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine economic development and United States assistance in Gaza and Jericho, after receiving testimony from Margaret Carpenter, Assistant Administrator, Bureau for Asia and the Near East, Agency for International Development; Richard A. Roth, Director, Office of Israel and Arab-Israeli Affairs, Department of State; Christopher Finn, Executive Vice President, Overseas Private Investment Corporation; James Zogby, Arab American Institute, Mal Levine, Gibson, Dunn & Crutcher, and Leo Kramer, Kramer Associates, Inc., all of Washington, D.C.; Ziad Karram, G.R.d'G., Fairfax, Virginia; and B.J. Bucheit, Jr., Bucheit International Ltd., Boardman, Ohio.

FDA EXPORT REFORM

Committee on Labor and Human Resources: Subcommittee on Aging concluded hearings on S. 593, to allow the free export of drugs and medical devices not approved by the Food and Drug Administration for use in the United States to member countries of the World Trade Organization, if certain safeguards are satisfied, after receiving testimony from Arthur D.

Collins, Jr., Medtronic, Inc., Minneapolis, Minnesota; Thomas C. Thompson, Quest Medical, Inc., Dallas, Texas, on behalf of the Medical Device Manufacturers Association; Stephen L. Ferguson, Cook Group, Inc., Bloomington, Indiana; Mark B. Knudson, Medical Innovation Partners, Minnetonka, Minnesota; John C. Petricciani, Genetics Institute, Inc., Cambridge, Massachusetts; Richard T. Dean, Diatech, Inc., Londonderry, New Hampshire; and Michael L. King, Merck and Company, Inc., White House Station, New Jersey.

SMALL BUSINESS LENDING ENHANCEMENT ACT

Committee on Small Business: Committee ordered favorably reported, with an amendment in the nature of a substitute, 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 SBA.

SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Committee on Small Business: Committee held hearings to examine the future of the Small Business Investment Company Program of the Small Business Administration, receiving testimony from Cassandra M. Pulley, Deputy Administrator, Small Business Administration; Gerald H. Johnson, Williams Brothers Lumber Company, Duluth, Georgia; Ronald J. Manganiello, Hanger Orthopedic Group, Inc., New Canaan, Connecticut; Ronald L. Thompson, Midwest Stamping Company, Bowling Green, Ohio; Patricia M. Cloherty, Patricof and Company Ventures, Inc., New York, New York, on behalf of the National Venture Capital Association and the SBIC Reinvention Council; and William F. Dunbar, National Association of Small Business Investment Companies, Alexandria, Virginia.

Hearings were recessed subject to call.

INDIAN FEDERAL RECOGNITION

Committee on Indian Affairs: Committee held hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups, receiving testimony from Michael Anderson, Deputy Assistant Secretary of the Interior for Indian Affairs; Gaiashkibos, National Congress of American Indians, and Richard Dauphinais, Native American Rights Fund, both of Washington, D.C.; Frances G. Charles, Lower Elwha Tribal Council, Port Angeles, Washington; Dena Ammon Magdaleno, Advisory Council on California Indian Policy, Sacramento; Arlinda Locklear, Jefferson, Maryland; and Christine Grabowski, New York, New York.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: Seventeen public bills, H.R. 2026–2042; and three resolutions, H.J. Res. 101, H. Con. Res. 83, and H. Res. 186 were introduced.

Pages H7011–12

Reports Filed: Reports were filed as follows:

H. Res. 189, providing for the further 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. 104–186); and

H.R. 1122, to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, amended (H. Rept. 104–187, Part 1). **Page H7011**

Interior Appropriations: House completed all general debate and began consideration of amendments under the 5-minute rule on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996; but came to no resolution thereon. Proceedings under the 5-minute rule will continue on Monday, July 17. **Pages H6929–H7008**

Agreed To:

The Kolbe amendment that permits the conduct of new natural resources research surveys on private lands only when it has been requested and authorized in writing by the property owner; **Page H6950**

The Regula amendment, as amended by the Gilchrest substitute (agreed to by a recorded vote of 256 ayes to 168 noes, Roll No. 500), that provides that the prohibition on the use of volunteers by the USGS would apply only when it is made known that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified; **Pages H6950–62**

The Regula amendment that strikes language that would have allowed the Fish and Wildlife Service to retain all of the refuge entrance fee collections; **Page H6962**

The Gallegly amendment that strikes the $3.5 million appropriation for the Office of Insular Affairs, strikes language permitting funds to go toward

technical, maintenance, and disaster assistance, and disaster assistance and insular management control, and strikes related earmarks; **Pages H6968–70**

The Vucanovich amendment that restores $8 million for the Pyramid Lake Water Rights Settlement; **Page H6970**

The Underwood amendment that appropriates $4.58 million for impact aid to Guam under the Compact of Free Association; **Pages H6982–84**

The Young of Alaska amendment that limits the Fish and Wildlife Service to the purchase of 54 passenger vehicles rather than 59 police-type and 88 replacement vehicles, strikes language permitting FWS to accept donated aircraft as replacements, reduces the FWS resource management account by $885,000, and increases the appropriation for operation of Indian programs by $851,000 (agreed to by a recorded vote of 281 ayes to 117 noes, Roll No. 510); **Pages H6997–H7000**

The Sanders en bloc amendment that transfers $2 million from the salaries and expenses account of the Office of the Secretary to the Advisory Council on Historic Preservation (agreed to by a recorded vote of 267 ayes to 130 noes, Roll No. 511); and **Pages H7000–02**

The Faleomavaega amendment that strikes language that would have changed the due date for the report required by the 1994 American Indian Trust Fund Management Reform Act updating reconciliation of trust fund accounts. **Pages H7003–04**

Rejected:

The Obey amendment that sought to transfer funds from the mines and miners, fossil energy research and development, and naval petroleum and oil shale reserves accounts to provide $81.3 million for Indian education (rejected by a recorded vote of 143 ayes to 282 noes, Roll No. 501); **Pages H6962–68**

The Miller of California amendment, as modified, that sought to reduce the DOE fossil energy and research and development account by $188.65 million and provide $183.65 million for land acquisition programs and $5 million for urban park and recreation recovery programs (rejected by a recorded vote of 170 ayes to 253 noes, Roll No. 502); **Pages H6970–78**

The Neumann amendment that sought to strike the $600,000 appropriation to carry out the African Elephant Conservation Act and the $200,000 appropriation for the rhinoceros and tiger conservation fund (rejected by a recorded vote of 132 ayes to 289 noes, Roll No. 503); **Pages H6978–82**

The Hutchinson amendment that sought to reduce the appropriations for historic preservation by $3.5 million (rejected by a recorded vote of 129 ayes to 281 noes, Roll No. 504); **Pages H6984–90**

The Obey motion that the Committee rise (rejected by a recorded vote of 168 ayes to 233 noes, Roll No. 505); **Pages H6991–92**

The Obey motion that the Committee rise (rejected by a recorded vote of 161 ayes to 233 noes, Roll No. 506); **Pages H6992–93**

The Obey motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken (rejected by a recorded vote of 162 ayes to 236 noes, Roll No. 507); **Pages H6993–94**

The Obey motion that the Committee rise (rejected by a recorded vote of 150 ayes to 249 noes, Roll No. 508); **Page H6994**

The Fazio amendment relating to the Mojave National Preserve that sought to strike the $1 cap on National Park Service spending, eliminate the $600,000 for the Bureau of Land Management to run the park, and add $600,000 to NPS park operations funding (rejected by a recorded vote of 174 ayes to 227 noes, Roll No. 509); and **Pages H6994–97**

The Mica amendment that sought to transfer $15 million from the U.S. Geological Survey to the National Park Service land acquisition fund. **Pages H7002–03**

H. Res. 187, the rule under which the bill was considered, was agreed to earlier by a recorded vote of 229 ayes to 195 noes, Roll No. 499. Agreed to order the previous question on the rule by a yea-and-nay vote of 230 yeas to 194 nays, Roll No. 498. **Pages H6920–29**

Presidential Message—Defense Base Closure: Read a message from the President wherein he transmits the report containing the recommendations of the Defense Base Closure and Realignment Commission and certifies that he approves all the recommendations contained in the report—referred to the Committee on National Security and ordered printed (H. Doc. 104–96). **Page H7008**

Legislative Program: Agreed to adjourn from Thursday until 10:30 a.m. on Monday, July 17. **Page H7008**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of July 19. **Page H7008**

Recess: It was made in order for the Speaker to declare a recess on Wednesday, July 26, subject to the call of the Chair, to receive in a joint meeting His Excellency Kim Young Sam, President of the Republic of Korea. **Page H7008**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H7012–13.

Quorum Calls—Votes: One yea-and-nay vote and 13 recorded votes developed during the proceedings

of the House today and appear on pages H6928, H6928–29, H6961–62, H6968, H6977–78, H6982, H6990, H6991–92, H6992–93, H6993–94, H6994, H6997, H6999–H7000, and H7001–02. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 12 midnight.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Subcommittee on Resource Conservation, Research, and Forestry held a 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 Rolla, MO; and other similar legislation. Testimony was heard from Representatives Emerson, Weller and Browder; and Janice McDougle, Assistant Deputy Chief, National Forest System, U.S. Forest Service, USDA.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session and approved for full Committee action appropriations for National Security for fiscal year 1996.

RYAN WHITE CARE ACT AMENDMENTS

Committee on Commerce: Ordered reported amended H.R. 1872, Ryan White CARE Act Amendments of 1995.

EDUCATION REFORM

Committee on Economic and Educational Opportunities: Subcommittee on Early childhood, Youth and Families continued hearings on Education Reform. Testimony was heard from Bruce Alberts, President, National Academy of Sciences; William C. Bosher, Jr., Superintendent of Public Instruction, State of Virginia; and public witnesses.

PENSION PROTECTION ACT

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations approved for full Committee action amended H.R. 1594, Pension Protection Act of 1995.

BOSNIA SITUATION

Committee on International Relations: and the Committee on National Security met in executive session to receive a joint briefing on the Situation in Bosnia. The Committees were briefed by John Kornblum, Acting Assistant Secretary, European and Canadian Affairs, Department of State; and the following officials of the Department of Defense: Joseph Kruzel, Deputy Assistant Secretary, European and NATO Affairs; and Lt. Gen. Wesley K. Clarke, USA, Director, Strategic Plans and Policy, Joint Staff.

ANGOLA—PATH TOWARD DEMOCRACY

Committee on International Relations: Subcommittee on Africa held a hearing on The Path Toward Democracy in Angola. Testimony was heard from Edward Brynn, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

MISCELLANEOUS RESOLUTIONS

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action the following resolutions: H.Res. 158, amended, congratulating the people of Mongolia on the fifth anniversary of the first democratic multiparty elections held in Mongolia on July 29, 1990; H.Res. 81, 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 Mururoa and Fangataufa atolls.

BOATING AND AVIATION OPERATION SAFETY ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 234, Boating and Aviation Operation Safety Act of 1994. Testimony was heard from Representative Ehlers; Bruce A. Gilmour, Director, Boating Administration, Department of Natural Resources, State of Maryland; and public witnesses.

COPYRIGHT TERM EXTENSION ACT

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property concluded hearings on H.R. 989, Copyright Term Extension Act of 1995. Testimony was heard from Marybeth Peters, Register of Copyrights, Copyright Office of the United States, Library of Congress; Charlene Barshefsky, Deputy U.S. Trade Representatives; Bruce Lehman, Assistant Secretary and Commissioner, Patents and Trademarks, Patent and Trademark Office, Department of Commerce; and public witnesses.

IMMIGRATION IN THE NATIONAL INTEREST ACT; PRIVATE CLAIMS BILLS

Committee on the Judiciary: Subcommittee on Immigration and Claims began markup of H.R. 1915, Immigration in the National Interest Act of 1995.

The Subcommittee also considered private claims bills.

CHEMICAL DEMILITARIZATION

Committee on National Security: Subcommittee on Military Procurement held a hearing on chemical demilitarization. Testimony was heard from the following officials of the Department of Defense: Gilbert F. Decker, Assistant Secretary, Research, Development and Acquisition, Department of the Army; Theodore Prociv, Deputy Assistant to the Secretary, Chemical/Biological Matters; and Maj. Gen. Robert D. Orton, USA, Project Manager, Chemical Demilitarization, Department of the Army; David R. Warren, Director, Defense Management and NASA Issues, GAO; Dennis Kwiatkowski, Deputy Associate Director, Preparedness, Training and Exercise, FEMA; and public witnesses.

WATER RESOURCES RESEARCH ACT AUTHORIZATION

Committee on Resources: Subcommittee on Water and Power Resources approved for full Committee action amended H.R. 1743, to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000.

BUDGET PROCESS

Committee on Rules: Subcommittee on Legislative and Budget Process and the Subcommittee on Rules and Organization of the House held a joint hearing on the Budget Process. Testimony was heard from June E. O'Neill, Director, CBO; Susan J. Irving, Associate Director, GAO; former Representative William E. Frenzel of Minnesota; and Stephen Moore, Director, Fiscal Policy Studies, CATO Institute.

INTERIOR APPROPRIATIONS

Committee on Rules: Granted a rule providing for the further consideration of H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, without intervening motion except: (1) amendments printed in the Congressional Record prior to July 14, 1995; (2) motions that the Committee rise if offered by the Majority Leader or his designee; and (3) motions that the Committee rise and report with adopted amendments as a preferential motion pursuant to clause 2(d) of rule XXI, provides that printed amendments may be offered only by the Members who caused them to be printed, are considered as read, are debatable for 10 minutes each divided between the proponent and an opponent, and are not subject to amendment or to a demand for a division of the question; and authorizes the chairman of the Committee of the Whole to postpone any request for a recorded vote on an amendment to a later time and to reduce to five minutes the time for a vote on any amendment in a series of amendments after the vote on the first such amendment of not less than 15 minutes.

GRADUATE LEVEL SCIENCE AND ENGINEERING EDUCATION

Committee on Science: Subcommittee on Basic Research held a hearing on Graduate Level Science and Engineering Education: An Assessment of the Present; a Look into the Future. Testimony was heard from Neal Lane, Director, NSF; Harold Varmus, M.D., Director, National Institutes of Health, Department of Health and Human Services; Philip Griffiths, Chair, Committee on Science, Engineering, and Public Policy, National Academy of Sciences; and public witnesses.

FUTURE OF TECHNOLOGY—IC21

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the Future of Technology—IC21. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 14, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, to hold hearings on the Mexico and the Exchange Stabilization Fund, 10 a.m., SD–106.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9 a.m., Friday, July 14

Senate Chamber

Program for Friday: Senate will resume consideration of S. 343, Comprehensive Regulatory Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, July 17

House Chamber

Program for Monday: Consideration of the rule on H.R. 1976, Agriculture Appropriations for fiscal year 1996; and

Complete consideration of H.R. 1977, Interior Appropriations for fiscal year 1996 (rule providing for further consideration).

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.