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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. UPTON].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 26, 1996.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2969. An act to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested.

S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

RECOGNIZING HISTORICAL ACCOMPLISHMENTS OF WOMEN

Mrs. SCHROEDER. Mr. Speaker, I am continuing to talk a bit about women in history since this is Women's History Month.

One of the things I have been doing this month as I talked to people is I carry around a little shoe. It is no bigger than that, and it is a shoe that someone gave to me that they bought in an antique store in China that was used to go on a woman's foot. When you think about it, China was one of the few countries where you were not even better off being rich if you were female, and maybe many of you remember the story of the three swans written about the three Chinese women who kept praying that when they came back they would not come back as a female.

But when you think about the binding of the foot, and I have not seen anyone that could look at that shoe and not shudder to think of the pain of what it felt like to have that foot bound, and then when you think about the fact that that practice did not stop until halfway through the century and there are still women who are older hobbling around that had had this done to them, you realize how far the world is behind on dealing with women and women's issues.

Mr. Speaker, when I talk about the binding of the foot, I think we bind something in this society, too. We have bound women's minds. Women's minds have been bound by our not knowing our real history, not knowing what really we contributed to this country, and therefore I think we have made women feel that they have no right to ask for anything or to ask to be treated equally in this country because the image is they did not do anything, why should they get anything? They came over here on cruise ships, sat around eating bonbons, getting their hair done, and have not done anything except waiting for people to win the battles for them.

Some of the exciting things that have happened while I am in office that have gone on to try to correct that image has been the Women in the Military Memorial that many, many women have come forward to put out there, and whether you look at the Revolutionary War, which had women serving in it, Molly Corbit being one that is buried at West Point and was the first woman to ever have gotten a full pension just like men did because George Washington insisted that was the only fair thing, and there were other women who were in the Revolutionary Army, too, that got the same thing, or whether you go right on through all the wars until the current Bosnian crisis, where we have women in the field in Bosnia; you see pictures of them coming across the screen today as the First Lady is over there talking to them with the troops.

You know, women have been like the lioness, I guess, in nature. They are perfectly willing to protect their country, to do whatever it takes, and any time, whether it was in winning the West, whether it was World War II, whether it is today in Bosnia, or whether it was way, way back in the Revolutionary War, they did that.

Mr. Speaker, how sad that we do not know their names and we do not know so many of the stories of their bravery. I cannot wait until the Women's Military Memorial is done because the stories they are collecting are unbelievable. They kind of fell off the table when the history books were written, stories of nurses that were downed in World War II in Albania and how long it took them to walk to the coast in the middle of winter to finally get out, I mean, very brave things that would make great movies, and let us hope some day we do make movies about

women in some role other than what we usually see them in.

But we are not going to see movies about women in history in those roles until we recognize that women played those roles in history, and I think that is why this month is so critical.

So I hope more and more schoolchildren and more people everywhere dig into history, find the real story and let us get it out. That is never to diminish what men did. Of course, men did wonderful, wonderful things in help building this Republic, but to tell only half the story is really not fair.

So we have had his story, and this is the month to do her story, and I hope we get more people actively involved in looking at that and realizing the value of it.

When we tried too hard to get this front and center in 1976 during the Bicentennial, even one of my own newspapers would attack me for wasting the House's time for talking about brave American foremothers and what they have contributed. In fact, they even attacked me on the very front page. I hope we now have much more sense about that and that we could move forward and get the record set straight.

KEEP HEALTH CARE PROMISES TO VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, today I rise to announce the introduction of H.R. 3142, a bill known as the Uniform Services Medicare Subvention Demonstration Project Act. This bill is intended to be a companion to Senator PHIL GRAMM'S bill, S. 1487.

Mr. Speaker, when we ask men and women to serve in our Nation's Armed Forces, we make them certain promises. One of the most important is the promise that, upon the retirement of those who serve 20 years or more, a grateful Nation will make health care available to them for the rest of their lives. Unfortunately, for many 65-and-over military retirees, this promise is being broken.

When the military's Civilian Health and Medical Program of the United States [CHAMPUS] was established in 1966, just 1 year after Medicare, 65-and-over military retirees were excluded from CHAMPUS because it was felt they could receive care on a space-available basis from local military hospitals and they would not require health care services from the private medical community. For many years, there were few problems and plenty of available space, but as military bases and their hospitals have closed, more and more retirees are finding it increasingly difficult to receive the care they were promised.

Mr. Speaker, on January 19, 1995, I introduced, along with Congressmen GEREN, BARTON, CONDIT, and SAM JOHNSON, H.R. 580, which is a bill to allow the reimbursement to the Department of Defense by the Department of Health and Human Services for care rendered to Medicare eligible retirees and their families in military treatment facilities. This is better known as Medicare subvention.

Over the course of the past year, H.R. 580 has received broad, bipartisan support and currently has 248 cosponsors. But despite the overwhelming support for this bill it does not look likely to be able to move it out of the Ways and Means Committee or the Commerce Committee. If this bill did not make it to the floor, the cost of $1–2 billion that CBO has attached to this bill will hurt its chances of passage in the House and the Senate.

As many of my colleagues who have cosponsored this bill realize, H.R. 580 shouldn't increase cost to the Federal Government at all. In fact, it may even save money. It would allow the same military retirees with the same health problems to use the same doctors, so it should cost no more to the Federal Treasury regardless of whether DOD or Medicare pays the bill. But, because it is a shift from discretionary spending to entitlement spending, the budget numbers reflect an increase in spending.

Mr. Speaker, the bill I introduced on Thursday, March 21, 1996, takes care of this problem. This bill will create a demonstration project of Medicare subvention to DOD to prove the budget neutral stance I, and the 248 cosponsors, have taken on H.R. 580. This new bill, H.R. 3142 attempts to correct the shortcoming of H.R. 580 while at the same time building upon its strengths. This bill should solve the problem we have had in the past with the large CBO pricetag by requiring that DOD maintains the current level of support that it is currently providing military retirees, and having Medicare pick up coverage of additional Medicare-eligible military retirees once DOD has reached its obligated level.

This demonstration will not increase cost to the taxpayer because it will ensure that DOD cannot shift costs to HCFA, and that the total Medicare cost to HCFA will not increase. In fact, this too should actually save money. The Retired Officers Association, in a letter of December 15, 1995, reports that:

> Using 1995 as a baseline, the eligible Medicare population will grow by 1.6 million beneficiaries by 2000. This will increase Medicare's cost by $7.7 billion if new beneficiaries rely on Medicare as their sole source of care. But, with subvention and DOD's 7 percent discount to the Health Care Financing Administration (HCFA), the aggregate cost increase can be reduced by $361 million over that same time frame. Because health care will be managed, further savings could be realized which could be passed on by DOD to Medicare through reduced discounts.

Mr. Speaker, this new legislation makes a good attempt to solve the problems brought on by the CBO cost estimate of Medicare subvention. As DOD's managed health care program, TRICARE, is implemented throughout the country, many military retirees within many of my colleagues' districts will be affected, so I urge my colleagues to support this bill and to become cosponsors.

GENETIC DISCOVERIES AND OUR HEALTH PRIVACY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, should an insurance company be able to deny children medical coverage because their mother died of an inherited heart defect that her children may or may not carry? That is the dilemma facing a California father who cannot get family medical coverage under his group plan as a result of his wife's death. And that is a dilemma crying out for congressional intervention.

Scientific knowledge of the secrets hidden deep inside our genes is advancing at an unbelievable rate. It seems that we learn of a new genetic discovery on a weekly basis. But, as researchers find the genetic mutations that cause specific diseases or that appear to cause a genetic predisposition to specific diseases, a host of ethical, legal, and social complications arise that will take our greatest efforts to resolve.

The human genome project is a 15-year, multinational research effort to read and understand the chemical formula that creates each of the 80,000 to 100,000 human genes. If spelled out using the first 4 letters of the 4 chemicals that make up DNA, that formula would fill one-thousand 1,000 page telephone books, representing 3 billion bits of information. Often, just a single letter out of place is enough to cause disease.

We cannot read this entire genetic script yet, but advances in science indicate that we will be able to soon. In fact, although the project is scheduled for completion in 2005, at its current pace, many experts believe it will be done before then. That means that we need to begin making some very difficult public-policy decisions, now, before those decisions are made by self-interested parties.

Senators MACK and HATFIELD introduced legislation in the Senate on this issue and I have submitted the companion bill, H.R. 2690, the Genetic Privacy and Nondiscrimination Act, in the House. This measure will establish guidelines concerning the disclosure and use of genetic information and protect the health privacy of the American people. Genetic information must not be used—misused—to deny access to health insurance.

This bill will not only safeguard health privacy and help preserve insurance coverage, it will also remove potential barriers to genetic testing.

Eliminating the concern about reprisals by insurance companies will facilitate more effective use of genetic tests as they are developed and, therefore, promote cures and treatments. This will sustain the global leadership of the biomedical research industry in the United States.

However, if you can lose your health insurance because your genes show that some day you might require that insurance, clinical trials will become impossible to conduct and new treatments and cures may not be developed. Consequently, it is important to have this protection, which will ultimately lead to improved health care for all Americans.

Congress is moving rapidly now on legislation to reform the American health insurance system. It is likely that a bill could pass the House this month and the Senate next month. A conference agreement between the House and Senate could put the bill on the President's desk well before this Congress adjourns. The House bill is H.R. 3070, the Health Coverage Availability and Affordability Act of 1996. Sponsored by Congressman MICHAEL BILIRAKIS, this measure is a well-thought-out piece of legislation, and I am proud to be a cosponsor.

The bill prohibits denying insurance coverage to an employee or beneficiary on the basis of health status, which is defined as an individual's ''medical condition, claims experience, receipt of health care, medical history, evidence of insurability, or disability.'' Fortunately, I was able to add two simple words to this list under health status—''genetic information.'' As medical science discovers what secrets our genes carry, the potential misuse of that information, whether through insurance or some other venue, becomes an ever-increasing possibility.

It is imperative that the strongest possible statutory protections exist against applying this information toward genetic discrimination. In the future, these discoveries of genetic information could lead to employment discrimination. That is why we need to conduct hearings on my bill and to pass the rest of this important legislation. Discoveries of genetic information could be the civil rights battle of the next century.

These two words make a good piece of legislation better, and I hope this language remains in the final health care bill. It is vital to ensure that all Americans, like those two little boys in California, do not have to go without health insurance because of a misspelling in a genetic script that they could not control and did not choose.

Mr. Speaker, I might point out that similar efforts have been made in some 20 States, including Florida, and they have either enacted or are studying laws that would limit the use of genetic information by insurance companies. According to the Council for Responsible Genetics, a nonprofit group that monitors social issues in biotechnology, a genetic underclass is being created by employers and insurers who use genetic tests to deny coverage or jobs.

THE 78TH INCREASE IN NATIONAL DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, day after tomorrow, on Thursday, this Congress is expected to pass its 78th increase in the debt ceiling of this country. Seventy-seven times, so far, we have increased the debt ceiling since the 1940's. We are now at $4.9 trillion of debt. A lot of people in this country, Mr. Speaker, do not really think that they are responsible for this excessive debt. What has happened in the last 40 years is Congress has lost control of spending.

Under section 1 of the Constitution, Congress is responsible for the purse strings. Congress is also responsible for how deep this country goes in debt. We have not only lost control of spending, but we have also lost control of how deep we go in debt, because in the last 7 months we have seen Secretary Rubin and the President of the United States find a new way to drive us deeper in debt without the consent of Congress. That way, of course, was raiding the trust funds that we have in this country.

Day after tomorrow, we are considering tying yet another diminishing of congressional power and tying that to the debt ceiling increase. That is the Presidential line-item veto, and I just want to mention that before I talk about this chart, the Presidential line-item veto.

I served under three Governors in the State of Michigan. In Michigan we have a line-item veto. In every case with every Governor, they traded what they wanted because they had the power of vetoing out what the legislature wanted in particular spending. You know, philosophically, when you have got a liberal Congress and a conservative President, then a line item veto might make sense in terms of trying to reduce spending. But actually what is going to happen with a conservative Congress that is trying to get to a balanced budget and reduce spending and a President that has found it to his political advantage to continue helping people with taxpayers' money; in other words, not reducing spending, not achieving a balanced budget; is that we end up spending more. We end up giving additional congressional authority away to the President.

Let me note, Mr. Speaker, this pie chart that represents the roughly $1.6 trillion expenditure of the Federal Government. If we start with the red triangle on this pie chart that represents about 18 percent of total Federal spending, that represents the 12 appropriation bills where Congress has control of the spending. In other words, if there is no bill passed by Congress, or if it is not signed by the President, then that reduced spending or no spending is what is going to happen.

Where the President has power is in the blue part of this pie chart that represents the welfare program spending and the other entitlement spending of this country. That represents now 50 percent of total Federal Government spending. So that there were some of us that thought it was reasonable to tie changes in the entitlement spending that is going to help us achieve a balanced budget, to tie that to yet another increase in the debt ceiling.

That now is not the plan in the bill that is going to be put before this body day after tomorrow, and I would suggest to you, Mr. Speaker, and through you to the American people, that we cannot balance the budget just by reducing the expenditures in the 12 appropriation bills where Congress now has full control. It just cannot be done.

I have studied this over the past several years. You cannot reduce that expenditure below about $200 billion this next year. It cannot possibly be done and still have a viable operation and system within this country.

That means that, if we are going to balance the budget, we have got to move into the welfare changes in the welfare program and entitlement programs. They are called entitlement programs, Mr. Speaker, because if you are at a certain level of poverty, you are eligible for food stamps. If you are a certain level of income and you have children, you are eligible for AFDC. If you are a certain age, you are entitled to other taxpayer helps in paying your medical costs. There is no money appropriated. It is in the law.

The only way that a majority in Congress can change that law is the consent of the President. I would ask my colleagues, Mr. Speaker, to study the proposal that we are being asked to pass day after tomorrow very carefully. It continues to move us in a direction where we are not going to be able to balance the budget.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. UPTON] at 2 p.m.

PRAYER

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

How can we praise You, our God and our King,
How can we serve You with hands that we bring,
How can we love You with hearts that grow weak,
How can we cherish the gifts that we seek.
Yes we can praise You, for You lived us first,
Yes we can serve You, with faith be immersed,
Yes, we can love you, be deeds of good will,
Yes we can cherish Your peace to fulfill. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland [Mr. GILCHREST] come forward and lead the House in the Pledge of Allegiance.

Mr. GILCHREST 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.

RANK AND FILE OF AFL–CIO WILL CONTINUE TO REJECT THE OLD-STYLE LIBERAL POLICIES OF CLINTON ADMINISTRATION AND LIBERAL UNION BOSSES

(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, I want to share with my colleagues news of the AFL–CIO's recent convention where the highest officials of the AFL–CIO, under newly elected union president John Sweeney, levied a $35 million tax increase on the rank and file men and women of our Nation's unions. This $35 million tax is being used to support an orchestrated, and highly political campaign to divide our Nation along class and income lines.

Needless to say, Mr. Speaker, the American people, especially the rank and file of our Nation's labor unions, will not allow Mr. Sweeney and the other liberal union bosses to turn back the clock on this Congress' pledge of fundamental change. We will continue our efforts to respond to the people of this great country. We will make the Federal Government smaller, more efficient and more user friendly. We will fight the bureaucrats here in Washington who refuse to let parents and families decide what should be taught in schools. And we will cut wasteful Federal spending so we can put more money back in to the pockets of working families.

Despite the rhetoric of the liberal, elite union leaders, I believe the working men and women of the AFL–CIO, will continue to reject the old-style liberal policies of Mr. Sweeney and the Clinton administration, and support of vision of a stronger, more prosperous America.

GOVERNMENT AND PRIVATE STUDIES, A LITTLE GOOFY?

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

Mr. TRAFICANT. Mr. Speaker, I thought the Federal Government was a little goofy when they studied bovine flatulence, but there have been a couple of private studies that got my attention. One was the dynamics of peeling adhesive tape. The private study found out that it is very difficult to peel off tape in just one piece.

The second one was the pigeon discrimination of paintings by Monet and Picasso. They determined that, really, pigeons do not discriminate. They may defecate, but no discrimination is involved.

Then there is the big one: the impact of wet underwear on thermoregulatory responses and thermal comfort in cold. What they determined was if you wear wet underwear in frigid weather, you freeze your buns off.

If we think this is a waste of money, check this out, Congress: The FDA has spent $200,000 for tea tasters, $200,000 for a tea-tasting commission.

Mr. Speaker, beam me up. I yield back the balance of all of this money, both private and public.

MAKING HEALTH CARE AFFORDABLE AND ACCESSIBLE

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

Mr. BILIRAKIS. Mr. Speaker, last Congress I introduced the only health reform legislation that truly had bipartisan support. The Rowland-Bilirakis bill focused on areas where there was widespread agreement about the need for reform. Unfortunately, this legislation never made it to the House floor.

I recently introduced the Health Coverage Availability and Affordability Act. This bill allows portability, thus permitting people to move from job to job without losing their health coverage.

The bill eliminates prohibitions on preexisting conditions so that individuals can change jobs and still have access to affordable health care. This simple change will dramatically improve the lives of millions of American families. Right now, 25 million Americans are denied health insurance coverage because of a preexisting condition.

Mr. Speaker, we have the best health care system in the world—but there is room for improvement. Our plan improves health care in this country by making it both accessible and, just as important, affordable. I would encourage my colleagues to join me in eliminating job-lock by supporting the Health Coverage Availability and Affordability Act.

TRIBUTE TO THE LATE HONORABLE EDMUND S. MUSKIE

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

Mr. LONGLEY. Mr. Speaker, it is my sad duty this afternoon to inform the House of the passing of Senator Edmund Muskie of Maine this morning at about 4 a.m.

Senator Muskie was 81 years of age, a graduate of Bates College and Cornell University Law School, a very distinguished public servant of the citizens of Maine and of the United States. He served three terms in the Maine House of Representatives in 1946 and 1948 and 1950, including a final term as the Democratic floor leader. In 1955, he was elected Governor, he served a second term, and he followed that with a career in the U.S. Senate that began in 1958.

In 1968, he was Democratic candidate for Vice President of the United States and built and earned a tremendous national reputation for his decency, his compassion and his moderation during that difficult time during the end of the Vietnam war. He also served as Secretary of State in the Cabinet of President Jimmy Carter from 1980 to 1981.

While there are many distinctions that we can discuss, not the least among them is the Senator's accomplishment in creating a second party, making Maine a two-party State, which is in the best interest of all of our citizens, but certainly as his legislative accomplishments on the national level are beyond peer, particularly in the area of environmental protection.

Senator Muskie was the author of many of the first pieces of legislation that this body passed back in the early 1960's dealing with the need to protect the quality of our air and our water. There are other issues that I could mention, but I think none more important than the fact that Senator Muskie was a kind and decent man who exercised and practiced respect for all of his constituents and all those with whom he had dealings. His demeanor is going to be missed. Certainly his integrity and his honesty are universally respected.

So we mourn his passing and we also express to his wife, Jane, and his five

children, Steven, Ellen, Melinda, Martha, and Edmund, Jr., our deep and sincere regret at his passing.

ON SENATOR EDMUND MUSKIE

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

Mr. MORAN. Mr. Speaker, on behalf of the Democratic minority, it is appropriate to take note of a distinguished Governor, U.S. Senator, Secretary of State, and Vice Presidential candidate. It is on Ed Muskie's shoulders that much of the intellectual foundation of our foreign policy rests in terms of the primary of human rights and the sustainable progress of economic development throughout the world. It was on Senator Muskie's watch and on his shoulders that these priorities were defined and promoted.

It is also appropriate to say that it was on his giant shoulders, that were so strong with integrity, that many of us lesser public servants have attempted to stand. Senator Muskie always stood tall and made us all proud to be public servants, and we deeply mourn his passing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, March 27, 1996.

AUTHORIZING RUNNING OF 1996 SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 146) authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 146

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 24, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1996 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, House Concurrent Resolution 146 would authorize the Special Olympics torch to be run on the Capitol Grounds on May 24, 1996, as part of the journey of this torch to the Special Olympics summer games at Gallaudet University here in the District of Columbia.

This is an annual event and one which this committee has supported several times through resolutions authorizing the use of the Capitol Grounds for this purpose. This year approximately 3,000 members of 60 local and Federal law enforcement agencies throughout the region will participate in this 26-mile relay run through the city in support of the Special Olympics.

This program gives handicapped children and adults the opportunity to participate in sporting events.

Because of laws prohibiting open flames on Capitol Grounds, and because of safety concerns about activities taking place thereon, this resolution is necessary to permit the relay to occur. The resolution authorizes the Capitol Police Board to take necessary action to insure the safety of the Capitol, and the Architect of the Capitol may set forth conditions on the participation of this event.

This is a very worthwhile endeavor and I strongly encourage my colleagues to support this measure.

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

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

Mr. Speaker, I want to thank the gentleman from Maryland [Mr. GILCHREST] for the fine job he has done with our subcommittee, and I wholeheartedly support House Concurrent Resolution 146 to authorize the use of the Capitol Grounds for this special event, the Special Olympics Torch Relay. This relay event is traditionally part of the opening ceremonies for the Special Olympics, which takes place at Gallaudet University here in the District. It is a fine annual event.

The games provide athletic competitive opportunities for over 2,200 Special Olympians in 17 respective events. The goal of the games is to help bring all mentally handicapped individuals into the large society under conditions whereby they are accepted and respected. Today more than 1 million children and adults with mental retardation participate in Special Olympics programs worldwide.

I want to thank the gentleman from Maryland [Mr. GILCHREST] for bringing the resolution to the floor and for the fine job he and his staff have done with our subcommittee, and I urge support on this very worthwhile cause.

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

Mr. GILCHREST. Mr. speaker, I yield myself such time as I may consume in order to thank the gentleman from Ohio [Mr. TRAFICANT] and the gentlewoman from the District of Columbia [Ms. NORTON] for their participation in this worthy event, and for this worthy resolution.

Mr. TRAFICANT. Mr. Speaker, I want to echo those remarks by the gentleman from Maryland.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the District of Columbia [Ms. NORTON], who has done an outstanding job in our Congress.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me, and for his kind remarks.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Maryland, Mr. GILCHREST, as well as the ranking member, the gentleman from Ohio, JIM TRAFICANT, for their leadership on House Concurrent Resolution 146, the Special Olympics torch relay bill.

This body rarely authorizes the use of the Capitol Grounds for staging special events. The 11th annual torch relay for the D.C. Special Olympics is a worthy exception. This event, organized by more than 650 Federal and local law enforcement agencies in the District, is a special part of the opening ceremony for the D.C. Special Olympics at Gallaudet University. This year I am pleased that Coolidge High School in my district is also providing playing fields for some of the events.

The law enforcement torch relay raises both funds and awareness for D.C. Special Olympics. More than 2,400 officers follow the lighted torch through the District. This outpouring is a fitting tribute to the D.C. Special Olympics, and to the 2,200 local Special Olympians in 17 events. I applaud the Downtown Jaycees who started the Special Olympics in 1969, Eunice Shriver, the founder, the law enforcement officers who will participate, and especially, this year's Special Olympians.

Mr. OBERSTAR. Mr. Speaker, I strongly support this resolution to allow the Special Olympics Torch Relay to be run through the Capitol Grounds. The District of Columbia Special Olympics will be held May 13–23, 1996. The Special Olympics torch will be run across Capitol Grounds as part of the opening ceremonies which take place at Gallaudet University. As in the past, local law enforcement officials will participate in carrying the torch to the opening ceremony.

The DC Special Olympics provides opportunity for approximately 2,200 local Special Olympians in 17 events. Worldwide, over 1 million mentally challenged adults and children

participate in the Special Olympics program. Through successful experiences and athletic competition, Special Olympians gain confidence, build a positive self image, and greatly enhance their ability to contribute to society.

I thank Mr. GILCHREST for introducing House Concurrent Resolution 146, and I commend him and Mr. TRAFICANT for their leadership on this issue. I wholeheartedly support this resolution and urge its adoption.

Mr. TRAFICANT. Mr. Speaker, I again join forces with the gentleman from Maryland [Mr. GILCHREST] to urge an ''aye'' vote, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 146.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1996 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 147) authorizing the use of the Capitol Grounds for the 15th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 147

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the fifteenth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 155 law enforcement officers who died in the line of duty during 1995.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, House Concurrent Resolution 147 would authorize the use of the Capitol Grounds for the 15th Annual Peace Officers' Memorial Service to be held on May 15, 1996. This year, as in past years, the U.S. Capitol Police will be the sponsoring law enforcement agency for this event. During the past year, 155 peace officers have lost their lives in the line of duty. This figure includes many of the dedicated Federal employees who lost their lives in the tragic bombing in Oklahoma City last April.

This year, it is expected that over 2,000 friends and family members of those who lost their lives last year will attend this event, and 15,000 peace officers will also participate.

This is a worthwhile endeavor, and I urge my colleagues to support this measure.

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

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

Mr. Speaker, I urge all to join me in supporting House Concurrent Resolution 147 which, as the gentleman from Maryland [Mr. GILCHREST] has stated, will authorize the use of the Capitol Grounds for the National Peace Officer's Memorial Service.

On May 15 of this year the Capitol Police will host law enforcement officials from around the Nation who will gather here to honor their fallen police officers. I would like to take this time to commend our Capitol Police. Many times they go unnoticed, and perhaps it is the lack of those headlines we do not read that are, maybe, the greatest testament to our own Capitol Police. I am proud of the Capitol Police's hosting this event. We should all support it.

In addition to the 155 officers killed in the line of duty in 1995, approximately, Mr. Speaker, 65,000 police officers are assaulted each year, with over 23,000 of our police officers sustaining injuries of some sort.

□ 1415

Everybody is tragically aware, as pointed out by the gentleman from Maryland [Mr. GILCHREST], of the unfortunate terrorist act in Oklahoma, but very few people realize that the target of those terrorists was our law enforcement personnel, as well as making a statement. It was a direct attack and assault on our law enforcement personnel.

I think it is absolutely fitting and proper that we join here and we allow the use of the Capitol Grounds, by an extension of the authority of Congress that vests that right within us and power within us, to our National Law Enforcement Officers Memorial Service. I believe that that purpose is most fitting.

I want to thank the gentleman from Maryland [Mr. GILCHREST] for the way he has dispatched his duties on this bill and others.

Mr. Speaker, with that, I have no further speakers, I urge an ''aye'' vote, and I yield back the balance of my time.

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

Mr. Speaker, I also want to thank the gentleman from Ohio [Mr. TRAFICANT] for his work on this resolution, for his work on the subcommittee. We have a truly bipartisan subcommittee that endeavors to do the work of the Nation, no matter how corny that might sound.

Mr. Speaker, as I mentioned in my opening statement, there will be over 15,000 police officers attending this memorial service. It is in dedication to the quiet courage of those law enforcement officers that have dedicated their lives to this great country. In that endeavor we pass this resolution.

Mr. OBERSTAR. Mr. Speaker, I join Mr. TRAFICANT and Mr. GILCHREST in supporting use of the Capitol Grounds for the 15th anniversary of the National Peace Officers' Memorial Service. May 15 is the day designated by President Kennedy as the day to honor all men and women who have dedicated and sacrificed their lives in order to protect our lives.

I commend Mr. TRAFICANT for introducing House Concurrent Resolution 147, and for being a staunch supporter of this program. As we all know, the Capitol Plaza is used for the candlelight memorial service, which is the culmination of a series of events honoring peace officers who have been killed in the line of duty. The 1996 service will be hosted by the Capitol Hill Police Department.

Tragically, during 1995, 155 law enforcement officers were killed while on duty. The average age of those officers was 37 years old and they had served the public for 9 years. Four of them were women. It is fitting and commendable that we support the efforts of the Capitol Police and the 675,000 law enforcement officials now serving in the United States.

Mr. Speaker, I strongly support House Concurrent Resolution 147, and I urge my colleagues to join me.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 147.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE 35TH ANNIVERSARY OF THE PEACE CORPS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 158) to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

The Clerk read as follows:

H.J. RES. 158

Whereas the Peace Corps has become a powerful symbol of America's commitment to expand hope, create opportunity, and encourage development at the grass roots level in the developing world;

Whereas more than 140,000 Americans have served as Peace Corps volunteers in more than 125 countries in Africa, Asia and the Pacific, Central Asia, Eastern and Central Europe, and the Western Hemisphere since 1961, and have strengthened the ties of friendship and understanding between the people of the United States and those of other countries;

Whereas Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, education, the environment, health, and youth development, and have improved the lives of individuals and communities around the world;

Whereas Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions;

Whereas Peace Corps volunteers embody and represent many of America's most enduring values, such as service, commitment to the poor, and friendship among nations;

Whereas the Peace Corps continues to receive broad, bipartisan support in Congress and from the American people; and

Whereas March 1, 1996 will mark the 35th anniversary of the founding of the Peace Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the achievements and contributions of the Peace Corps over the past 35 years be celebrated; that the dedication and sacrifice of Peace Corps volunteers be recognized and their continued contributions be acknowledged not only for their service in other countries but in their own communities; and that the President is requested to honor Peace Corps volunteers and reaffirm our Nation's commitment to international peace and understanding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, House Joint Resolution 158 recognizes the Peace Corps and its volunteers on its 35th anniversary year. Mr. FARR and the five other original cosponsors of this resolution are all former Peace Corps volunteers now serving their country here in the Congress. Their resolution recognizes the sacrifice and dedication of Peace Corps volunteers, both in their assigned countries and here at home after they return on the occasion of the Corps's 35th anniversary.

I will note that since the first volunteer stepped off the plane in 1961 at a little airport in Ghana, over 140,000 Americans have become Peace Corps veterans in the service of peace, understanding and development. Today, Peace Corps volunteers are older, more experienced and specialized but their mission is still the same: development and basic American values in the developing world at the grassroots level.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the full committee.

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, we all can agree on the bipartisan strength of the Peace Corps in the 104th Congress. Founded under President Kennedy and its first Director, Sargent Shriver, the Peace Corps grew through the 1960's and 1970's but really came to the crossroads in the 1980's. I want to make a special note for the longest serving Peace Corps Director, Ms. Loret Ruppe, whose energy, drive, and dedication set the Peace Corps' goal that we still support today: 10,000 volunteers by the year 2000. Loret is now struggling with cancer but her mission and her impact on the Corps is still felt today. As Loret used to say, ''Peace Corps volunteers are working today to help the African farmer and her husband * * *.''

Last month, we debated a highly controversial State Department bill on the House floor. I think that one provision of that bill we could all support was the funding levels for the Peace Corps. The House conferees and especially former Peace Corps Director, Senator PAUL COVERDELL of Georgia, joined together to ensure funding for the Peace Corps, even in these tough budgetary times. Under its new Director, Mark Geran, I think this Congress is expecting a lot from the Peace Corps in its next 35 years.

I recommend this resolution to the House and urge its support.

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

Mr. Speaker, I want to thank the gentleman from Nebraska [Mr. BEREUTER], the subcommittee chairman, and the gentleman from New York [Mr. GILMAN], the full committee chairman, for bringing this resolution before the House. It is actually cosponsored by six Members of the House who are former Peace Corps volunteers: MIKE WARD, JIM WALSH, TONY HALL, CHRIS SHAYS, TOM PETRI, and SAM FARR.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FARR] who has come all the way from his district to speak on this.

Mr. FARR of California. Mr. Speaker, I rise today as one of the six returned Peace Corps volunteers now serving in the House, and I rise in support of House Resolution 158, recognizing the Peace Corps' 35th anniversary.

Let me first take a minute to thank Chairman GILMAN and the Ranking Minority Member HAMILTON for bringing this measure to the floor. I also want to thank Mark Geran, who is the Director of the Peace Corps, who has been instrumental in the continuing success of the agency, as well as the other returned Peace Corps volunteers now serving in this country and serving in this Congress, my colleagues Representative TONY HALL of Ohio, Representative TOM PETRI, Representative MIKE WARD, Representative JIM WALSH, and Representative CHRIS SHAYS.

President Kennedy created this international service organization 35 years ago to promote international goodwill. During his powerful inaugural address, he challenged Americans with, ''Ask not what your country can do for you, ask what you can do for your country,'' and many of them, including myself at that time, responded to that call and joined the Peace Corps in the early 1960's. The creation of the Peace Corps was part of this vision of his.

Today, there are currently 7,000 Americans working as Peace Corps volunteers. The average age in 1961, when President Kennedy made his call, was 22 years of age. Today, in 1996, the average age is 29 years old. Over 500 volunteers are over the age of 50. The educational experience of volunteers has grown; more volunteers with graduate degrees than ever before.

Over 140,000 returned volunteers have served in the Peace Corps in more than 125 countries, in Africa, Asia, Eastern and Central Europe. They have also served in the South Pacific and in Latin America.

The Peace Corps was formally established by Executive order on March 1, 1961. Volunteers were sent to Ghana, Colombia, and Tanzania, and over 850 volunteers were in the field by the end of the first year.

Soon volunteers teaching in schools were joined by those working in agriculture, health and nutrition, forestry, and fisheries. In the 1980's, the Peace Corps was refined and developed new initiatives in response to the special needs of the developing world.

In Lesotho, in Mali, and Niger, Peace Corps began the Africa Food Systems Initiative to assist farmers in need of innovative ways to increase food production. In the Caribbean, the Peace Corps has developed initiatives to stimulate job-creating small enterprises.

The Peace Corps has undertaken a lot of new initiatives. The Peace Corps has plans to send volunteers to South Africa in response to a request for assistance from President Nelson Mandela. The Peace Corps has also resumed its presence in Haiti following

the successful presidential elections. Currently the Peace Corps is investigating the feasibility of sending volunteers to the Middle East and to Cambodia.

The agency plans on development of a Crisis corps to respond to natural disasters in developing countries. The story about that reached our office when volunteers were calling about the situation in Rwanda, saying that they had been there and served and spoke the language and knew the customs and the culture. They knew the history and the politics and they wanted to be able to go back. We did not have a facility in law to allow that, so we had to ask the State Department to make a special process for that, and that is what is now being developed into this Crisis Corps, so that indeed when we do have people that have the skills that are needed in countries with disasters, we can immediately get them there.

The purpose of the Peace Corps' mission is to promote world peace. Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, education, environmental health, and youth development, and they have improved the lives of thousands all over the world. The Peace Corps has become a powerful symbol of international humanitarianism.

The Peace Corps teaches volunteers the value of service and the value of commitment. The agency is an example of America's commitment to expanding hope, to creating opportunity and offering the volunteers an experience that they will remember for a lifetime.

At a time when funding for foreign assistance programs is under severe constraints, it is notable that the Peace Corps continues to enjoy strong support in this Congress and among the American people.

The agency is facing a strong future. In Friday's Washington Post it was quoted that the Peace Corps is the employer with the most job openings for graduates of the class of 1996. In fact, the demand for Peace Corps volunteers overseas far exceeds our ability to supply that demand, and I hope that in Congress we will appreciate that as we look at its budget next year and realize this is one area that is extremely cost effective. If we want to get a good bang for the buck, the Peace Corps is there and the countries want us to come.

The annual survey by Black Collegian magazine stated that the agency plans to recruit over 3,000 graduates. That is the third highest employer in the country. So while the Peace Corps is promoting international goodwill, it is key in benefiting our domestic economy as well.

Please join me and my colleagues in supporting this resolution to recognize the Peace Corps on the occasion of its 35th anniversary, and the contributions and achievements that its volunteers have brought home to America and are now achieving in countries all over the world.

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

Mr. FARR of California. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I would say to the gentleman I have been on the Foreign Operations Subcommittee for 14 of the last 16 years, and the Peace Corps is one of the best things that we do in foreign relations, without any question. Even in the tough budgetary times in which we find ourselves, we have to maintain that commitment and increase it if we possibly can, and make certain that this good program, which after all is people-to-people, not government-to-government, people-to-people, continues and is strongly supported by the Congress.

Mr. FARR of California. Mr. Speaker, I appreciate the support on both sides of the aisle. I think this program is one that we can all be proud of, and in a time when people think that there is debate and rancor among the parties in Congress, I can tell that this is one area where we all agree that America has created a fantastic opportunity for its youth, for its people of all ages to be able to experience overseas living as minorities in another land.

□ 1430

As a return volunteer, I reflect on my experience every day, and I appreciate the support Congress is giving it.

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

Mr. Speaker, it is amazing that there have only been 140,000 volunteers over the last 35 years, when you consider the profound impact that the Peace Corps has had in the lives of individuals and in fact in the progress of nations around the world. But the impact has also been felt in terms of the volunteers. We just heard from one. There are several others in this body.

The fact is that the leaders in government and in industry in America today in many ways share that common experience of having been Peace Corps volunteers. I hope that will continue to be the case, because not only do we share our national know-how and goodwill, but we benefit a great deal with that broadened experience.

I just want to say that we in the minority, as well as the gentleman from New York, Chairman GILMAN, expressed for the majority, applaud President Clinton's selection of Mark Gearan to be Director of the Peace Corps. We could not have had a better choice. We appreciate the fact that again we have a broad bipartisan support for this resolution.

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

Mr. FARR of California. Mr. Speaker, I rise today in support of House Joint Resolution 158 recognizing the Peace Corps on its 35th anniversary.

President John Kennedy created this international service organization 35 years ago to promote international goodwill. During his powerful inaugural speech the young President challenged Americans with, ''Ask not what your country can do for you, ask what you can do for your country.'' The Peace Corps was part of this vision for how Americans could play a positive role in the developing world. In its 35 years, the Peace Corps has come to represent what is best about our country and our character as a people: our ability to forge a spirit of idealism with a commonsense approach to what works for people who need and want our help.

My other returned Peace Corps volunteer colleagues and I know the value of volunteer service and the significance of this fine agency. I had the benefit of serving in the Peace Corps in Colombia in the early 1960's. That experience has led me to serve my community in local, State, and Federal government. Peace Corps taught me the value of service, responsibility, and commitment.

Currently, there are nearly 7,000 Americans working as Peace Corps volunteers. They work at the grass-roots level in places far from their homes and families. Some volunteers do not see other Americans for months at a time. They are completely entrenched in their countries of service. They speak the language, eat their food, and share their culture. They put a face on America and its values around the world.

Volunteers serve in many different programs ranging from the traditional education and health programs to promoting new sustainable programs to benefit agriculture, the environment, and economic development.

Education remains Peace Corps' largest program. Over 40 percent of all volunteers teach English, mathematics, science, and business studies. They work in special education, vocational educations, and nonformal education activities for adults and at-risk youth. In addition to classroom teaching, volunteers work closely with local educators to share methodology, integrate relevant content and resource centers and teaching materials. In Cameroon, volunteers have helped develop a manual on teaching HIV/AIDS prevention in English-language classes. The manual has since been adopted for public use by the Ministry of Education.

Teaching and prevention of HIV/AIDS to citizens in high-risk groups has played a major part in the health services provided by volunteers. In Thailand, volunteers have conducted surveys to help the country update its HIV/AIDS education materials. Other health services performed by volunteers include providing primary health care services to many of the world's women and children including maternal and child health activities, nutrition, community health education, and water and sanitation projects.

Peace Corps is the leader in protecting the global environment. The focus of the environmental strategy is on community work, teaching conservation of national resources, and sustainable resource management. Much of the environmental work is in forestry management, reforestation, and watershed management. The fastest growing new project activity is environmental educations. Volunteers in Tanzania, home of the largest wildlife refuge are involved in projects ranging from codifying Tanzanian environmental law to ensure protection of exported birds to preparing a management plan for Ileje Forestry Reserve and teaching environmental education in the schools.

Food production remains to be a priority for many nations in Africa, Asia, Latin America,

and the former Soviet Union. Rapidly expanding populations, changes in climate, and a series of natural and man-made disasters have created serious food shortages. With most people in developing nations still practicing subsistence farming, there is a critical need to introduce and apply sustainable agricultural techniques to village farmers. In Guatemala, volunteers are teaching farmers how to increase their family incomes and produce animal protein for dietary intake through the integration of fish and small animal production.

The fastest growing program for volunteers is economic development especially in Eastern Europe. Volunteers promote local economic development through self-sustaining income and employment producing practices. Working with local community leaders, businesses, and trade associations, volunteers teach business management, commercial banking and related skills assisting local efforts to establish free market economies. In Poland, a volunteer has been instrumental in establishing 46 small businesses with no-interest loans from the local government with only a 6-percent default rate.

The Peace Corps has become a powerful symbol of international humanitarianism. It is a goal which hundreds of people strive toward each year. Not just young college graduates, but people of all ages. In fact, 9 percent of Peace Corps volunteers are over 50 years old.

The Peace Corps remains a popular calling; there is not one State in the country which has not sent a Peace Corps volunteer. In my State of California, over 20,000 people have volunteered to serve around the world.

The Peace Corps has become a powerful symbol of America's commitment to expand hope, create opportunity, and encourage development at the grassroots level in the developing world.

Volunteers embody and represent many of America's most enduring values, such as service, commitment to the poor, and friendship among nations. Returned volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions.

At a time when funding for foreign assistance programs is under severe constraints, it is notable that the Peace Corps continues to enjoy strong support in the Congress and among the American people. That is a tribute to the thousands of Americans—young and old—who have served over the past 35 years, often under very difficult conditions. And it is a tribute to the visionary but simple idea behind the Peace Corps; that the world will be a more peaceful place if we understand one another better and if we can help those in need improve their own lives and that of their families and communities.

Join me in supporting House Joint Resolution 158, recognizing and honoring the Peace Corps' achievements and contributions and its volunteers over the past 35 years.

Mr. HALL of Ohio. Mr. Speaker, let me begin by thanking my colleague from California, Mr. FARR, for his work on this resolution, and his consistent efforts in the past to recognize and support the Peace Corps.

Since 1961, when President John F. Kennedy signed an Executive order establishing the Peace Corps, 140,000 men and women have represented America by volunteering in 125 countries around the world. I am proud to say that I am among that number.

For me, the Peace Corps represents the best that this Government has to offer. When we bring together dedicated, energetic people and arm them with tools to work in foreign communities as ambassadors of peace, things happen—people's lives improve—and we all benefit. Today, nearly 7,000 such dedicated individuals are serving as Peace Corps volunteers in 94 different countries. They are improving the environmental, agricultural, and business infrastructures in those nations. They are educating the children, caring for the sick, and teaching the poorest of the poor how to help themselves. But, most importantly, these volunteers are the face of America for people across the globe. They are people-to-people diplomats building a peaceful world from the ground up.

But, it's not easy. I know first-hand the challenges and difficulties that these Peace Corps volunteers face. I also know the tremendous rewards. My Peace Corps experience changed my life. When I graduated from college in 1964, I had dreams of playing pro football, making big money, and driving fast cars. Instead, I ended up teaching English and riding a bicycle through the jungles of Thailand.

During my first night in Thailand, I sat in a restaurant and watched a cat chase a rat across the floor and devour it. I thought, ''What am I doing here.'' But, as I got to know the people in the village, my whole outlook changed. I came home from Thailand with a better understanding of the world, with my priorities in order, and prepared for a life of public service.

No other institution does what the Peace Corps does. It serves the needy of the world in concrete, practical ways. It promotes world peace. And, every year, it brings 3,000 experienced, multicultural, and compassionate volunteers back home to America. During its long and distinguished history, the Peace Corps has enjoyed wide public approval and bipartisan support here in Congress. I certainly hope that that support continues as the 1997 appropriation process goes forward.

Today, as it celebrates its 35th anniversary, the Peace Corps deserves our highest recognition and I commend all of its past and current volunteers for 35 years of success.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the joint resolution, House Joint Resolution 158.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

DETERIORATION OF HUMAN RIGHTS IN CAMBODIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 345), expressing concern about the deterioration of human rights in Cambodia, as amended.

The Clerk read as follows:

H. RES. 345

Whereas the Paris Peace Accords of 1991 and the successful national elections of 1993 ended two decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas since 1991 the international community has contributed more than $3,000,000,000 to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas recent events in Cambodia, including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of the former Finance Minister Sam Rainsy from the government coalition FUNCINPEC Party and the National Assembly, a grenade attack against the independent Buddhist Liberal Democratic Party of Cambodia, and mob attacks against pro-opposition newspapers, suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas rampant official corruption in the Cambodian Government has emerged as a major cause of public dissatisfaction, which in turn has resulted in the government crackdown against these outspoken opposition politicians and the press;

Whereas heroin traffic in and through Cambodia has become so widespread that Cambodia has been added to the Department of State's list of major narcotics trafficking countries;

Whereas the desire to cite Cambodia as a success story for United Nations peacekeeping and international cooperation has stifled the expression of concern about deteriorating human rights conditions in Cambodia; and

Whereas conditions in Cambodia have deteriorated since the House of Representatives passed House Bill 1642 on July 11, 1995, which grants Cambodia unconditional most favored trading status: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Secretary of State to make human rights concerns among the primary objectives in bilateral relations with Cambodia;

(2) urges the Secretary of State to closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and attempt to secure the agreement of the Cambodian Government to full and unhindered participation of international observers for these elections;

(3) urges the Secretary of State to support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia;

(4) urges the Secretary of State to encourage Cambodia's other donors and trading partners to raise human rights concerns with Cambodia;

(5) supports efforts by the United States to provide assistance to Cambodia to broaden democratic civil society, to strengthen the rule of law and to ensure that future elections in Cambodia are free and fair; and

(6) urges that the United States raise human rights concerns at the June 1996 meeting of the Donor's Consultative Meeting for Cambodia and during consideration of projects in Cambodia to be financed by international financial institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, it has been 2 years since Cambodia had its first democratic election that brought to power the current coalition government.

Over the past 4 years, the United States donated some $700 million to the efforts to help Cambodia rebuild its economy and become a democracy.

But some very serious problems remain.

Last year the Cambodian National Assembly passed a provision to the press law that will allow the Government under the vague rubric of national security and political stability virtually unfettered power to confiscate and close down newspapers and charge journalists with criminal offenses.

The government has requested prosecution and closure of several Cambodian newspapers, as well as the highly regarded english language weekly, the Phnom Penh Post.

In addition to these problems, there are the serious questions surrounding the unsolved killings of three journalists, and the expulsion and threatened expulsion of members of parliament who expressed views critical of the ruling coalition.

One trial ended with the conviction of Thun Bun Ly, the editor of Khmer Ideal on charges of disinformation for critical and satirical essays that the paper published.

The newspaper has been closed and Thun Bun Ly has been fined 10 million riel—$4,000—and sentenced to 2 years of imprisonment should he fail to pay in 2 months.

The Congress needs to closely watch the situation in Cambodia. The leaders of that nation need to permit the development of an independent judiciary, to allow for complete freedom of the press and independent political participation.

Another important issue is the drug trade. there are many reports coming out of the region pointing out that Cambodia's army and security apparatus is providing transportation and protection for the heroin trade.

I want to thank the chairman of the subcommittee, Mr. BEREUTER, and the ranking minority member, for their work on House Resolution 345.

House Resolution 345 expresses important American concerns and I wholeheartedly support its passage.

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

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

Mr. Speaker, the Democratic minority is going to support this resolution as amended. We do wish it was a little bit more balanced. It is true certainly that the human rights situation in Cambodia has deteriorated over the past year, but the resolution does not adequately recognize the difficulties that Cambodia faces.

Cambodia is not a police state. It is far more open and free than many of its neighbors. Unlike many of its neighbors, it has an active opposition press that does not hesitate to criticize the government and, in many ways, in an inflammatory language that we would be shocked at in this country.

While it is true that government troops have committed human rights violations, it is also true that the Cambodian Government and military have stepped up their efforts to ensure that these abuses are not repeated. The U.S. Government is in fact funding those efforts.

So I would urge my colleagues not to give up on Cambodia, given that country's tragic history over the past quarter century in which we played a significant role. We should not be surprised if it fails to fully live up to our ideals on human rights. Progress is being made.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time and for his support.

Mr. Speaker, this Member introduced House Resolution 345 to put the Cambodian Government on notice that the House is increasingly concerned about the deterioration of democracy and human rights in that country. The resolution at the desk includes two minor technical corrections. the first corrects the date of upcoming elections; the second notes the fact that Cambodia has been added to the State Department's list of narcotics trafficking countries.

Mr. Speaker, Cambodia has made tremendous strides toward democracy since the killing fields of Pol Pot and the Vietnamese occupation; but serious problems remain. House Resolution 345, while commending the Cambodian people for their commitment to democracy and stability, expresses serious concern about human rights problems in that country. This Member is concerned that the desire by the administration and the international community to cite Cambodia as a success story for U.N. peacekeeping has stifled the expression of concern about the deterioration of democracy and human rights conditions in Cambodia.

On September 21, 1995, the Subcommittee on Asia and the Pacific held hearings on internal stability, democracy, and economic development in Cambodia. At this hearing, several well-informed private witnesses, including the International Republican Institute, described a serious deterioration of democracy and human rights in Cambodia during the last 12 months.

Few people have experienced as much suffering the last 30 years as the people of Cambodia. Cambodia was drawn into the Vietnam war. The country endured 3 years of tyrannical rule by the Khmer Rouge [KR], under which more than 1 million Cambodians perished. Cambodia was invaded by Vietnam in 1979 and then suffered another 12 years of civil war.

Cambodia's road back from this horror began with the October 1991 Paris Peace Accords, under the auspices of the United Nations. These accords led to remarkably successful national elections in May 1993, during which 90 percent of Cambodia's eligible voters braved threats from Pol Pot and his henchmen and voted to install a democratic parliamentary system of government. Cambodia's national unity coalition government, which resulted from these elections, demonstrates the desire of the Cambodian people for representative government and stability.

The 1993 elections, however, were only the first step toward democracy in Cambodia. The impediments remain formidable: the Khmer Rouge continues to fight a low intensity war against the Government; the former ruling party—the ex-communist Cambodian People's Party—has found it difficult to share power; the royalist party which won the elections has been charged with corruption; and, the Government seems to be drifting toward authoritarianism.

Not only are there questions about the depth and staying-power of the current democratic system in Cambodia, but the Government of Cambodia has taken some troubling actions. As a parliamentarian, and Member of Congress, I am very troubled by what appears to be an increasing tendency toward intolerance of dissent in the Cambodian National Assembly. The expulsion from the National Assembly of the outspoken Sam Rainsy, the arrest and exile of former Foreign Minister Prince Sirivudh, and the threatened expulsion of other legislators is of particular concern. Moreover, the arrest of some journalists and the enactment of a restrictive press law raise questions about the Cambodian Government's commitment to free speech and a free press.

Mr. Speaker, since the House acted to approve most-favored-nation trading status for Cambodia earlier this year, we certainly now need to balance that action with a straightforward message to Phnom Penh on human rights violations. That is exactly what House Resolution 345, as amended, does.

One positive sign, which could make a long-term contribution to democracy and human rights in Cambodia, is the strong network of local and international nongovernment organizations. This Member commends the Government for its continued welcoming of NGO's in that country and hopes this positive attitude will continue.

The resolution urges the administration to bring a larger effort to making

democracy and human rights concerns among our primary objectives in bilateral relations with Cambodia, calls for close monitoring of important upcoming elections, supports democratization efforts of United States assistance programs, and urges that the United States and other donors raise democracy and human rights at the June 1996 meeting of the Donor's Consultative Meeting for Cambodia.

Mr. Speaker, House Resolution 345 represents a balanced and constructive effort to advance democracy and human rights in Cambodia. This Member wants to thank the distinguished gentleman from New York and chairman of the House International Relations Committee, [Mr. GILMAN] and the distinguished Member from California and ranking member of the Subcommittee on Asia and the Pacific, [Mr. BERMAN] for their assistance and support for this resolution. This Member urges all his colleagues in this body to support House Resolution 345, as amended.

Mr. GILMAN. Mr. Speaker, I thank the distinguished chairman of our subcommittee, the gentleman from Nebraska [Mr. BEREUTER] for his supportive comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 345, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1445

ANNIVERSARY OF MASSACRE OF KURDS BY IRAQI GOVERNMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 379) expressing the sense of the House of Representatives concerning the eighth anniversary of the massacre of over 5,000 Kurds as a result of a gas bomb attack by the Iraqi Government.

The Clerk read as follows:

H. RES. 379

Whereas over four million Kurds live in Iraq, composing 20 percent of the population;

Whereas the Iraqi Government has continually taken violent actions against Kurds living in Iraq;

Whereas, on March 17, 1988, the Iraqi Government, by its own admission, used chemical weapons against Iraqi Kurd civilians in the Kurdish frontier village of Halabja, resulting in the death of over 5,000 innocent persons;

Whereas this terrible, inhumane act by the repressive Iraqi Government provoked international outrage;

Whereas the Iraqi Government continued its use of chemical weapons against a defenseless Kurdish population throughout 1988;

Whereas over 182,000 Iraqi Kurds were killed by the Iraqi Government during the Anfal campaigns in 1988;

Whereas it was not until the international response to Iraq's invasion of Kuwait in 1990 that the international community instituted measures to destroy Iraq's arsenal of weapons of mass destruction;

Whereas the Iraqi Government has laid over 20 million mines throughout the Kurdish countryside which continue to hamper efforts of rehabilitation of the displaced population;

Whereas United Nations Security Council Resolution 688 of April 1, 1991, demanded that Iraq cease repression of its citizens and called for an international relief program for the Iraqi civilian population and, in particular the Kurdish population;

Whereas, since the spring of 1991, the United States, Britain, and France have enforced by daily overflights a no-fly zone over Iraq north of the 36th parallel;

Whereas, in addition to the allied air umbrella, the United Nations carries out relief and security operations in Iraq, with emphasis on the Kurdish region;

Whereas, since 1991, the United States has provided approximately $1.2 billion to support humanitarian and protective activities, known as Operation Provide Comfort, on behalf of the Iraqi Kurds; and

Whereas there will never truly be peace for the Iraqi Kurds without justice being carried out against their Iraqi perpetrators: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Administration should—

(1) mark the eighth anniversary of the death of over 5,000 Iraqi Kurds in the 1988 chemical attack by the Iraqi Government on Halabja by commemorating all those innocent men, women, and children who lost their lives;

(2) reaffirm the United States' commitment to protect and help the Kurdish people in Iraq, thus ensuring that the tragedy of Halabja will never be repeated;

(3) support efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurdish people the right to self-government through a federal system; and

(4) renew efforts to establish an international war crime tribunal to prosecute Iraqi leaders involved in crimes against humanity and war crimes.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. Speaker, I rise in strong support of House Resolution 379, legislation introduced by our distinguished colleague the gentleman from Illinois [Mr. PORTER], which expresses the sense of Congress regarding the eighth anniversary on March 17, 1996, of the massacre of 5,000 Iraqi Kurds as a result of a gas bomb attack by the Iraqi Government.

The United States is well aware of the brutal actions of Saddam Hussein's regime against Iraqi minorities, particularly Iraqi Kurds, who are now protected in northern Iraq by Operation Provide Comfort. United States support for Operation Provide Comfort is substantial, through our participation in monitoring the no-fly zone over Iraq north of the 36th parallel, and through our approximately $1.2 billion in humanitarian and protective activities there to assist the Kurds in the north, in which we are also able to deter Saddam's aggression.

House Resolution 379 recalls the events of March 17, 1988, and calls upon the administration to: Commemorate the memories of those innocents who lost their lives in that tragic attack; reaffirm the United States commitment to protect and assist the Kurdish minority in Iraq, to ensure that the Halabja massacre does not happen again; support efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurds the right to self-government through a federal system; and renew efforts to establish an international war crimes tribunal to prosecute Iraqi leaders involved in crimes against humanity.

Mr. Speaker, the gentleman from Illinois [Mr. PORTER] is to be commended for his sponsorship of this resolution, and for his consistent leadership in fighting for human rights. Accordingly, I support the gentleman's resolution, and urge my colleagues to support it as well.

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

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

The minority applauds this resolution introduced by the gentleman from Illinois [Mr. PORTER] and appreciates the gentleman from New York [Mr. GILMAN], the chairman, bringing it to the floor. It is appropriate that we express our sense of outrage over the massacre of 5,000 Kurds by gas bomb attack. It is a timely reminder that we have to continue our vigilance and pressure against Iraq with and on behalf of the international community.

This resolution reaffirms our commitment to protect and to help the Kurdish people in Iraq. It supports efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurdish people the right to self-government through a federal system, and it calls on the administration to renew efforts to establish an international war crimes tribunal to prosecute Iraqi leaders involved in crimes against humanity and war crimes and their principal leader, in particular, Saddam Hussein.

So this is a good resolution, and we would urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. PORTER], distinguished co-chairman of our human rights caucus, who has been a leader in our battle for human rights and has brought this

Kurdish problem to our attention for a number of years.

Mr. PORTER. Mr. Speaker, I thank the distinguished chairman for yielding time to me. I particularly thank him for his tremendous leadership in fighting for the rights of minorities all across the world.

He has been steadfast in his support for the Kurdish people, the largest ethnic group in the world not to have a country of their own, 25 million people divided between Turkey, Iraq, Iran and Syria. The gentleman from New York has been absolutely outstanding in his leadership, to draw our attention to their plight in several of these countries and to fight for their basic human rights.

Mr. Speaker, 8 years ago on March 17, 1988, Saddam Hussein's regime attacked the Kurdish town of Halabja using poison gas and nerve gas. Over 5,000 civilians, including women and children, perished in this attack. Following the attack, the Iraqi Government demonstrated just how terrible and inhumane it is by continuing its reign of terror against the Kurds.

Throughout 1988, over 182,000 Iraqi Kurds were killed by the Iraqi Government in vicious gas attacks. It was not until Iraq's invasion of Kuwait in 1990 that the international community stepped forward and took measures to destroy Iraq's arsenal of weapons of mass destruction.

Today the United States and the international community support efforts to protect the Iraqi Kurds. the United States has been instrumental in ensuring that humanitarian assistance reaches Kurds in Iraq and that they are protected from Iraqi Government attacks.

The plight of the Iraqi Kurds, however, remains precarious at best. Saddam Hussein continues to terrorize the Kurdish region through acts of sabotage and economic embargo. Additionally, over 20 million land mines laid by the Iraqi Government throughout the Kurdish countryside continually hamper relief efforts. Today there are posed on the edge of the Kurdish area 100,000 Iraqi troops threatening those areas.

Mr. Speaker, the Iraqi Government refuses to guarantee its citizens basic human rights and the right to live under the rule of law. The United Nations imposed sanctions as a result of Iraq's 1990 invasion of Kuwait. Saddam Hussein continuously refuses to comply with the U.N. Security Council resolutions.

As a result, the economy continues to deteriorate, but it is not Saddam Hussein who suffers the terrible cost of a debilitating economy, Mr. Speaker. Instead, those who bear the burden of a dictator's cruel and senseless policy are the innocent citizens who are refused the right to change their government and whose freedoms of expression and association are denied. Basic human rights only exist in the Kurdish-controlled areas in the north because of the protection of international forces.

Iraq must continue to be ostracized from the community of nations, Mr. Speaker, until its conduct begins to approach a respect for basic rights of each human being to live, to worship and to speak according to the dictates of his or her own conscience.

We must never ever forget those Iraqi Kurds who lost their lives as the result of the terrible, despicable acts of a repressive dictator. Mr. Speaker, the responsibility falls to us to ensure that their memory forever remains alive.

Mr. Speaker, past events make crystal clear that Saddam Hussein would attack the Kurds tomorrow if the United States did not protect them. Since 1991, Operation Provide Comfort has provided humanitarian assistance and protective activities on behalf of the Iraqi Kurds.

Without the support both morally and economically of the United States, I believe without the slightest doubt that many more innocent Kurdish men, women, and children would have lost their lives. The United States must continue to stand with those like the Iraqi Kurds who refuse to surrender their basic human rights to the present repressive and monstrous ways of dictators like Saddam Hussein.

Mr. Speaker, with the passage of this resolution today, Congress will go on record as commemorating the March 17, 1988 attack on the Iraqi Kurds and reaffirming strong United States support for the Kurdish people of Iraq. I strongly urge the adoption of this resolution.

Mr. Speaker, let me also comment upon a related matter. Recently our ally, Turkey, has chosen a new prime minister, Mesut Yilmaz. He has recently called for a new dialog with Greece that would intend to resolve many ongoing disputes and to bring Turkey and Greece into the kind of relation, or allies with one another, that would reflect well upon both countries and would lead to a lessening of tensions in the geographic region.

As part of that announcement, Prime Minister Yilmaz also said that he would like to open a border gate with Armenia, if he saw clear signs of progress toward a peace settlement between Armenia and Azerbaijan in their 5-year war over Nagorno-Karabakh.

He also said, Mr. Speaker, that regarding the repression of the Kurds in southern Turkey by the Turkish Government, that he would put upon the table a plan that would include granting the Kurds in Turkey cultural liberties such as the Kurdish language education that moderate Kurdish groups have long sought.

Mr. Speaker, he said also that the state of emergency would gradually be lifted in the southeast region and that measures would be taken to stimulate its economy which has suffered during the long conflict.

Mr. Speaker, he said that, and I quote, ''after having witnessed such terrible events in the past, after losing 15,000 people. I believe we have come to a common understanding that this problem can be solved only by peaceful means and not by military means.''

Mr. Speaker, this is extremely good news. This is what the United States and those of us in Congress concerned with the plight of the Kurds in Turkey have long sought. If the Turkish Government can follow through and the Turkish people can support their new prime minister in this endeavor, I believe that the lives of thousands and thousands of innocent people, part of the Kurdish minority as well as the lives of Turkish citizens will be spared.

I commend the new prime minister, Mr. Yilmaz, on taking this initiative. I know that it takes great political courage in Turkey to do so. We will promise that we will work together with the Turkish Government to achieve the settlement of differences with Greece, the opening of a positive relationship with Armenia and on the resolution of the terrible conflict in southeast Turkey that has claimed so many lives, made so many people homeless and refugees in their own country and had plagued the entire country for such a long, long time.

☐ 1500

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Illinois [Mr. PORTER] first and foremost for this fine resolution and for his leadership on these issues. He has been tenacious over the years in raising the issue of the such maligned and troubled Kurds who have suffered so much, and I want to thank him for remembering, through this resolution, that horrible day when some 5,000 people were killed by poison gas.

I will never forget the picture of that mother clutching her young child, with the child's mouth gaping open. As a result of the gas, the impact of the gas, there was a look of absolute fright on both mother and baby; just one of the Kurds killed by Saddam Hussein, one of the many.

I also want to remind everyone that the regime of Saddam Hussein continues to kill, torture and illegally imprison members of the Kurdish minority in Iraq, as well as anyone else who displeases the regime. Relief workers who have gone in to help the Kurdish refugees have also been the victims of extrajudicial executions as well as disappearances.

Mr. Speaker, back in the early 1990's I was part of the Speaker's mission that went to the refugee camps on the border of Turkey and Iraq and met with many of the Kurds who were fleeing the repression. It was right in the aftermath of the Persian Gulf War, and the Republican Guard were in hot pursuit of this Kurdish minority. It was very compelling and encouraging for me to see how our military carried on ''Operation Provide Comfort.'' They came in, they organized, and they were able to provide the logistical support

for medicines and food to be dispersed, and thousands of Kurds were spared because of the humanitarian efforts of the United States military as part of ''Operation Provide Comfort''. After several months, the situation was stabilized, and the baton was passed to the nongovernmental organizations that then carried on the good work of providing this important relief.

Mr. Speaker, as my good friend and colleague, the gentleman from Illinois [Mr. PORTER], pointed out, the Kurds do suffer much in Turkey as well. We have had hearings, on the subject including one just this morning. The gentleman from Virginia [Mr. MORAN] was there, the gentleman from New York [Mr. GILMAN], the gentleman from Illinois [Mr. HYDE] and other members of our committee and subcommittee, and we focused on one of these areas, the proposed sale of Cobras to Turkey. As the chair of the Subcommittee on International Operations & Human Rights I believe that it would be outrageous to send Cobras to Turkey after the military might of the Turkish regime has been used in an ethnic cleansing effort against the Kurds, again another sad chapter in the kind of cruelty that these people have had to endure.

What is pointed out in this resolution, the massacre of the 5,000, is but one rather large and very terrible event in a series of tragedies that have been visited upon the suffering Kurdish minorities. So this is an important resolution, and I urge its passage.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of the time.

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

Mr. Speaker, let me just say I am encouraged by what the gentleman from Illinois [Mr. PORTER] shared with us in terms of the new leadership in Turkey. That is major progress, to consider opening up the supply lines, economic and humanitarian supply lines, to Armenia if we can make progress in terms of the conflict with Azerbaijan. Certainly, starting to hear the relationship with Greece is a step in the right direction. Some of us would like to see a recognition of the Armenian genocide, which has been a problem in terms of improved relations with Turkey. But perhaps with new leadership we will continue to move forward.

This resolution, however, is entirely in order, and we strongly support it.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 379.

The question was taken.

Mr. PORTER. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 102), concerning the emancipation of the Iranian Baha'i community.

The Clerk read as follows:

H. CON. RES. 102

Whereas in 1982, 1984, 1988, 1990, 1992, and 1994 the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas the Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which has revealed by the United Nations Commission on Human Rights in 1993;

Whereas all Baha'i community properties in Iran have been confiscated by the government and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights; and

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian Government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(D) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 102, concerning the emancipation of the Iranian Baha'i community and would like to urge all house Members to support this timely, important measure. I congratulate the Gentleman from Illinois [Mr. PORTER] for again championing this important cause by introducing this measure. This resolution is the latest in a series of resolutions concerning the continuing repression of the Baha'i community, and other religious minorities in Iran that have been adopted by the Congress since 1982.

It is truly a sad irony that since its founding the Baha'i religion, which itself poses no threat to secular authority anywhere, has been singled out for such harsh repression in Iran and other parts of the Middle East. I salute those who have courageously maintained their faith in the face of repression and who have too often paid the supreme price for their belief.

The closing years of this century have been marred by a resurgence of the brutality and horrors that have shaped much of its history. What we witness today in such places as Iran serves as a stark reminder that the struggle for human rights is constant. While we can learn from our unfortunate history and our past mistakes, we can never desist from our defense of international human rights standards. Men and governments always seem to have the tragic capability of repeating the barbarisms of the past in new and unforeseen ways despite all of the institutions created in the course of this bloody century to prevent mankind from tearing itself apart.

This resolution allows us to once again express our outrage and revulsion with regard to the brutal and systematic denial of one of the most basic of human freedoms—freedom of conscience—which has been denied by the Mullahs of Iran.

Each time we consider these resolutions it seems that there has been a new twist added to the outrages Iranian authorities have perpetrated against their own citizens. Last month, we received distressing reports from Iran about the conviction and sentencing to death of an Iranian Baha'i for apostasy. Not only does this have sinister implications for the long-suffering Baha'i community of Iran, but for other religious minorities in that country as well.

Iran's brutal treatment of the Baha'i and other religious minorities has also been the subject of concern within the United Nations Commission on Human Rights. The Commission's Special Rapporteur on Religious Intolerance has singled out the case of the Baha'i in Iran as an egregious example of interference with the right to freedom of conscience and of worship. The UN's Special Rapporteur calls upon the Iranian authorities to ease restrictions upon adherents to the Baha'i faith.

The United States has spoken out consistently and repeatedly on Iran's continued brutal repression of the Baha'i. In its latest Human Rights Report, the State Department includes Iran among the few countries that are the very worst abusers of the rights of their own citizens in the world. The treatment of the Iranian Baha'i community epitomizes the character of the Iranian regime—its intolerance and its brutality.

We owe it to the victims of this repressive regime to continue to raise this issue in international human rights forums, and to press those governments that conduct commerce and diplomatic relations with the Government of Iran to use their influence and speak out against these outrages. Resolutions of the Congress, such as the one we now consider, representing the clear voice of the American people, are invaluable tools for our diplomats in bodies such as the U.N. Human Rights Commission, which is now meeting in Geneva. I hope my colleagues will join with me in supporting House Concurrent Resolution 102.

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

Mr. Speaker, this resolution makes an important statement, that the Congress continues to hold the Government of Iran responsible for upholding the rights of all of its nationals, including members of the Baha'i community.

Concern about Iran continues to rise to the surface of our foreign policy horizon. Much of the focus has been on trade, on Iran's role in terrorism, its efforts to subvert governments in the Middle East, in North Africa, and its nuclear dealings with Russia and China.

This resolution helps in keeping our focus on Iran's dismal record on human rights. Among the many other issues we have with that Government, Iran's denial of religious rights, the abuse of its citizens and violations of internationally recognized human rights are of deepest concern to this Congress. We make that message clear by passing this resolution.

Our last resolution, which was adopted unanimously 2 years ago, was reiterated by the United Nations and the German Bundestag and the European Parliament condemning Iran's persecution of Baha'is. In some limited instances, Iran has responded to this pressure. There in some evidence that the persecution of individual Baha'is in Iran is less severe today than it was several years ago. But let there be no doubt. The Baha'i community is still an oppressed minority and is denied rights to organize, elect leaders, conduct religious schools and other religious activities.

Their religion is really all about achieving a peaceful world brotherhood. It is not something we would consider to be threatening in this country, but it is a reflection of Iran's intent that it is threatening to them.

We must continue to work to end this discrimination against the Baha'is and all who are denied basic civil rights, and so we would urge adoption of this resolution as one more appropriate step toward that goal.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I again thank the chairman for yielding this time to me and would again commend him for his strong support of Baha'is. Throughout his service in the Congress he has made the protection of the minorities one of his highest priorities, and he has continuously strongly supported the Baha'i minority in Iran, not only with votes, but by speaking out repeatedly on the floor of the House and wherever he has gone about the plight of the Baha'is at the hands of the revolutionary government of Iran, and I commend him for his leadership.

Mr. Speaker, House Concurrent Resolution 102, the Baha'i Community Emancipation Resolution, condemns the Government of Iran for denying the 300,000 people of the Baha'i Iranian community their basic human rights. Since the fundamentalist Islamic regime took power in 1979, hundreds of Baha'is the largest religious minority in Iran, have been executed, and thousands have been imprisoned solely because of their religion. Because the regime does not recognize the Baha'i faith, calling it a conspiracy and a heresy, tens of thousands of Baha'is are today deprived of jobs, housing, schools, and other social services. Furthermore, it is common practice for Baha'is to be denied pensions and food ration cards purely because of their religious affiliation.

Mr. Speaker, the Baha'i religion is founded upon the nine dominant religions of the world, including, of course, Islam, and draws on the teachings of all of them as the basis of its faith. There are organized Baha'i assemblies in more than 100,000 localities in over 342 countries and territories.

☐ 1515

Intolerance, Mr. Speaker, is the trail of the backward, the ignorant, and the insecure. In Iran, intolerance of Baha'is, people who threaten no one and who accede to legitimate, civil authority wherever they reside, defines not the Baha'is, but the Iranian fundamentalists.

In 1993, an official Government document obtained in Iran confirmed for the first time that the ongoing persecution of the Baha'i community has been a calculated policy written and approved by Iran's highest ranking officials. This document reveals that the Iranian policy is to repress Baha'is at every opportunity while maintaining official deniability for such actions. While the document states that Baha'is is will not be expelled or arrested without reason, it makes evident that the Iranian Government's intent is to isolate, persecute, and ultimately destroy the Baha'is.

In the mid 1980's, diplomatic pressure and negative publicity forced the Iranian leadership to lessen the severity of their grievous official campaign against Baha'is. There is strong evidence that congressional resolutions, together with appeals by other nations and the United Nations, helped to persuade Iranian officials to moderate their actions against the Baha'i community.

There are disturbing signals, however, that the repression of Baha'is has increased during this past year. We cannot be sure how many Baha'is are jailed at any moment. Apparently, there is a new trend by the Iranian authorities to carry out an increasing number of short-term arrests in various parts of the country. Baha'is are rotated through the prison system for varying lengths of confinement making it impossible to know who will be incarcerated when and for how long. Tragically, the situation has very recently taken a turn for the worse. Mr. Speaker, just last month a Baha'i was found guilty of apostasy by the Revolutionary Court of Yazd and was sentenced to death. His crime? He was accused of changing his religion from Islam to the Baha'i faith. The Iranian Supreme Court, in an unusual move, set aside the verdict and sent the case back to a lower court for review. If this man is executed, he will be the first Baha'i executed since 1992.

Mr. Speaker, Iran must continue to be ostracized from the community of nations until its conduct can begin to approach a respect for the basic rights of each human being to live, worship, and speak according to the dictates of his or her own conscience. Since 1982,

the Congress has adopted six resolutions expressing its concern for persecuted Baha'is in Iran, and condemning the repressive anti-Baha'i policies and actions of the Iranian Government. In 1994, the resolution was adopted by a recorded voted of 414 to 0. Mr. Speaker, with the passage of this resolution today, Congress will once again go on record in support of the basic rights of Baha'is and other religious minorities in Iran. I strongly urge the adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive remarks.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the distinguished chairman of our Subcommittee on International Operations and Human Rights of the Committee on International Relations.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 102. I think it is a very good resolution and I want to commend the gentleman from Illinois [Mr. PORTER] for his leadership on behalf of the Baha'is and on behalf of human rights.

Mr. Speaker, the issue of persecution of the Baha'is is unfortunately not a new one in the House. Congress has passed a half-dozen resolutions condemning the vicious persecution of the Baha'is at the hands of the regime in Tehran, but the persecution continues.

Mr. Speaker, there is little I can add to the resolution and to the excellent comments that have been made so far. The Baha'is clearly are a peace-loving community, members of a religion that had its origin in Iran but that has adherents all over the world, including here in the United States. The extremist regime in Iran considers the Baha'i religion to be a heresy, a group apostasy, so it persecutes them with even more severity than it does Christians, Jews, or other Muslims.

Mr. Speaker, I particularly want to call to the Congress' attention the fact that there are at least four members of the Baha'i faith that now are at risk of death in Iran. The gentleman from Illinois [Mr. PORTER] mentioned one whose sentence has been remanded back to a lower court for review, and we hope this resolution sends a clear, unmistakable message that religious intolerance will not be tolerated by civilized countries, and that it will bring more scrutiny and more condemnation on the regime run by Rafsanjani.

I think it is very important that we speak, as we have, as Democrats, Republicans, as conservatives, moderates, and liberals, that we believe that the Baha'is have a right not just to exist, but to express themselves, to practice their religion as they see fit.

We support the United Nations Universal Declaration on Human Rights, the religious intolerance acts that have been passed by the United Nations. Every year the Human Rights Convention in Geneva looks at religious persecution and speaks out on it. My hope is that they will say to Tehran, ''No more,'' that cooler heads will prevail, and those who are being persecuted simply because they want to practice their faith as they see fit will no longer find themselves being tortured, incarcerated, and, even worse, put to death. I commend the gentleman from Illinois [Mr. PORTER] for his excellent resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio [Mr. NEY].

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

Mr. NEY. Mr. Speaker, I just wanted to make a couple of statements on this resolution. First, I commend the gentleman from Illinois [Mr. PORTER] for bringing this forth to the floor of this House, and also commend the House for continuing to keep the pressure on this issue. I think the previous speakers have pointed out why we need to do that.

Also, Mr. Speaker, I just wanted to state that I myself lived in Iran, in a southern city called Shiraz. I was there during the revolution in 1978 of the Shaw of Iran. People would talk over the years about prejudice. Prejudice can exist in any country toward a people or toward a religion. There may have been some internal prejudice in 1978 and prior toward the Baha'i religion, but I want to tell the Members, Baha'is were not pulled out into the street and executed.

This regime, let us make no bones about it, goes beyond the thoughts of prejudice toward the Baha'i, and they have executed people, they have forced families to purchase the bullets that their loved ones were executed with.

This is a brutal regime in Iran that has carried out assassinations toward members of the resistance in Europe recently. This is a regime that promotes terrorism around the world. As we know, even in Bosnia, as we speak this year they were active there and around the world to persecute people. I believe that the world needs to be constantly made aware and to promote and push the point of what is being done to the peaceful Baha'i people.

I just want to again stress that if we do not keep up this type of pressure, it will be forgotten. This has helped in the past, and I want to commend the Members for what they are doing today, on behalf of the Baha'i people.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for his supportive remarks.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 102.

The question was taken.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the four measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS OF TWO BILLS OF THE 104TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the joint resolution (H.J. Res. 168) waiving certain enrollment requirements with respect to two bills of the 104th Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 168

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of H.R. 3019 and the enrollment of H.R. 3136, each of the One Hundred Fourth Congress. The enrollment of either such bill shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. UPTON). 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.

RECOGNIZING THE HEROISM OF LT. JOSEPH P. TADE AND HIS FELLOW OFFICERS

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

Mr. JONES. Mr. Speaker, we live in a world where crime rates are rising daily, and where acts of violence against innocent people are escalating, at an alarming rate. It is rare when we hear of citizens who go above and beyond the call of duty to help their fellow man.

Mr. Speaker, at this time, I would like to give special recognition to one of those individuals, Lt. Joseph P. Tade, of the Elizabeth City, NC Police Department.

Lieutenant Tade embodies the qualities of honor, tenacity, and dedication. He has recently received three national awards for acts of courage and valor in the line of duty. The American Police Hall of Fame, has awarded Lieutenant Tade two separate Silver Stars for Bravery and the Legion of Honor Medal.

The Incidents, for which Lieutenant Tade earned his medals say much about his bravery and character.

On October 12, 1980, then-Patrolman Tade and his partner, intervened when an armed man attempted to flee the scene of a robbery, at a local grocery store. The suspect, opened fire on an innocent bystander and on the officers. After unsuccessfully attempting to convince the gunman to surrender, the officers pursued the suspect as he fled in his car. The chase ended when the officers cut off the suspect's can and the suspect took his own life.

Lieutenant Tade earned his second Silver Star when a routine traffic stop pin 1984 turned into a high speed chase that reached 95 miles per hour. When the chase appeared to have stopped, one of the three suspects aimed his gun at Tade and his partner, and then opened fire. Fearing for he and his partner's lives, Tade returned fire, striking the gunman twice. The suspects were apprehended a short time later and the gunman survived his wounds.

Lieutenant Tade's actions, in April of 1995, earned him The Legion of Honor Medal. While attempting to separate a local male and female involved in a violent altercation, Tade was severely cut by the female who had suddenly produced a razor blade. Although bleeding profusely—from a two inch long wound—he was still able to disarm the youth and take her into custody. Despite the many stitches required, Lieutenant Tade recovered and suffered no permanent damage.

Mr. Speaker, Lieutenant Tade is by no means alone in deserving our recognition. Every day and night, in this country and abroad, hundreds of thousands of Federal, State and local law enforcement officers, risk their lives to maintain peace, uphold justice, rid our neighborhoods of violent criminals, and keep our children and families safe. Words alone seem inadequate, but I would like to express to Lieutenant Tade, and his fellow officers throughout American, a sincere ''Thank you'', for your dedication to your fellow citizens.

Mr. Speaker, I ask unanimous consent that the entire summary of Lieutenant Tade's courage, be included in the RECORD.

Mr. Speaker, in a world where crime rates are rising daily, where acts of violence against innocent people are escalating at an alarming rate, it is rare when we hear of citizens who go above and beyond the call of duty to help their fellow man. Mr. Speaker, at this time I would like to give special recognition to one of those individuals, Lt. Joseph P. Tade, of the Elizabeth City Police Department in Elizabeth City, NC.

Lieutenant Tade embodies the qualities of honor, tenacity, and dedication. He has recently received three national awards for acts of bravery and heroism in the line of duty. The American Police Hall of Fame has awarded Lieutenant Tade two separate Silver Stars for bravery and the Legion of Honor Medal.

The incidents for which Lieutenant Tade earned his medals say much about his bravery and character. On October 12, 1980, then-Patrolman Tade and his partner intervened when an armed man attempted to flee the scene of a robbery of a local grocery store. The suspect fired multiple shots at a bystander and the officers. Fearing for the lives of everyone in the area, the officers returned fire, including two warning shots in the air and shots by Tade aimed at the suspect's tires. After attempting to convince the gunman to surrender, the officers pursued the suspect as he fled in his car. The chase ended when the officers cut off the suspect's car and the suspect took his own life.

Lieutenant Tade earned his second Silver Star when a routine traffic stop in 1984 turned into a high speed chase that reached speeds of 95 miles per hour. At night and on patrol with a police cadet, Tade once again demonstrated bravery and courage in the face of danger. When the truck they were chasing appeared to have stopped, and the officers had exited their vehicle, one of the three suspects fired multiple shots at Tade and his partner from the truck. Once again, fearing for he and his partner's lives, Tade returned fire, striking the gunman twice. The driver of the vehicle suddenly pulled away and another chase ensued. After evading several road blocks, the suspects were apprehended and the gunman survived his wounds.

Lieutenant Tade's actions in April 1995 earned him The Legion of Honor Medal. While he and his partner, Capt. W.O. Leary, were attempting to separate a local male and female involved in a violent altercation, Tade was severely cut by the female who had suddenly produced a razor blade. Bleeding profusely from a 2-inch cut on the hand, he was still able to disarm the youth and take her into custody. Lieutenant Tade required 10 stitches and luckily suffered no permanent damage.

These are certainly not Tade's only awards. In 1980, he was named Outstanding Young Law Enforcement Officer of the Year by the Elizabeth City Jaycees. Throughout his career, Tade has received commendations from the Drug Enforcement Administration, the North Carolina State Bureau of Investigations, the North Carolina Division of Alcohol Law Enforcement, the U.S. Attorney's Office, the Currituck County Sheriff's Office, the Edenton Police Department, in addition to countless interdepartmental commendations.

Lieutenant Tade, a 20-year veteran, has a long and distinguished career with the Elizabeth City Police Department. He joined the department in 1976 and served as a cadet until 1978, when he was sworn-in full time. He immediately became involved in criminal investigations, as the department had no full-time investigators. In 1987, Tade was promoted to the rank of sergeant and became one of the department's first two full-time investigators. In 1989, Tade was promoted to the rank of lieutenant. In 1992, Tade was appointed as commander of the newly formed northeast regional drug task force. In 1995, Tade was appointed supervisor of a new division within the department. The neighborhood interdiction team, where he continues to serve today. This team is a community policing and street drug enforcement group working mainly in high crime areas of the city.

Over the course of his highly successful career, Lieutenant Tade has been involved in over 2,500 local, State and Federal drug arrests alone, reaching to such places as New York City, NY, and Allentown, PA. These arrests have resulted in record seizures of illicit drugs and currency, well in excess of $1.5 million. In addition, Tade has completed over 1300 hours of advanced law enforcement training.

Lieutenant Tade, a resident of Elizabeth City since the age of 10, currently lives with his wife Janet and their 3 daughters, Summer, Jessica, and Jordan.

Mr. Speaker, Lieutenant Tade is by no means alone in deserving our recognition. Every day and night, in this country and abroad, hundreds of thousands of Federal, State, and local law enforcement officers risk their lives to maintain peace, uphold justice, rid our streets, our neighborhoods and our businesses of violent criminals, and keep our children and families safe. To Lieutenant Tade and his fellow officers, I say ''thank you.''

☐ 1530

INADVISABILITY OF REQUIRING TWO-THIRDS MAJORITY TO PASS TAX LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKAGGS. Mr. Speaker, I appreciate having the opportunity to address the House this afternoon. The topic of this special order is the proposed amendment to the Constitution to require two-thirds majorities in the House and the Senate to adopt any legislation concerning increases in tax rates or tax base.

As the Speaker may be aware, the leadership of the majority party has announced its intention to bring this

matter up for debate and vote in the House on April 15, the Monday that the House is scheduled to return from 2 weeks of spring recess. In my opinion, scheduling the debate on this matter at that time, preceded as it will have been by no effective committee consideration or markup, constitutes an act of relatively modest political theater but relatively irresponsible constitutional legislation. But it is merely the last chapter in an ongoing novel of regrettable proportions during this, the 104th Congress, in which the majority party consistently has seen fit to treat the Constitution as if it were really just a rough draft.

Mr. Speaker, let me give my colleagues some idea of the recent history of the consideration of amendments to the Constitution. In the last 20 years preceding this, the 104th Congress, the House voted on constitutional amendments a total of nine times in 20 years. The average per Congress was one constitutional amendment, the maximum was two, frequently there were none. This amendment that will be coming up on April 15 will be the 4th time in this 104th Congress that the leadership has brought forth an amendment to the Constitution, and thus my characterization, I think appropriately, that this Congress is really treating the Constitution of the United States as if it were just a working document in draft form which we can toy with at our whimsy.

Mr. Speaker, we have already had amendments debated and voted on in the House concerning the flag of the United States, concerning term limits, concerning a balanced budget, and now this two-thirds tax proposal, and I think most Members are aware we will probably have even a fifth proposed amendment to the Constitution offered up some time later this year having to do with the first amendment's protection against the establishment of religion and protecting the free exercise thereof.

Mr. Speaker, this particular amendment that will be coming before us a couple of weeks has not only serious, serious, and I believe absolutely unworkable practical problems attached to it, but the process by which it will come to the floor of the House for debate is absolutely extraordinary. We would suppose, Mr. Speaker, that when we undertake the most serious legislative responsibility that we can have as Members of this great body, that is, considering an amendment to the Constitution, that we would go to some pains to make sure that a proposed amendment had been fully and carefully examined by those institutions within the House structure that are designated as having the expertise and the responsibility to conduct such an examination and vet it. In our case, that is the House Judiciary Committee, and in particular, the Subcommittee on Constitutional Law.

Unfortunately, in this instance, I presume because the chairmen of both that subcommittee and full committee actually have very grave reservations about this particular proposal and are disinclined to mark it up and report it to the House, the leadership is co-opting them, preempting that very, very important responsibility that the Judiciary Committee has to really go over proposed amendments to the Constitution as carefully as we possibly can to consider both the intended and unintended consequences.

Mr. Speaker, we are giving the back of our hand, as it were, to that normal order and process in the House for considering an amendment to the Constitution and just bringing this to the floor in an essentially unexamined and unreflected-upon state.

Interestingly, I think in part because of that cavalier approach to a very, very serious responsibility, it has been reported that the chairman of the House Ways and Means Committee, the tax-writing committee of the Congress, has also very serious misgivings about this proposal because of one of its many impractical consequences, namely if we were to adopt this two-thirds vote requirement for any tax bills in the Constitution, we would basically be embracing—for all practical purposes—the current state of the tax law for an indefinite period of time.

Mr. Speaker, if you look over recent history in enacting tax laws, almost all of which, if they are at all comprehensive, involves some increases as well as decreases and changes, very, very few will have be seen to have been passed by the two-thirds majority of both the House and the Senate that would be required under this proposed amendment to the Constitution. Since the chairman of the House Ways and Means Committee is reported to be a strong proponent of major tax reform, a fan of one of many alternatives that have been offered up for wholesale change in the Tax Code, he well realizes if this were in the Constitution, or ability to make that kind of change would be greatly constrained, if not made almost impossible.

One of the things that we, I think, should keep first in mind in considering this is not just the failure of the leadership here to follow regular order and process, as ought to apply to a proposal of this seriousness, but the content of the proposal, as well. It follows obviously that any time we require a super majority to enact legislation, in this case tax legislation, the corollary of that is to give a minority within the body, the House or the Senate, effective control of the issue. That contradicts head on the fundamental principle of majority rule that Madison identified during the debate in the Constitutional Convention as the first principle of this democracy of ours.

Now, it may seem a trivial observation to suggest that a super-majority requirement necessarily cedes control of the issue to a minority. Here in the House, that minority would represent something just over one-third of the people of the country, certainly a significant number. But under this constitutional amendment, effective control of the tax-writing responsibilities of the Congress would be given over to one-third plus 1 of the other body, the U.S. Senate, and it surprised me.

Mr. Speaker, I sat down a few minutes ago and just calculated that percentage of the population of the United States represented by the one-third plus 1 of the Senate that comes from the smallest States in the Union. Under this proposal, to give control over tax legislation to one-third plus 1 of the Senate, that is the same thing as saying that we would give power over this issue to less than 10 percent of the people of this country, because 34 Senators represent, combined from the smallest States, less than 10 percent of our entire population.

Now, it seems to me we should think long and hard about a proposal that would have that kind of incredibly distorting effect on who is in a position to determine the future course of this country in an area as critical as tax legislation.

Mr. Speaker, I have several other points to make with regard to the merits and the substance of this proposal, but I wanted at this time to recognize and yield some time to the distinguished gentleman from Virginia [Mr. MORAN], who has been very active in this Congress and in earlier Congresses in these areas having to do with the fundamental constitutional arrangements of the Republic, and I yield at this time such time as he may wish to consume.

Mr. MORAN. Mr. Speaker, I thank my distinguished colleague and good friend from Colorado for yielding me time.

Mr. Speaker, this amendment that we are discussing, House Joint Resolution 159, that would require a two-thirds vote to raise Federal taxes, may seem to be a simple, reasonable idea, but it invites dangerous consequences for our democracy that will weaken the power of the Federal Government to respond to national problems. Since the resolution includes any changes that would broaden the tax base, it will also effectively block passage of any fundamental overhaul of our entire tax system, be it the majority leader's call for a new flat tax or the interest of the chairman of the Ways and Means Committee in the national sales tax, or anything in between, including the most moderate and responsible alterations. Finally, this resolution will prove unworkable, as the House leadership has already discovered with its celebrated—but now ignored—rule change requiring a three-fifths vote on tax legislation.

This resolution, as my colleague from Colorado has explained, violates the spirit of majority rule and will take us back to the problems our Founding Fathers experienced under the Articles of Confederation. Article 9 of the Articles of Confederation required the vote of 9 of the 13 States to

ascertain the sums and expenses necessary for the States to raise revenue. In 1787, at the Constitutional Convention, our Founding Fathers recognized that this was an insurmountable defect and sought to establish a national government that can impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my distinguished colleague has discussed the constitutional aspects of this resolution, but I would like to focus on how unworkable this resolution will prove to be based on our experience with the much-celebrated change in the House rules that requires a three-fifths vote for any tax increase. That was enacted on the first day of Republican control of the House in January, 1995. As specified in that modified clause 5(c) of rule 21 of our congressional code, the House of Representatives' code, no bill, joint resolution, amendment, or conference report carrying a Federal income tax rate increase shall be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting.

This rule was broken just as soon as we voted on the Contract With America, introduced and approved by the Republican majority of the Congress, but to approve it, we had to violate the rule. On April 5, I came to this well and raised a point or order on a provision in the Contract With America tax relief act that repealed section 1(h) of the Internal Revenue Code affecting the maximum rate for long-term capital gains. While the intent of the provision was to lower the capital gains rate, it actually increased the tax rate on the sale of small business stocks from 14 percent under current law to 19.8 percent.

At the time, the Speaker's chair ruled that this tax increase was not subject to the three-fifths rule, but in a June 12 letter from House Parliamentarian Charles Johnson, it appears that this ruling was made in error and the original point of order should have in fact been sustained. Since the Parliamentarian has confirmed my original challenge, the House leadership has found it necessary to waive the three-fifths vote requirement in at least two instances, the Balanced Budget Act of 1995 and the Medicare Preservation Act, in order to pass its legislative agenda and to raise taxes.

Mr. Speaker, neither measure received a three-fifths majority vote. Neither of those pieces of legislation could have passed this body if we had been good to the rule that was passed on the first day of the session of this congressional term. Back in January, we passed a law and we have had to ignore that law in order to pass the legislation that was in the Contract With America.

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Under the original House version of the Balanced Budget Act, the House leadership found it necessary to waive the three-fifths rule. The Committee on Rules had to do that by a simple majority vote in order to impose this tax increase, a 50-percent tax penalty on Medicare plus medical savings accounts withdrawals for any purpose other than Medicare and the part B income contingent premium. Also the repeal of the 5-year income averaging rule on lump sum pension distributions, the increase in the phaseout rate for the earned income tax credit, the new rates that are applied to expatriates, and the new tax imposed on gambling income of Indian tribes. All of these tax increases should have triggered the three-fifths vote required for approval.

Now we want to increase this three-fifths vote to two-thirds? In other words, increase the hypocrisy of this body to pass one law, and then ignore it when we want to pass another? If the new majority has problems honoring its pledge not to increase the tax rate and abide by its own rules, they make even more problematic if we were to do a proposed constitutional amendment as is proposed by this joint resolution.

Under this expanded requirement, Congress could not have passed last year's expansion of the health deduction for the self-employed. In that legislation we closed some tax loopholes dealing with minority broadcasting benefits to pay for the bill's revenue lost.

When you are in a pay-as-you-go basis, you have to increase taxes in some are in order to reduce them in others. So when we eliminated the tax loopholes, increasing taxes on minority broadcasters, again, that violated the rule, because closing the loophole is also broadening the tax base.

According to the material submitted into the CONGRESSIONAL RECORD by Congressman JOE BARTON on January 4, 1995, there have been five major tax increases enacted into law since 1980. The Tax Equity and Fiscal Responsibility Act of 1982, the House vote was 226 to 207; the Omnibus Budget Reconciliation Act of 1987, the vote was 237 to 181; the Omnibus Budget Reconciliation Act of 1989, the vote was 272 to 182; the Omnibus Budget Reconciliation Act of 1990, the vote was 228 to 200; and Omnibus Budget Reconciliation Act of 1993, that vote was only 218 to 216.

Only one of these measures, the Budget Reconciliation Act of 1989, could have passed the House with a two-thirds margin. In reality, the five measures that were brought up by Congressman BARTON included both tax increases and spending cuts. Had these measures not been passed with bipartisan support and signed into law by President Reagan and President Bush, the deficit would be far, far worse than it is today.

The one exception to deficit reduction that passed on a party line vote, the Landmark Omnibus Budget Reconciliation Act of 1993, has been credited with reducing the deficit 3 years in a row, and possibly an unprecedented fourth year if current economic trends continue.

I find it a little ironic for all the objections the Republicans have expressed for the tax increases, and the Clinton tax increase in particular in 1993, they have yet to repeal a single one of those tax increase in 1993. Not one of the so-called notorious 1993 tax increases has been repealed in any measure sent by this Congress to the White House.

What Representative BARTON does not mention in the CONGRESSIONAL RECORD is that Ronald Reagan would have encountered problems enacting most of his agenda if there was a constitutional amendment requiring a two-thirds vote.

Mr. Speaker, I have many other points I want to raise to buttress the argument that this does not make any sense to propose a two-thirds constitutional requirement, but at this point let me pass the baton on to my colleague from Colorado for a while to further buttress our argument.

Mr. SKAGGS. I would just like to engage the gentleman for a moment in a further discussion of the short history that we have—I was going to say enjoyed, but at least experienced under the so-called three-fifths rule which was adopted at the start of this Congress as a rule of the House governing the required majority; that is, three-fifths, whenever, we are considering anything that is construed as having a tax increase.

Now, first the proponents said it would apply to any increase, and then they said only to income tax increases, and then only to certain types of income tax increases. My sense is that the correct interpretation of this rule of the House remains the subject of a great deal of debate and confusion and inquiry. The saving grace, if you will, is that the majority has show that it is quite willing to waive the application of that rule as a matter of course whenever it is inconvenient to have to deal with the new rule that they adopted.

Mr. MORAN. I guess that is what they mean by regulatory flexibility.

Mr. SKAGGS. Well, whatever it may be, now we can waive a House rule, as the gentleman pointed out, by simple majority vote when we bring a matter to the full House for debate. But if we have got this in the Constitution, what then?

Mr. MORAN. Well, you ask a very good question, Mr. SKAGGS. I do not know why we are here trying to save them from themselves, which is what we are doing, but the reality is that virtually no tax reform measures could have been enacted if we had not hypocritically ignored, overruled, that three-fifths requirement. But as you say, if it is a constitutional amendment, we do not have that flexibility. The Committee on Rules just decides, well, this is an inconvenient law and so

let us just ignore it. If it is part of the Constitution, it cannot be ignored. That means that we could never again reform our Tax Code, because to do so you have to raise revenue in order to cut it in other places. So we would be putting ourselves into an untenable position.

Mr. SKAGGS. I think we need to expound on this point a little bit more. Nobody here is interested in raising taxes per se. This is not about taxes, it is about the Constitution of the United States and having a workable system of government. The examples which you cited, which I think it is important for us to be mindful of, have to do with all manner of different reform proposals. Certainly any of the tax simplification or tax reform proposals that this Congress has adopted in the last 20 years or that are pending before us in various forms now, have almost invariably involved some change in the tax base or change in the rate in order to effect reductions or reforms somewhere else, have they not?

Mr. MORAN. Not only have they this year, that is absolutely true, and that is why the Committee on Rules acknowledged that when it waived the three-fifths rule. So it would not apply to any of the tax legislation that has come before us this year. But also if you look back, it applied to all of President Reagan's and President Bush's proposals. None of them would have been enacted if this constitutional amendment were in effect.

So President Reagan could not have accomplished the 1981 tax cut, the 1986 tax cut, or any of the others in between. President Bush could not have accomplished the 1990 tax cut. We never could have come close to the reduction in deficit that we have experienced as a result of the 1993 Omnibus Budget Reconciliation Act. So it is hard to imagine where we would be if this constitutional amendment had been put into place, say, back in the 1970's or 1980's.

Mr. SKAGGS. Well, as I mentioned a few minutes ago, and it may be worth just going through the list of those States whose Senators, if they happen to decide to coalesce in opposition because small States might be affected in some way or other, States that could effectively block any future tax legislation if this were in the Constitution, because if you add up the Senators from Vermont, Delaware, Montana, Wyoming, North Dakota, South Dakota, Alaska, Rhode Island, New Hampshire, Nevada, Maine, Hawaii, Idaho, Utah, Nebraska, New Mexico, and West Virginia, that is more than one-third of the Senate, represents about 9 percent of the population of the country, and that group of Senators would be in a position to call the shots.

Now, I do not know whether that comports with the gentleman's sense of adherence to the fundamental principles of this democratic, small ''r,'' republican, but it certainly offends mine.

Mr. MORAN. I agree it would offend mine, too. We would hasten to add all of those States are very ably served by their Senators. Here we are not talking about personalities, we are talking about the Constitution. We are trying to go back to the original tenets of that Constitution. They tried something that was not majority rule in the Articles of Confederation. You needed 9 out of the 13 States to pass any revenue-raising provision. They found it was unworkable. The country was not functioning. So they had to go back and correct it and install majority rule.

Now, when you think about it, as you so ably explain, 10 percent of America's population could prevent any kind of tax increase. No matter how needed it is to keep this Government functioning, whether we are in a war, whether we are in a depression, whatever the situation, 10 percent of America's population can block any attempt to put our country on a sound fiscal footing.

I think that is the most compelling argument, and then in addition to the experience we have already had with the violation of the three-fifths rule. But the other point that you so well made, Mr. SKAGGS, is that the Constitution is not a rough draft. The Constitution has served this country very well for two centuries. To go mucking around with it with a piece of legislation that we know is going to be violated the first time that we have to act responsibly as a body, I cannot imagine that we would have any cosponsors of such legislation, never mind a long list of cosponsors.

So I would hope they would all reconsider, look at both recent and long-term history of this country, check out our Constitution, give it a little more respect, and recognize that this is not in the national interest.

Mr. SKAGGS. I thank the gentleman for his comments. One of the things that is most odd about this particular proposal, and I mentioned a few minutes ago, is not just the substance and the, I think, unexamined consequences of the substance, but the manner by which it is going to be brought to the House on April 15.

We have been joined by our distinguished colleague from Massachusetts, a member of the Committee on the Judiciary. I wonder if he might enlighten us a bit more about what the process that has been followed or not followed in this case looks like?

Mr. FRANK of Massachusetts. Well, I thank the gentleman from Colorado for taking the initiative on this special order and for yielding to me. But ''enlightenment'' is hardly the right word, because the Republican leadership is determined that this will not be the product of an enlightenment, but rather of the dark ages, because one of the things they do not want is for anyone to really have a chance to think about this proposal.

I am the senior minority member on the Subcommittee on the Constitution of the Committee on the Judiciary. We had a hearing on this a couple of weeks ago. The amendment was presented and the sponsors of the amendment were there, and in the course of their presentation they mentioned that this would be on the floor on April 15.

Now, I guess, showing my inability to adapt to the new majority, I was a little puzzled, because, this was a week or so ago, no committee vote was scheduled, no subcommittee vote was scheduled. Ordinarily with legislation, we find that the process of first debating it in subcommittee and making some changes, and then going to full committee and making some changes, that is how you refine legislation. That is how you answer questions. None of us in my experience is bright enough to simply sit down and have a piece of legislation spring from our forehead like, was it Athena from the forehead of Zeus, or whoever sprang from whatever. Ordinarily you want some questions and conversation. I was a little surprised that this bill was going to go right from hearing to the floor of the House. I asked why, and I realize what the answer is.

This legislation, this constitutional proposal, is so flawed, it does not command a majority within the subcommittee in the Judiciary that has jurisdiction, because there are significant, influential, respected Republicans who do not want to vote for it. It does not have a majority in the committee, so they plan to bypass the subcommittee and bypass the committee and bring it to the floor.

But then a glitch developed, because as we discussed this, even at the hearing, it became clear that, for instance, you could not under this constitutional amendment raise a tariff. I know Pat Buchanan has not been getting much respect from the Republicans, and as the poor man's totals fall in the primaries they whack him again. But to pass a constitutional amendment to make it virtually impossible to raise tariffs, that seems to me one more indignity they would heap upon Mr. Buchanan, but apparently that is what this amendment would do, because under this amendment you could not raise tariffs. He talked about raising tariffs. Indeed, we have legislatively ceded to the President the right to raise tariffs, as we all know, in particular cases. You can raise a tariff in the case of dumping. It is a countervailing tariff. You might raise a tariff in a particular case by denying somebody most-favored-nation treatment, et cetera.

Well, we cannot delegate to the President by more than we have ourselves. If it takes us two-thirds to raise a tariff, it would obviously take two-thirds to pass a bill that would delegate to the President the right to raise a tariff. So our ability to defend ourselves in trade by higher tariffs, that would also take two-thirds.

In addition, it was pointed out and conceded by the sponsors of the amendment, that going to a flat tax would take two-thirds. So now they are not

only going after Buchanan, they are going after Steve Forbes. This amendment is the revenge of the congressional Republicans and their upstart candidates.

□ 1600

Because going to a flat tax means you increase the base. And the language of the amendment clearly says, if you increase the tax base, if you tax more items, if you take away an exemption for mortgage interest, if you take away an exemption for charitable deductions, that requires two-thirds. In fact, one of the sponsors, our former colleague, the junior Senator from Arizona, said, well, do not pass this constitutional amendment until we get to a flat tax. Another one said, no, we do not agree with that. So there was a certain amount of confusion about this.

This is the vehicle they are talking about taking right from this intellectual chaos to the floor of the House. Then apparently another noncommittee intervened because it is going to be a nonjudiciary bill. But the chairman of the Committee on Ways and Means, who is a thoughtful individual, the gentleman from Texas, apparently looked at this and said, wait a minute, you cannot require us to take two-thirds to go to a flat tax. He wants to go to a consumption tax. I think there is a lot to be said for the approach of the gentleman from Texas, but it would take two-thirds to do that. He says, you cannot do this to tariffs.

So apparently we are now having a conference between the Committee on Ways and Means and the Committee on the Judiciary except not with the committees. We are going from a nonmarkup in the Committee on the Judiciary to a nonmarkup in the Committee on Ways and Means, on as significant a piece of legislation as we can have, an amendment to the Constitution, something which has happened 27, 28 times in our 200-plus years. That is being now privately discussed by some very able people, but they are privately discussing it. It is a shambles of a way to legislate.

It will come to the floor without any committee consideration, with uncertainty. Does this affect the flat tax; does it affect the tariff? What it shows is this is a search for a political gimmick. No one could think we would seriously legislate in this way.

Let me add one other flaw that occurs to me on this. That is, the amendment would, of course, allow you to reduce taxes by a majority, but it would take two-thirds to raise them. But I think in effect this would also make it harder for future Congresses to cut taxes. Because if you are in a situation where you say, you know, things are looking very good now, and we are in a sort of a surplus situation, we can afford to cut taxes now because we can always raise them back again if later on we need them, people will be reluctant to do that. Because if it takes two-thirds to raise the taxes later on, then it may not be prudent to reduce them temporarily.

The whole notion which we may reach of a temporary tax reduction, you will have to say, wait a minute, if we temporarily reduce them, we will need two-thirds to put them back up again. That seems to me to be a grave error. This is not only substantially a grave mistake, procedurally it is a complete and total botch.

Mr. SKAGGS. I appreciate the gentleman's insights into the way we will be confronted with this on April 15, assuming the leadership sticks to its intentions.

Mr. FRANK of Massachusetts. Sticking to their guns, they are very good at that. They stuck to their assault weapons last Friday. So I assume they will stick to their guns. They are very good at sticking to their gun owners.

Mr. SKAGGS. The gentleman has served on the Committee on the Judiciary how many terms?

Mr. FRANK of Massachusetts. This is my eighth term.

Mr. SKAGGS. Has there ever been a case before this Congress when the Committee on the Judiciary completely failed to mark up a constitutional amendment?

Mr. FRANK of Massachusetts. I do not remember one. I was told that when the equal rights amendment came before us, I do remember it came before us under a suspension of the rules. It was my impression that it had gone through the committee. It had certainly gone through the amendment previously.

I do not remember a constitutional amendment coming up that never went through the committee. You have to say, in defense of the Republican leadership, the bill to combat terrorism went through the Judiciary Committee, but after it went through the committee because the right wing in this Congress did not like it, it got totally changed before it came to the floor anyway. Similarly with the immigration bill, the Committee on the Judiciary voted out the immigration bill, but some people in the right wing did not like it so they changed it around. You people on judiciary, we are just being considerate. What is the point of you wasting your time engaging in a model U.N. here, having all these debates. We are going to do whatever we want on the floor anyhow.

But we are going to suffer in this case because with regard to tariffs, with regard to a flat tax, there are serious questions here. Apparently these serious questions are going to be resolved not through some open debate in committee with the press involved but through private conversations between Members of the Committee on the Judiciary, sponsors of the bill and members of the Committee on Ways and Means, a totally undemocratic procedure.

Mr. SKAGGS. Let me ask either the gentleman from Massachusetts or Virginia, one of the things that has been a regular topic of debate around here the last few months has been questions of corporate welfare, closing corporate tax loopholes. Will we be able to deal with that kind of proposal?

Mr. FRANK of Massachusetts. The gentleman has a perfectly appropriate question. Let me say, I do want to say to my friend from Colorado, it just struck me, when he mentioned we are from Virginia and Massachusetts, we represented the people who voted on the original Constitution. Colorado was not around to get involved in the original one, so the Republicans are being very generous by letting you in. But I think the Philadelphia convention had a little better set of procedures than the current group.

Any effort to close loopholes, any effort to diminish tax preferences that wealthy people now have, any effort to say, for instance, that the tax code encourages people to go overseas more than they should, the effort we had earlier to close the tax loophole on people who want to renounce their citizenship but retain their money, all of those would require two-thirds. As hard as it has been to deal with any of that loophole closing or excessive corporate luxury that we have done so far, going from a majority to two-thirds would make it infinitely harder.

Mr. SKAGGS. Does the gentleman from Virginia have thoughts on that topic?

Mr. MORAN. Just to underscore the point that the gentleman from Massachusetts [Mr. FRANK] made, we have had so many proposals that would have required an offset in the revenue code to do the right thing. In most cases people recommend ways to reduce taxes because that is what the public seems to prefer, obviously. But there have been several other measures that have been suggested by the Republican majority, such as phasing out much of the benefits of the earned income tax credit.

That was about $32 billion, a major component of the tax reduction and budget resolution proposal that the majority suggested. Yet that never could have even been on the table because it in effect is an income tax increase and in fact would have required a two-thirds vote, which never would have passed.

Mr. Speaker, obviously the situation where people renounce their citizenship so they can avoid taxes due, that would have amounted to $3.6 billion. That would never be on the table because obviously that is an income tax increase and obviously in conflict with this legislation. But we can go through virtually every significant tax proposal that has been made by both sides of this aisle and in some way violates the two-thirds income tax increase restrictions. What the measures that we mentioned earlier, the five major tax bills that have been enacted since 1980, every single one of them but one—actually one of them passed with two-thirds

of the vote, but none of the others would have passed—every single one of them would have been in violation of this two-thirds requirement.

Mr. Speaker, I mentioned to Mr. FRANK and Mr. SKAGGS earlier, sometimes we wonder why we need save them from themselves, but the point of this is that we all have an obligation to protect the Constitution.

We all have really an obligation to do some reading on the history of the Constitution to understand that this very issue was debated at length by the Founding Fathers when they realized that the requirement to have 9 out of the 13 original States, at that time they were not all States, they were commonwealths and the like, but to have 9 of the 13 States proved totally unworkable. The U.S. Government was not functioning, and so they went back to majority rule. They had their turn at that time to put in a constitutional provision making it more difficult to raise taxes. They deliberately chose after extensive debate not to do that. And for us now to treat the Constitution, as the gentleman from Colorado [Mr. SKAGGS] described as some kind of rough working draft, I think does a great disservice to the American people and to the future of this Nation.

Mr. Speaker, I know we have the most compelling arguments on our side. I cannot imagine why they would bring up this kind of legislation without debate. We are going to go on vacation for the next 2 weeks. That is why the gentleman from Colorado is bringing this up because we are not even going to have time to debate it. Yet they would bring it up and attempt to pass a constitutional amendment creating a totally unworkable situation.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for his participation.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, we ought to emphasize, he may have already done this, when the gentleman from Virginia talks about the prior tax bills, many of those tax bills were listed as tax reductions and in gross they were. That is, several of them meant that the Government collected less taxes when we were through than when we started. Despite the fact that they were, several of them, listed as tax reductions, none of them would have been allowed without a two-thirds vote because tax reductions never in my experience are bills that only reduce. They reduce overall, but they offset the reductions by increasing in some areas.

Unless we believe that we have as equitable a Tax Code as we are ever going to get and that the balance of taxes should never be changed, then we should be against this amendment. This amendment means that any effort to shift the balance, any effort to say that there are some elements that are not doing a fair amount and there are others that are, we would have to take two-thirds to deal with that.

Mr. Speaker, what it shows is also a fundamental understanding, I believe, on the part of many in the majority that their ideological agenda is unpopular with the American people. That is what is at stake here. Increasingly we are being given proposals that limit what the majority can do. If we are in fact confident that the majority is on our side, then we do not try to limit them. But what we have are people who have found out, I think, that, while the general public disagreed with a lot of what the Government was doing, there is on the part of the public an unwillingness to dismantle the Federal Government as much as people on the other side think.

They were, as we know, surprised that, when they shut down the Government as a deliberate tactic on several occasions earlier this year, the public was upset. Many Republicans said nobody will care. Well, they were wrong. The American people cared deeply about their Government because their Government is doing things that on the whole they have asked it to do. They understand, therefore, that they are not going to win this increasingly on a majority situation. So what they are trying to do is fix the game, require two-thirds so that on those occasions when a majority disagrees with them and wants to do more in health care and environmental protection and in law enforcement than they want to do, they will not have to appeal to a majority. They will have this minority veto that they can inflict. That is what is at stake.

Mr. MORAN. Mr. Speaker, I would just like to make a point, too. When we look at the historical record and what is forcing this issue, I cannot really find anything other than purely appeasing those in our economy who simply do not like to pay taxes and that some Members would pander to and put their interests ahead of the national interest.

But the reality is that, if we look back at taxes as a percent of gross domestic product, in 1981, during the Reagan administration, they were 20.2 percent. In 1982, they were 19.8 percent, almost 20 percent, but they have stayed under 20 percent now since for the last 26 years. It is remarkable how consistent they have been.

Mr. Speaker, what needs to be done, it would seem to me, is to make that level of tax revenue fair, to make it such that it will stimulate our economy, to make it such that its priorities are representative of the American people's priorities. But to take away our ability to make those tough decisions, to exercise the judgment that we were elected to make just does not seem to be in the national interest or the interest of this body.

Mr. SKAGGS. Mr. Speaker, let me just say in concluding, I think there are a couple of things we can be sure of or at least we ought to allow to humble us. One is our inability to predict the future. Why in the world we would want to deprive our successors in the body of their ability to deal in the future with one of the most complicated and nuanced subjects that we ever face around here, namely the tax code, deprive them of their ability or make them basically the captive of 34 Senators and their inability to deal with that subject is beyond me.

In effect, we are saying to those that are going to come after us in this Congress, we do not care what the particular circumstances may be that you are going to face in 10 to 20 years. We simply do not trust the majority of you to exercise your judgment to carry out the will of the then-majority of American citizens. Our expectation is that you are going to be incompetent to do that, that you have got to have two-thirds.

□ 1615

Mr. Speaker, that seems to me to be a very arrogant and presumptuous act for us to take. It also, as the gentleman from Virginia has pointed out, ignores our history, and one of the things that is for me most profound about the honor of serving here is our job as carrying the legacy of the brilliant people who drafted the Constitution and set up our system of Government and who did so because the supermajority requirements of the Articles of Confederation were wholly dysfunctional. They recognized that, for this Republic to survive, the fundamental principle of free Government absolutely had to be majority rule and that to cede that responsibility to the minority was a prescription for failure, which we ought to keep in mind as we deal with this amendment.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, I think that is exactly what is at stake here, but I think we have to give it some specific content.

The current Republican majority in Congress won the 1994 election, and they won it, they got more votes than we got. I think they won in part because of dissatisfaction with what the Government was doing. Many of them misunderstood that to mean opposition to the Government in general. It is possible to be critical of waste and excess and sloppiness and not believe the Government should get of the business.

And they have increasingly learned that now the public is far more supportive of environmental policies than many of the Republicans, not all, but many of the Republicans, understand. The public likes the notion of the Federal Government helping with college educations, helping with law enforcement, helping with medical care, and they have a dilemma. They have the dilemma of having a very ideological agenda which says, in the words of the majority leader, the Government is dumb and the markets are smart, and at a time when people are not so sure that the markets are fair, how do you prevent the public from having the Government play a more active role than they want ideologically?

That is their dilemma because the public is getting away from them and

not supporting these cutbacks, and it reminds me of my favorite musical, the musical ''Fiorello,'' and when he wins, and he was not supposed to win, the bosses are walking around very grumpily, and there is one set of lines in the song where they say, ''How did we know the people would go to the polls and elect a fanatic?'' And the other one says, ''The people can do what they want to, but I got a feeling it ain't democratic.''

Mr. Speaker, I think that is a dilemma that our friends have over there. They are afraid that what the people want to do to them ''ain't'' democratic and, therefore, they are going to restrict the ability of a majority of the American people, acting through their legislators, to decide 5 years from now, 10 years from now, 20 years from now that they would like the Government to play more of a role in this or that area, or that they would like the tax code to be fairer. They would like wealthier people to pay a higher percentage.

If we were to decide, for instance, that the Social Security payroll tax, which is a very regressive tax, unfairly burdens a lot of working people, and we want to alleviate that by changing the mix, we could not do that. If we wanted to say that wealthy people ought to pay more of their income toward the Social Security tax instead of having it cut off, we would need two-thirds, and what we have are people who, I would give them credit for perception, they understand that their very right-wing, ideological agenda is increasingly unpopular with a lot of people, and, therefore, while they still have something of a majority, they are going to try and change the rules so that that majority will not be able to work its will.

Mr. MORAN. Two words might be applicable here, and that is hypocrisy and cynicism. Certainly it is the height of hypocrisy to pass a rule at the beginning of a game, as we did on the very first legislative day of this session of Congress back in January 1995, when we passed a rule saying that three-fifths' vote would be required any time you raise taxes, and then every time that we have had a tax bill, the Committee on Rules has had to waive that exemption. Talk about hypocrisy; to get credit for passing a law, and then every time that it would apply, to waive it.

But then cynicism, and I think the term cynicism applies here because we do not have that ability to waive it if it becomes a constitutional amendment. But the Members on the other side have got to be thoughtful enough to know that this would be unworkable if it became a constitutional amendment. And so what is driving it?

Well, one would have to believe that it is a certain element of cynicism, knowing perhaps that they are not likely to be in office when it applies to subsequent Congresses or believing that better minds will prevail, that the Senate will kill it or that the American people in their State constitutional conventions will kill it, but somebody else will do the responsible thing, allowing them to do the cynical thing to get votes by voting for this constitutional amendment, believing and hoping that it will never become law.

Mr. FRANK of Massachusetts. Mr. Speaker, that is very reassuring because that gives us two chances to kill it: one with better minds; and, two, with the Senate as apparently an alternative line of defense there.

Mr. SKAGGS. Let me suggest that we take the words of James Madison as a benediction to this particular discussion, and just quoting from the last part of Federalist Paper No. 58, Madison on this very point wrote as follows:

''It has been said,'' this is referring to the debates in the Constitutional Convention about wanting more than a simple majority for certain kinds of legislation, quote, ''it has been said that more than a majority ought to have been required in particular cases for a decision.'' That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests and another obstacle, generally, to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed or active measures to be pushed, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would be transferred to the minority.

I do not think we should do that.

PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 60 minutes as the designee of the majority leader.

Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. NORWOOD. Mr. Speaker, the Federal Government has a vital role to play in protecting our environment. If we are to preserve and build on the tremendous gains we have made in the last two decades in cleaning up our land, air, and water, we must have Federal guidelines enforced by an active and revitalized Environmental Protection Agency working in close cooperation with our States and local governments.

Now that I have shattered your opinion of conservative Republican views on the environment, we can get down to nuts and bolts of how we accomplish the goals on which I think we all agree—for we are all environmentalists.

Thirty years ago many of our rivers were horribly polluted, our air quality in parts of the country was so bad that people with even minor health problems were confined to their homes, and soil and building contamination was to an extent that our children showed elevated levels of lead poisoning in nationwide blood tests. These problems led Republican President Richard Nixon to create the Environmental Protection Agency to clean up the country.

We have done a good job in getting started—but we still have a long way to go, and we can do better. That's what this new Congress should be about.

In the three decades since the creation of our environmental laws, we have seen what began as strong measures to protect our natural resources turn into a tidal wave of regulations and lawsuits that stifle our economy, usurp local and State autonomy, and infringe on the constitutional rights of property owners, while accomplishing very little in the way of real protection or cleanup.

This is generally what happens with every Federal agency or endeavor, given enough time. Because when we create laws and agencies to address a nationwide problem, we at the same time create a new industry comprised of Government bureaucrats; private sector consultants, experts, and contractors; specialized trial attorneys; and consumer activist groups.

All these groups have a powerful vested interest in seeing that the original nationwide problem is not only not solved, but continues to be an ever-growing problem, expanding their industry, careers, and incomes into perpetuity.

With groups like Ralph Nader's Citizen Action, the Energy Research Foundation, Greenpeace, and the like, we have created a cottage industry raising millions of dollars a year, that would be put out of business if we ever really solved our environmental problems.

The trial attorneys that have become emeshed in our cleanup efforts are costing us $900 million a year—money that could be used on actually cleaning up waste sites, but is instead siphoned away without a single shovelful of waste being touched in return.

The principles behind environmental legislation are good—the problem is how they are enforced and carried out. But to even suggest reform or change in the status quo is to invite the wrath of these special interests, and that is where we find ourselves today in searching for better ways to clean up our environment.

There is probably no better example of this than the ongoing effort to reform the Superfund Clean-Up Program. This program came into existence in 1980 with the noble goal of identifying and cleaning up the worse cases of site pollution and contamination in the country, called National Priorities List Sites, or NPL's. In addition, secondary pollution sites were identified as ''brownfield sites'' that also badly

needed cleaning up, but were not as critical to overall public health as the NPL sites.

A small amount of the funds to accomplish this mammoth task come from the taxpayer, and most comes from a special tax on industries and products that tend to create pollution. We take in around $1.5 billion a year from this combination of taxes on oil and chemicals, and the overall corporate environmental tax. In addition, individual companies that played an original role in creating one of these NPL sites pay as large a portion of the total clean-up costs as can be extracted. There are 1,300 NPL sites in the country, and another 450,000 brownfield sites.

How are we doing in achieving this mission? Ninety-one sites have been cleaned up in the 16 years the Superfund has been in existence; 91 out of 1,300.

The average cleanup has taken 12 to 15 years to complete, and cost more than $30 million a site.

Of those 12 to 15 years spent on each site, 10 years are spent in the courts, in negotiations, and on bureaucratic studies and redtape. It takes only 2 years to actually get the job done.

Of the $30 million spent on each site, half of the money goes to trial lawyers and Federal bureaucrats. Of the $25 billion spent since 1980, that's nearly $12 billion going to trial attorneys, salaries at the EPA, and studies on how to clean up instead of just getting the job done—for that we were only left around $13 billion.

So while we spend our Superfund money and time on courts, bureaucrats, studies, and lawyers, 10 million children under the age of 12 continue to live within 4 miles of a waste site—breathing the air, and drinking the water. At today's pace, these children will be in their midtwenties before the sites are cleaned.

That's why we introduced the Reform of Superfund Act, or H.R. 2500 this past year to reform the way we clean up these sites. So far, we have held 17 congressional hearings, heard testimony from 159 witnesses on ways to improve and speed up the process, and have conducted over 50 bipartisan meetings on the effort.

In return for these efforts, we are attacked by the special interests whose cash-flow would be cut if we succeed. The Ralph Nader faction under the guise of Citizen Action has mounted an all-out campaign to stop the efforts. Why? One of their main backers is the Trial Lawyers Association, which would stand to lose millions if the Superfund were used to clean up pollution instead of paying lawyers.

There is no better example of this than in my own district. The area surrounding the now-closed Southern Wood Piedmont Plant in Augusta has been under study and court action for years now. Yet the Hyde Park neighborhood most affected by the arsenic contamination remains just as it was before the efforts began. The children in the neighborhood continue to play on their public school playgrounds next to arsenic-contaminated drainage ditches. But the court costs have run in the millions in the on-going litigation, and EPA experts and consultants have justified their salaried positions at taxpayer expense by the dozens of studies undertaken as the project drags on, year after year. We don't need to talk about it any longer, we need to clean it up.

Our need to revitalize our efforts to protect the environment are certainly not limited to just Superfund. Should Washington bureaucrats be allowed to tell you the same water treatment regulations that apply to Anchorage, AK, should also apply to Augusta, GA? What works most effectively to return clean water to our waterways in one geographic location may not be as effective from an environmental or cost standpoint in another, yet we continue with the Federal concept of one size fits all, to the detriment of our environment.

Do we follow the latest special-interest fad to pass new restrictions on chlorine levels in municipal water supplies based on suspect findings by EPA researchers? This is exactly the direction we are heading, and that is not good science.

We cannot base massive expenditures of Federal money based on a researcher's ''best guess'' about a possibility of a risk—we have too many real environmental threats that we have put off dealing with for years. And if we do allow environmental scare tactics push us into ''bad science'' decisions on chlorine reductions, we greatly increase the risk of fecal coliform bacterial infections in both humans and wildlife as a result. That is a known factor, and a guaranteed result.

There are a pair of bald eagles that nest on an island in the Savannah River across from my house. I love those eagles, am very personally protective of them, and feel that our laws need to do the same.

But what about the cotton farmer that has a pair of nesting eagles on his farm? The farmer has lived on his land all his life. He feeds his family by growing cotton. But then the bureaucrats tell him that he can keep his land, but he can't grow cotton because the pesticides to keep away the boll weevil may interfere with the eagles' nesting.

That farmer knows his land. He knows about the nesting eagles. His neighbor that grows cotton was just put out of business because he too had nesting eagles. The farmer kills the eagles so the bureaucrats can't stop him from growing cotton and feeding his family. He buries the eagles, no one ever knows, and we all lose a valuable and irreplaceable natural resource. Shouldn't we have regulations that protect the eagles and the homo sapiens—the man and his family?

We all want environmental policy where Americans will be healthier, safer, and cleaner. We all want to protect our natural resources and wildlife. But we must start doing it better, with an eye on concrete results.

That means cleaning up every one of the Superfund sites in the country, saving as much money as we can based on good science.

The regulators must be accountable and responsible for their actions. The regulations must be changed to embrace State and local control, and take into effect not just the letter of the law, but the intent.

My friend Sam Booher in Augusta, one of the most knowledgeable and dedicated environmentalists in the country, knows far more about what is needed to protect our natural resources in East Central Georgia than any bureaucrat in Washington, and we need to start letting people like Sam have a larger voice in this fight.

What we attempt to do by cutting funding for the EPA is get the Washington bureaucrats' attention. We want fewer Federal agents that, in the words of Thomas Jefferson, ''swarm across our land to eat our sustenance.'' We want our tax dollars used to cleanup our environment, not pay the 1,000 lawyers that work for the EPA, not pay the bureaucrats to do one redundant study after another. We want our environment cleaned up now.

And what do we get for trying to add common sense to our environmental laws, for trying to use our fewer and fewer Federal dollars more wisely? We are attacked by the President and his liberal allies in Congress for their political gain. We are attacked by the trial lawyers for their monetary gain. We are attacked by the bureaucrats to save their jobs. And we are attacked by Ralph Nader for if we succeed he loses most of his funding.

We need to increase our Federal efforts to preserve and protect our environment, but it must be done more wisely and effectively. Our enemy is not industry, farmers, the EPA, or even regulations themselves—it is the Washington bureaucracy that continues to expand from our efforts to save our natural resources, while our children continue to live with pollution, and real protection takes a back seat to funding special interests.

☐ 1630

Mr. Speaker, I have never run for political office before, and I am a freshman and new to this field. As most people who are willing to come to Washington and serve, each of us have priorities. I was very interested and am interested and will stay interested in us balancing our budget. It is not hard to understand why. I would like for my children and my grandchildren to live the American dream, and move into the 21st century, have a decent job, and be able to keep enough of their own income so they can be responsible for themselves, and so they can live in an America that is better than my America when I grew up. That is our responsibility. I am very interested in that.

I want to make sure my children and grandchildren do not have to go to war. There is only one way to keep that from happening, and that is to have a very, very strong defense. That is our best bet to keep our children out of war.

Following that, it only makes sense, one could only conclude that if you are interested in the 21st century for your children economically, so they can have a good job, have a good standard of living, you could not possibly not be interested in them having clean water. You could not possibly not be interested in them having clean air. What good will it do for them to have a good job and pay only reasonable taxes if they cannot drink their water or breathe their air?

Mr. Speaker, I know that there is a lot that has been said about this Republican Congress in terms of the environment, but I believe that if we can get past those who wish to reach political gain, those who wish to make money out of this argument, we can in this Congress pass environmental laws that will clean up this country and keep it cleaned up, as opposed to continuing to sink millions and millions and millions of dollars into bureaucratic redtape and into the pockets of our trial lawyers.

Mr. Speaker, I appreciate having the opportunity this afternoon to get this off my chest.

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. JONES) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, on March 28.

Mr. SHADEGG, for 5 minutes each day, on March 27, 28, and 29.

Mr. BURTON of Indiana, for 5 minutes each day, on March 27, 28, and 29.

Mr. MICA, for 5 minutes each day, on March 27 and 28.

Mr. CANADY of Florida, for 5 minutes, on March 27.

EXTENSION OF REMARKS

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

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

Mr. OBEY.

Mr. KILDEE.

Mr. KENNEDY of Massachusetts.

Mrs. MEEK of Florida.

Mr. HALL of Ohio.

Mr. MANTON.

Mr. FAZIO of California.

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

Mrs. MYRICK.

Mr. MANZULLO.

Mr. COMBEST.

Mr. GILMAN.

Mrs. JOHNSON of Connecticut.

Mr. GALLEGLY.

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

Ms. WATERS.

Mrs. MINK of Hawaii.

Mr. GALLEGLY.

Ms. SLAUGHTER.

Mr. LIGHTFOOT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes; to the Committee on Natural Resources and the Committee on Agriculture.

ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 27, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2293. A letter from the Chairperson, National Council on Disability, transmitting the Council's annual report volume 16, fiscal year 1995, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Economic and Educational Opportunities.

2294. A letter from the Administrator, General Services Administration, transmitting GSA's investigation of the costs of operating privately owned vehicles based on calendar year 1995 data, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Reform and Oversight.

2295. A letter from the Chairman, National Endowment for the Humanities, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2296. A letter from the Director, Office of Management and Budget, transmitting a report entitled ''Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform and Oversight.

2297. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Central Gulf of Mexico, sale 157, scheduled to be held in April 1996, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

2298. A letter from the Secretary of Transportation, transmitting the Department's evaluation of oil tanker routing, pursuant to Public Law 101–380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2299. A letter from the Administrator, Environmental Protection Agency, transmitting the 1994 national water quality inventory report, pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Transportation and Infrastructure.

2300. A letter from the Assistant Attorney General of the United States, transmitting a report entitled ''Child Victimizers: Violent Offenders and Their Victims,'' pursuant to Public Law 103–322, section 320928(h) (108 Stat. 2133); jointly, to the Committees on the Judiciary and Economic and Educational Opportunities.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, MR. LIPINSKI, Ms. MOLINARI, and Mr. WISE):

H.R. 3159. A bill to amend title 49, United States Code, to authorized appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ARCHER (for himself, Mr. BLILEY, Mr. GOODLING, Mr. HYDE, Mr. THOMAS, Mr. BILIRAKIS, Mr. FAWELL, Mr. MCCOLLUM, and Mr. HASTERT):

H.R. 3160. A bill to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, to reform medical liability, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, and the Judiciary, 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. CRANE (for himself, Mr. GIBBONS, and Mrs. KENNELLY):

H.R. 3161. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 3162. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself and Mrs. SMITH of Washington):

H.R. 3163. A bill to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 3164. A bill to exempt defense nuclear facilities from the Metric System Conversion Act of 1975; to the Committee on Science.

By Mrs. JOHNSON of Connecticut:

H.R. 3165. A bill to amend title 23, United States Code, to make funds available for surface transportation projects on roads functionally classified as local or rural minor collectors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NEY:

H.J. Res. 168. Joint resolution waiving certain enrollment requirements with respect to two bills of the 104th Congress; to the Committee on House Oversight.

By Mr. FUNDERBURK (for himself, Mr. SMITH of New Jersey, Mr. SCARBOROUGH, Mr. GRAHAM, Mr. HILLEARY, Mr. JONES, Mr. COX, Mr. FOLEY, Mr. GUTKNECHT, Mrs. CHENOWETH, Mr. UNDERWOOD, Mr. SALMON, Ms. PELOSI, Mr. BONO, Mr. BURTON of Indiana, Mr. SOLOMON, Ms. BROWN of Florida, Mr. HASTINGS of Washington, Mr. BAKER of California, Mr. POMBO, Mr. COOLEY, Mr. EHRLICH, Mr. COBLE, Mrs. CUBIN, Mr. ISTOOK, Mr. BREWSTER, Mr. BUYER, and Mr. ROHRABACHER):

H. Con. Res. 154. Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 218: Mr. ZIMMER and Mr. ROSE.

H.R. 1073: Mr. TORRES, Mr. PETRI, and Mr. ENSIGN.

H.R. 1074: Mr. TORRES, Mr. PETRI, and Mr. ENSIGN.

H.R. 1202: Mr. SHAW.

H.R. 1713: Mr. BARR.

H.R. 1916: Mr. BRYANT of Texas and Mr. BLILEY.

H.R. 2086: Mr. BLUTE.

H.R. 2270: Mr. HYDE.

H.R. 2400: Mr. DAVIS, Mr. DUNCAN, Mr. WILSON, Mr. LIVINGSTON, and Mr. CRAMER.

H.R. 2510: Mr. MCHALE.

H.R. 2578: Mr. MCHALE.

H.R. 2579: Mr. SKAGGS, Mr. GUNDERSON, Mr. MONTGOMERY, and Mr. HEFLEY.

H.R. 2585: Mr. MILLER of California and Ms. JACKSON-LEE.

H.R. 2636: Mr. KING.

H.R. 2856: Mr. VOLKMER.

H.R. 2919: Mr. HOUGHTON and Mr. DOYLE.

H.R. 2925: Mr. STEARNS, Mrs. MYRICK, and Mr. NEY.

H.R. 3002: Mr. BREWSTER, Mr. KING, and Mr. BARRETT of Nebraska.

H.R. 3103: Mr. FORBES, Mr. HORN, Ms. MOLINARI, Mr. PORTMAN, Mr. NEY, Mr. HOBSON, Mr. SHAYS, Mr. HOKE, Mrs. KELLY, Mr. LONGLEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. ENGLISH of Pennsylvania, Mr. GREENWOOD, Mr. GILCHREST, and Mrs. FOWLER.

H.R. 3106: Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GENE GREEN of Texas, and Ms. NORTON.

H.R. 3119: Mr. GENE GREEN of Texas and Mr. KILDEE.

H.R. 3148: Mr. TORRICELLI.

H.J. Res. 158: Mr. SABO.

PETITIONS ETC.

Under clause 1 of rule XXII,

68. The SPEAKER presented a petition of the Council of the District of Columbia, relative to Council Resolution 11–235, ''Transfer of Jurisdiction over a Portion of Parcel 174/15 and Lot 802 in Square 4325, S.O. 85–182, Resolution of 1996''; which was referred to the Committee on Government Reform and Oversight.

AMENDMENTS

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

H.R. 3103

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 1. At the end of the bill add the following new title (and conform the table of contents accordingly):

TITLE V—PROMOTING ACCESS AND AVAILABILITY OF HEALTH COVERAGE IN RURAL AREAS

Subtitle A—Medicare Program

SECTION 501. MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.—Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended to read as follows:

''MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM

''SEC. 1820. (a) ESTABLISHMENT.—Any State that submits an application in accordance with subsection (b) may establish a medicare rural hospital flexibility program described in subsection (c).

''(b) APPLICATION.—A State may establish a medicare rural hospital flexibility program described in subsection (c) if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing—

''(1) assurances that the State—

''(A) has developed, or is in the process of developing, a State rural health care plan that—

''(i) provides for the creation of one or more rural health networks (as defined in subsection (d)) in the State,

''(ii) promotes regionalization of rural health services in the State, and

''(iii) improves access to hospital and other health services for rural residents of the State;

''(B) has developed the rural health care plan described in subparagraph (A) in consultation with the hospital association of the State, rural hospitals located in the State, and the State Office of Rural Health (or, in the case of a State in the process of developing such plan, that assures the Secretary that the State will consult with its State hospital association, rural hospitals located in the State, and the State Office of Rural Health in developing such plan);

''(2) assurances that the State has designated (consistent with the rural health care plan described in paragraph (1)(A)), or is in the process of so designating, rural nonprofit or public hospitals or facilities located in the State as critical access hospitals; and

''(3) such other information and assurances as the Secretary may require.

''(c) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM DESCRIBED.—

''(1) IN GENERAL.—A State that has submitted an application in accordance with subsection (b), may establish a medicare rural hospital flexibility program that provides that—

''(A) the State shall develop at least one rural health network (as defined in subsection (d)) in the State; and

''(B) at least one facility in the State shall be designated as a critical access hospital in accordance with paragraph (2).

''(2) STATE DESIGNATION OF FACILITIES.—

''(A) IN GENERAL.—A State may designate one or more facilities as a critical access hospital in accordance with subparagraph (B).

''(B) CRITERIA FOR DESIGNATION AS CRITICAL ACCESS HOSPITAL.—A State may designate a facility as a critical access hospital if the facility—

''(i) is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)) that—

''(I) is located more than a 35-mile drive from a hospital, or another facility described in this subsection, or

''(II) is certified by the State as being a necessary provider of health care services to residents in the area;

''(ii) makes available 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a critical access hospital;

''(iii) provides not more than 6 acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period not to exceed 72 hours (unless a longer period is required because transfer to a hospital is precluded because of inclement weather or other emergency conditions), except that a peer review organization or equivalent entity may, on request, waive the 72-hour restriction on a case-by-case basis;

''(iv) meets such staffing requirements as would apply under section 1861(e) to a hospital located in a rural area, except that—

''(I) the facility need not meet hospital standards relating to the number of hours during a day, or days during a week, in which the facility must be open and fully staffed, except insofar as the facility is required to make available emergency care services as determined under clause (ii) and must have nursing services available on a 24-hour basis, but need not otherwise staff the facility except when an inpatient is present,

''(II) the facility may provide any services otherwise required to be provided by a full-time, on-site dietitian, pharmacist, laboratory technician, medical technologist, and radiological technologist on a part-time, off-site basis under arrangements as defined in section 1861(w)(1), and

''(III) the inpatient care described in clause (iii) may be provided by a physician's assistant, nurse practitioner, or clinical nurse specialist subject to the oversight of a physician who need not be present in the facility; and

''(v) meets the requirements of subparagraph (I) of paragraph (2) of section 1861(aa).

''(d) RURAL HEALTH NETWORK DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the term 'rural health network' means, with respect to a State, an organization consisting of—

''(A) at least 1 facility that the State has designated or plans to designate as a critical access hospital, and

''(B) at least 1 hospital that furnishes acute care services.

''(2) AGREEMENTS.—

''(A) IN GENERAL.—Each critical access hospital that is a member of a rural health network shall have an agreement with respect to each item described in subparagraph (B) with at least 1 hospital that is a member of the network.

''(B) ITEMS DESCRIBED.—The items described in this subparagraph are the following:

''(i) Patient referral and transfer.

''(ii) The development and use of communications systems including (where feasible)—

''(I) telemetry systems, and

''(II) systems for electronic sharing of patient data.

''(iii) The provision of emergency and nonemergency transportation among the facility and the hospital.

''(C) CREDENTIALING AND QUALITY ASSURANCE.—Each critical access hospital that is a

member of a rural health network shall have an agreement with respect to credentialing and quality assurance with at least 1—

''(i) hospital that is a member of the network;

''(ii) peer review organization or equivalent entity; or

''(iii) other appropriate and qualified entity identified in the State rural health care plan.

''(e) CERTIFICATION BY THE SECRETARY.—The Secretary shall certify a facility as a critical access hospital if the facility—

''(1) is located in a State that has established a medicare rural hospital flexibility program in accordance with subsection (c);

''(2) is designated as a critical access hospital by the State in which it is located; and

''(3) meets such other criteria as the Secretary may require.

''(f) PERMITTING MAINTENANCE OF SWING BEDS.—Nothing in this section shall be construed to prohibit a State from designating or the Secretary from certifying a facility as a critical access hospital solely because, at the time the facility applies to the State for designation as a critical access hospital, there is in effect an agreement between the facility and the Secretary under section 1883 under which the facility's inpatient hospital facilities are used for the furnishing of extended care services, except that the number of beds used for the furnishing of such services may not exceed 12 beds (minus the number of inpatient beds used for providing inpatient care in the facility pursuant to subsection (c)(2)(B)(iii)). For purposes of the previous sentence, the number of beds of the facility used for the furnishing of extended care services shall not include any beds of a unit of the facility that is licensed as a distinct-part skilled nursing facility at the time the facility applies to the State for designation as a critical access hospital.

''(g) WAIVER OF CONFLICTING PART A PROVISIONS.—The Secretary is authorized to waive such provisions of this part and part C as are necessary to conduct the program established under this section.''.

(b) PART A AMENDMENTS RELATING TO RURAL PRIMARY CARE HOSPITALS AND CRITICAL ACCESS HOSPITALS.—

(1) DEFINITIONS.—Section 1861(mm) of such Act (42 U.S.C. 1395x(mm)) is amended to read as follows:

''Critical Access Hospital; Critical Access Hospital Services

''(mm)(1) The term 'critical access hospital' means a facility certified by the Secretary as a critical access hospital under section 1820(e).

''(2) The term 'inpatient critical access hospital services' means items and services, furnished to an inpatient of a critical access hospital by such facility, that would be inpatient hospital services if furnished to an inpatient of a hospital by a hospital.''.

(2) COVERAGE AND PAYMENT.—(A) Section 1812(a)(1) of such Act (42 U.S.C. 1395d(a)(1)) is amended by striking ''or inpatient rural primary care hospital services'' and inserting ''or inpatient critical access hospital services''.

(B) Sections 1813(a) and section 1813(b)(3)(A) of such Act (42 U.S.C. 1395e(a), 1395e(b)(3)(A)) are each amended by striking ''inpatient rural primary care hospital services'' each place it appears, and inserting ''inpatient critical access hospital services''.

(C) Section 1813(b)(3)(B) of such Act (42 U.S.C. 1395e(b)(3)(B)) is amended by striking ''inpatient rural primary care hospital services'' and inserting ''inpatient critical access hospital services''.

(D) Section 1814 of such Act (42 U.S.C. 1395f) is amended—

(i) in subsection (a)(8) by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''; and

(ii) in subsection (b), by striking ''other than a rural primary care hospital providing inpatient rural primary care hospital services,'' and inserting ''other than a critical access hospital providing inpatient critical access hospital services,''; and

(iii) by amending subsection (l) to read as follows:

''(l) PAYMENT FOR INPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for inpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services.''.

(3) TREATMENT OF CRITICAL ACCESS HOSPITALS AS PROVIDERS OF SERVICES.—(A) Section 1861(u) of such Act (42 U.S.C. 1395x(u)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(B) The first sentence of section 1864(a) (42 U.S.C. 1395aa(a)) is amended by striking ''a rural primary care hospital'' and inserting ''a critical access hospital''.

(4) CONFORMING AMENDMENTS.—(A) Section 1128A(b)(1) of such Act (42 U.S.C. 1320a–7a(b)(1)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(B) Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(C) Section 1134 of such Act (42 U.S.C. 1320b–4) is amended by striking ''rural primary care hospitals'' each place it appears and inserting ''critical access hospitals''.

(D) Section 1138(a)(1) of such Act (42 U.S.C. 1320b–8(a)(1)) is amended—

(i) in the matter preceding subparagraph (A), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(ii) in the matter preceding clause (i) of subparagraph (A), by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(E) Section 1816(c)(2)(C) of such Act (42 U.S.C. 1395h(c)(2)(C)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(F) Section 1833 of such Act (42 U.S.C. 1395l) is amended—

(i) in subsection (h)(5)(A)(iii), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(ii) in subsection (i)(1)(A), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iii) in subsection (i)(3)(A), by striking ''rural primary care hospital services'' and inserting ''critical access hospital services'';

(iv) in subsection (l)(5)(A), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''; and

(v) in subsection (l)(5)(B), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(G) Section 1835(c) of such Act (42 U.S.C. 1395n(c)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(H) Section 1842(b)(6)(A)(ii) of such Act (42 U.S.C. 1395u(b)(6)(A)(ii)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(I) Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''inpatient rural primary care hospital services'' and inserting ''inpatient critical access hospital services''; and

(II) in paragraph (2), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(ii) in the last sentence of subsection (e), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iii) in subsection (v)(1)(S)(ii)(III), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iv) in subsection (w)(1), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(v) in subsection (w)(2), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(J) Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(K) Section 1866(a)(1) of such Act (42 U.S.C 1395cc(a)(1)) is amended—

(i) in subparagraph (F)(ii), by striking ''rural primary care hospitals'' and inserting ''critical access hospitals'';

(ii) in subparagraph (H), in the matter preceding clause (i), by striking ''rural primary care hospitals'' and ''rural primary care hospital services'' and inserting ''critical access hospitals'' and ''critical access hospital services'', respectively;

(iii) in subparagraph (I), in the matter preceding clause (i), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(iv) in subparagraph (N)—

(I) in the matter preceding clause (i), by striking ''rural primary care hospitals'' and inserting ''critical access hospitals'', and

(II) in clause (i), by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(L) Section 1866(a)(3) of such Act (42 U.S.C. 1395cc(a)(3)) is amended—

(i) by striking ''rural primary care hospital'' each place it appears in subparagraphs (A) and (B) and inserting ''critical access hospital''; and

(ii) in subparagraph (C)(ii)(II), by striking ''rural primary care hospitals'' each place it appears and inserting ''critical access hospitals''.

(M) Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(c) PAYMENT CONTINUED TO DESIGNATED EACHS.—Section 1886(d)(5)(D) of such Act (42 U.S.C. 1395ww(d)(5)(D)) is amended—

(1) in clause (iii)(III), by inserting ''as in effect on September 30, 1995'' before the period at the end; and

(2) in clause (v)—

(A) by inserting ''as in effect on September 30, 1995'' after ''1820 (i)(1)''; and

(B) by striking ''1820(g)'' and inserting ''1820(e)''.

(d) PART B AMENDMENTS RELATING TO CRITICAL ACCESS HOSPITALS.—

(1) COVERAGE.—(A) Section 1861(mm) of such Act (42 U.S.C. 1395x(mm)) as amended by subsection (d)(1), is amended by adding at the end the following new paragraph:

''(3) The term 'outpatient critical access hospital services' means medical and other health services furnished by a critical access hospital on an outpatient basis.''.

(B) Section 1832(a)(2)(H) of such Act (42 U.S.C. 1395k(a)(2)(H)) is amended by striking ''rural primary care hospital services'' and inserting ''critical access hospital services''.

(2) PAYMENT.—(A) Section 1833(a) of such Act (42 U.S.C. 1395l(a)) is amended in paragraph (6), by striking ''outpatient rural primary care hospital services'' and inserting ''outpatient critical access hospital services''.

(B) Section 1834(g) of such Act (42 U.S.C. 1395m(g)) is amended to read as follows:

''(g) PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for outpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after October 1, 1996.

SEC. 502. ESTABLISHMENT OF RURAL EMERGENCY ACCESS CARE HOSPITALS.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Rural Emergency Access Care Hospital; Rural Emergency Access Care Hospital Services

''(oo)(1) The term 'rural emergency access care hospital' means, for a fiscal year, a facility with respect to which the Secretary finds the following:

''(A) The facility is located in a rural area (as defined in section 1886(d)(2)(D)).

''(B) The facility was a hospital under this title at any time during the 5-year period that ends on the date of the enactment of this subsection.

''(C) The facility is in danger of closing due to low inpatient utilization rates and operating losses, and the closure of the facility would limit the access to emergency services of individuals residing in the facility's service area.

''(D) The facility has entered into (or plans to enter into) an agreement with a hospital with a participation agreement in effect under section 1866(a), and under such agreement the hospital shall accept patients transferred to the hospital from the facility and receive data from and transmit data to the facility.

''(E) There is a practitioner who is qualified to provide advanced cardiac life support services (as determined by the State in which the facility is located) on-site at the facility on a 24-hour basis.

''(F) A physician is available on-call to provide emergency medical services on a 24-hour basis.

''(G) The facility meets such staffing requirements as would apply under section 1861(e) to a hospital located in a rural area, except that—

''(i) the facility need not meet hospital standards relating to the number of hours during a day, or days during a week, in which the facility must be open, except insofar as the facility is required to provide emergency care on a 24-hour basis under subparagraphs (E) and (F); and

''(ii) the facility may provide any services otherwise required to be provided by a full-time, on-site dietitian, pharmacist, laboratory technician, medical technologist, or radiological technologist on a part-time, off-site basis.

''(H) The facility meets the requirements applicable to clinics and facilities under subparagraphs (C) through (J) of paragraph (2) of section 1861(aa) and of clauses (ii) and (iv) of the second sentence of such paragraph (or, in the case of the requirements of subparagraph (E), (F), or (J) of such paragraph, would meet the requirements if any reference in such subparagraph to a 'nurse practitioner' or to 'nurse practitioners' were deemed to be a reference to a 'nurse practitioner or nurse' or to 'nurse practitioners or nurses'); except that in determining whether a facility meets the requirements of this subparagraph, subparagraphs (E) and (F) of that paragraph shall be applied as if any reference to a 'physician' is a reference to a physician as defined in section 1861(r)(1).

''(2) The term 'rural emergency access care hospital services' means the following services provided by a rural emergency access care hospital and furnished to an individual over a continuous period not to exceed 24 hours (except that such services may be furnished over a longer period in the case of an individual who is unable to leave the hospital because of inclement weather):

''(A) An appropriate medical screening examination (as described in section 1867(a)).

''(B) Necessary stabilizing examination and treatment services for an emergency medical condition and labor (as described in section 1867(b)).''.

(b) REQUIRING RURAL EMERGENCY ACCESS CARE HOSPITALS TO MEET HOSPITAL ANTI-DUMPING REQUIREMENTS.—Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by striking ''1861(mm)(1))'' and inserting ''1861(mm)(1)) and a rural emergency access care hospital (as defined in section 1861(oo)(1))''.

(c) COVERAGE AND PAYMENT FOR SERVICES.—

(1) COVERAGE.—Section 1832(a)(2) of such Act (42 U.S.C. 1395k(a)(2)) is amended—

(A) by striking ''and'' at the end of subparagraph (I);

(B) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

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

''(K) rural emergency access care hospital services (as defined in section 1861(oo)(2)).''.

(2) PAYMENT BASED ON PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—

(A) IN GENERAL.—Section 1833(a)(6) of such Act (42 U.S.C. 1395l(a)(6)), as amended by section 501(f)(2), is amended by striking ''services,'' and inserting ''services and rural emergency access care hospital services,''.

(B) PAYMENT METHODOLOGY DESCRIBED.—Section 1834(g) of such Act (42 U.S.C. 1395m(g)), as amended by section 501(f)(2)(B), is amended—

(i) in the heading, by striking ''SERVICES'' and inserting ''SERVICES AND RURAL EMERGENCY ACCESS CARE HOSPITAL SERVICES''; and

(ii) by adding at the end the following new sentence: ''The amount of payment for rural emergency access care hospital services provided during a year shall be determined using the applicable method provided under this subsection for determining payment for outpatient rural primary care hospital services during the year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning on or after October 1, 1996.

SEC. 503. CLASSIFICATION OF RURAL REFERRAL CENTERS.

(a) PROHIBITING DENIAL OF REQUEST FOR RECLASSIFICATION ON BASIS OF COMPARABILITY OF WAGES.—

(1) IN GENERAL.—Section 1886(d)(10)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

''(iii) Under the guidelines published by the Secretary under clause (i), in the case of a hospital which is classified by the Secretary as a rural referral center under paragraph (5)(C), the Board may not reject the application of the hospital under this paragraph on the basis of any comparison between the average hourly wage of the hospital and the average hourly wage of hospitals in the area in which it is located.''.

(2) EFFECTIVE DATE.—Notwithstanding section 1886(d)(10)(C)(ii) of the Social Security Act, a hospital may submit an application to the Medicare Geographic Classification Review Board during the 30-day period beginning on the date of the enactment of this Act requesting a change in its classification for purposes of determining the area wage index applicable to the hospital under section 1886(d)(3)(D) of such Act for fiscal year 1997, if the hospital would be eligible for such a change in its classification under the standards described in section 1886(d)(10)(D) of such Act (as amended by paragraph (1)) but for its failure to meet the deadline for applications under section 1886(d)(10)(C)(ii) of such Act.

(b) CONTINUING TREATMENT OF PREVIOUSLY DESIGNATED CENTERS.—Any hospital classified as a rural referral center by the Secretary of Health and Human Services under section 1886(d)(5)(C) of the Social Security Act for fiscal year 1994 shall be classified as such a rural referral center for fiscal year 1997 and each subsequent fiscal year.

Subtitle B—Small Rural Hospital Antitrust Fairness

SEC. 511. ANTITRUST EXEMPTION.

The antitrust laws shall not apply with respect to—

(1) the merger of, or the attempt to merge, 2 or more hospitals,

(2) a contract entered into solely by 2 or more hospitals to allocate hospital services, or

(3) the attempt by only 2 or more hospitals to enter into a contract to allocate hospital services,

if each of such hospitals satisfies all of the requirements of section 512 at the time such hospitals engage in the conduct described in paragraph (1), (2), or (3), as the case may be.

SEC. 512. REQUIREMENTS.

The requirements referred to in section 511 are as follows:

(1) The hospital is located outside of a city, or in a city that has less than 150,000 inhabitants, as determined in accordance with the most recent data available from the Bureau of the Census.

(2) In the most recently concluded calendar year, the hospital received more than 40 percent of its gross revenue from payments made under Federal programs.

(3) There is in effect with respect to the hospital a certificate issued by the Health Care Financing Administration specifying that such Administration has determined that Federal expenditures would be reduced, consumer costs would not increase, and access to health care services would not be reduced, if the hospital and the other hospitals that requested such certificate merge, or allocate the hospital services specified in such request, as the case may be.

SEC. 513. DEFINITION.

For purposes of this title, the term ''antitrust laws'' has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies with respect to unfair methods of competition.

Subtitle C—Miscellaneous Provisions

SEC. 521. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

''SEC. 137. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

''(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

''(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National

Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking ''Federal, State, or local'' and inserting ''State or local''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 137 and inserting the following:

''Sec. 137. National Health Service Corps loan repayments.

''Sec. 138. Cross references to other Acts.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

SEC. 522. TELEMEDICINE SERVICES.

The Secretary of Health and Human Services shall establish a methodology for making payments under part B of the medicare program for telemedicine services furnished on an emergency basis to individuals residing in an area designated as a health professional shortage area (under section 332(a) of the Public Health Service Act).

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OFFERED BY: MR. HYDE

AMENDMENT NO. 2. Strike title III and insert the following:

TITLE III—SMALL BUSINESS REGULATORY FAIRNESS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Small Business Regulatory Enforcement Fairness Act of 1996''.

SEC. 302. FINDINGS.

Congress finds that—

(1) a vibrant and growing small business sector is critical to creating jobs in a dynamic economy;

(2) small businesses bear a disproportionate share of regulatory costs and burdens;

(3) fundamental changes that are needed in the regulatory and enforcement culture of Federal agencies to make agencies more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) three of the top recommendations of the 1995 White House Conference on Small Business involve reforms to the way government regulations are developed and enforced, and reductions in government paperwork requirements;

(5) the requirements of chapter 6 of title 5, United States Code, have too often been ignored by government agencies, resulting in greater regulatory burdens on small entities than necessitated by statute; and

(6) small entities should be given the opportunity to seek judicial review of agency actions required by chapter 6 of title 5, United States Code.

SEC. 303. PURPOSES.

The purposes of this title are—

(1) to implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations;

(2) to provide for judicial review of chapter 6 of title 5, United States Code;

(3) to encourage the effective participation of small businesses in the Federal regulatory process;

(4) to simplify the language of Federal regulations affecting small businesses;

(5) to develop more accessible sources of information on regulatory and reporting requirements for small businesses;

(6) to create a more cooperative regulatory environment among agencies and small businesses that is less punitive and more solution-oriented; and

(7) to make Federal regulators more accountable for their enforcement actions by providing small entities with a meaningful opportunity for redress of excessive enforcement activities.

Subtitle A—Regulatory Compliance Simplification

SECTION 311. DEFINITIONS.

For purposes of this subtitle—

(1) the terms ''rule'' and ''small entity'' have the same meanings as in section 601 of title 5, United States Code;

(2) the term ''agency'' has the same meaning as in section 551 of title 5, United States Code; and

(3) the term ''small entity compliance guide'' means a document designated as such by an agency.

SEC. 312. COMPLIANCE GUIDES.

(a) COMPLIANCE GUIDE.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604 of title 5, United States Code, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides''. The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules. The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides.

(b) COMPREHENSIVE SOURCE OF INFORMATION.—Agencies shall cooperate to make available to small entities through comprehensive sources of information, the small entity compliance guides and all other available information on statutory and regulatory requirements affecting small entities.

(c) LIMITATION ON JUDICIAL REVIEW.—An agency's small entity compliance guide shall not be subject to judicial review, except that in any civil or administrative action against a small entity for a violation occurring after the effective date of this section, the content of the small entity compliance guide may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages.

SEC. 313. INFORMAL SMALL ENTITY GUIDANCE.

(a) GENERAL.—Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency which regulates small entities, it shall be the practice of the agency to answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. In any civil or administrative action against a small entity, guidance given by an agency applying the law to facts provided by the small entity may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages sought against such small entity.

(b) PROGRAM.—Each agency regulating the activities of small entities shall establish a program for responding to such inquiries no later than 1 year after enactment of this section, utilizing existing functions and personnel of the agency to the extent practicable.

(c) REPORTING.—Each agency regulating the activities of small business shall report to the Committee on Small Business and Committee on Governmental Affairs of the Senate and the Committee on Small Business and Committee on the Judiciary of the House of Representatives no later than 2 years after the date of the enactment of this section on the scope of the agency's program, the number of small entities using the program, and the achievements of the program to assist small entity compliance with agency regulations.

SEC. 314. SERVICES OF SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

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

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (P) the following new subparagraphs:

''(Q) providing information to small business concerns regarding compliance with regulatory requirements; and

''(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 312(a) of the Small Business Regulatory Enforcement Fairness Act of 1996.''.

(b) Nothing in this Act in any way affects or limits the ability of other technical assistance or extension programs to perform or continue to perform services related to compliance assistance.

SEC. 315. COOPERATION ON GUIDANCE.

Agencies may, to the extent resources are available and where appropriate, in cooperation with the states, develop guides that fully integrate requirements of both Federal and state regulations where regulations within an agency's area of interest at the Federal and state levels impact small entities. Where regulations vary among the states, separate guides may be created for separate states in cooperation with State agencies.

SEC. 316. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the expiration of 90 days after the date of enactment of this subtitle.

Subtitle B—Regulatory Enforcement Reforms

SECTION 321. DEFINITIONS.

For purposes of this subtitle—

(1) the terms ''rule'' and ''small entity'' have the same meanings as in section 601 of title 5, United States Code;

(2) the term ''agency'' has the same meaning as in section 551 of title 5, United States Code; and

(3) the term ''small entity compliance guide'' means a document designated as such by an agency.

SEC. 322. SMALL BUSINESS AND AGRICULTURE ENFORCEMENT OMBUDSMAN.

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 term—

''(1) ''Board'' means a Regional Small Business Regulatory Fairness Board established under subsection (c); and

''(2) ''Ombudsman'' means the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under subsection (b).

''(b) SBA ENFORCEMENT OMBUDSMAN.—

''(1) Not later than 180 days after the date of enactment of this section, the Administrator shall designate a Small Business and

Agriculture Regulatory Enforcement Ombudsman, who shall report directly to the Administrator, utilizing personnel of the Small Business Administration to the extent practicable. Other agencies shall assist the Ombudsman and take actions as necessary to ensure compliance with the requirements of this section. Nothing in this section is intended to replace or diminish the activities of any Ombudsman or similar office in any other agency.

''(2) The Ombudsman shall—

''(A) work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel;

''(B) establish means to receive comments from small business concerns regarding actions by agency employees conducting compliance or enforcement activities with respect to the small business concern, means to refer comments to the Inspector General of the affected agency in the appropriate circumstances, and otherwise seek to maintain the identity of the person and small business concern making such comments on a confidential basis to the same extent as employee identities are protected under section 7 of the Inspector General Act of 1978 (5 U.S.C.App.);

''(C) based on substantiated comments received from small business concerns and the Boards, annually report to Congress and affected agencies evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency;

''(D) coordinate and report annually on the activities, findings and recommendations of the Boards to the Administrator and to the heads of affected agencies; and

''(E) provide the affected agency with an opportunity to comment on draft reports prepared under subparagraph (C), and include a section of the final report in which the affected agency may make such comments as are not addressed by the Ombudsman in revisions to the draft.

''(c) REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

''(1) Not later than 180 days after the date of enactment of this section, the Administrator shall establish a Small Business Regulatory Fairness Board in each regional office of the Small Business Administration.

''(2) Each Board established under paragraph (1) shall—

''(A) meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies;

''(B) report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and

''(C) prior to publication, provide comment on the annual report of the Ombudsman prepared under subsection (b).

''(3) Each Board shall consist of five members, who are owners, operators, or officers of small business concerns, appointed by the Administrator, after receiving the recommendations of the chair and ranking minority member of the Committees on Small Business of the House of Representatives and the Senate. Not more than three of the Board members shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

''(4) Members of the Board shall serve at the pleasure of the Administrator for terms of three years or less.

''(5) The Administrator shall select a chair from among the members of the Board who shall serve at the pleasure of the Administrator for not more than 1 year as chair.

''(6) A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(d) POWERS OF THE BOARDS.

''(1) The Board may hold such hearings and collect such information as appropriate for carrying out this section.

''(2) 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.

''(3) The Board may accept donations of services necessary to conduct its business, provided that the donations and their sources are disclosed by the Board.

''(4) Members of the Board shall serve without compensation, provided that, 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. 323. RIGHTS OF SMALL ENTITIES IN ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Each agency regulating the activities of small entities shall establish a policy or program within 1 year of enactment of this section to provide for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity. Under appropriate circumstances, an agency may consider ability to pay in determining penalty assessments on small entities.

(b) CONDITIONS AND EXCLUSIONS.—Subject to the requirements or limitations of other statutes, policies or programs established under this section shall contain conditions or exclusions which may include, but shall not be limited to—

(1) requiring the small entity to correct the violation within a reasonable correction period;

(2) limiting the applicability to violations discovered through participation by the small entity in a compliance assistance or audit program operated or supported by the agency or a state;

(3) excluding small entities that have been subject to multiple enforcement actions by the agency;

(4) excluding violations involving willful or criminal conduct;

(5) excluding violations that pose serious health, safety or environmental threats; and

(6) requiring a good faith effort to comply with the law.

(c) REPORTING.—Agencies shall report to the Committee on Small Business and Committee on Governmental Affairs of the Senate and the Committee on Small Business and Committee on Judiciary of the House of Representatives no later than 2 years after the date of enactment of this section on the scope of their program or policy, the number of enforcement actions against small entities that qualified or failed to qualify for the program or policy, and the total amount of penalty reductions and waivers.

SEC. 324. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the expiration of 90 days after the date of enactment of this subtitle.

Subtitle C—Equal Access to Justice Act Amendments

SECTION 331. ADMINISTRATIVE PROCEEDINGS.

(a) Section 504(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(4) If, in an adversary adjudication brought by an agency, the demand by the agency is substantially in excess of the decision of the adjudicative officer and is unreasonable when compared with such decision, under the facts and circumstances of the case, the adjudicative officer shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust.''.

(b) Section 504(b) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''$75'' and inserting ''$125'';

(2) at the end of paragraph (1)(B), by inserting before the semicolon ''or for purposes of subsection (a)(4), a small entity as defined in section 601'';

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

(4) at the end of paragraph (1)(E), by striking the period and inserting ''; and''; and

(5) at the end of paragraph (1), by adding the following new subparagraph:

''(F) 'demand' means the express demand of the agency which led to the adversary adjudication, but does not include a recitation by the agency of the maximum statutory penalty (i) in the administrative complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.''.

SEC. 332. JUDICIAL PROCEEDINGS.

(a) Section 2412(d)(1) of title 28, United States Code, is amended by adding at the end the following new subparagraph:

''(D) If, in a civil action brought by the United States, the demand by the United States is substantially in excess of the judgment finally obtained by the United States and is unreasonable when compared with such judgment, under the facts and circumstances of the case, the court shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust.''.

(b) Section 2412(d) of title 28, United States Code, is amended—

(1) in paragraph (2)(A), by striking ''$75'' and inserting ''$125'';

(2) at the end of paragraph (2)(B), by inserting before the semicolon ''or for purposes of subsection (d)(1)(D), a small entity as defined in section 601 of title 5'';

(3) at the end of paragraph (2)(G), by striking ''and'';

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

(5) at the end of paragraph (2), by adding the following new subparagraph:

''(I) 'demand' means the express demand of the United States which led to the adversary adjudication, but shall not include a recitation of the maximum statutory penalty (i) in the complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.''.

SEC. 333. EFFECTIVE DATE.

The amendments made by sections 331 and 332 shall apply to civil actions and adversary adjudications commenced on or after the date of the enactment of this subtitle.

Subtitle D—Regulatory Flexibility Act Amendments

SEC. 341. REGULATORY FLEXIBILITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) SECTION 603.—Section 603(a) of title 5, United States Code, is amended—

(A) by inserting after ''proposed rule'', the phrase '', or publishes a notice of proposed rulemaking for an interpretative rule of general applicability involving the internal revenue laws of the United States''; and

(B) by inserting at the end of the subsection, the following new sentence: ''In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on small entities a collection of information requirement.''.

(2) SECTION 601.—Section 601 of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ''; and'', and by adding at the end the following:

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

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

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

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

''(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended—

(1) in subsection (a) to read as follows:

''(a) When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 603(a), the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, record keeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''; and

(2) in subsection (b), by striking ''at the time'' and all that follows and inserting ''such analysis or a summary thereof.''.

SEC. 342. JUDICIAL REVIEW.

Section 611 of title 5, United States Code, is amended to read as follows:

''§ 611. Judicial review

''(a)(1) For any rule subject to this chapter, a small entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

''(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

''(3)(A) A small entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

''(B) In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b) of this chapter, an action for judicial review under this section shall be filed not later than—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

''(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7, including, but not limited to—

''(A) remanding the rule to the agency, and

''(B) deferring the enforcement of the rule against small entities unless the court finds that continued enforcement of the rule is in the public interest.

''(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

''(b) In an action for the judicial review of a rule, the regulatory flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

''(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

''(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.''.

SEC. 343. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 605(b) of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(b) Section 612 of title 5, United States Code is amended—

(1) in subsection (a), by striking ''the committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''.

(2) in subsection (b), by striking ''his views with respect to the'' and inserting in lieu thereof, ''his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to small entities and the''.

SEC. 344. SMALL BUSINESS ADVOCACY REVIEW PANELS.

(a) SMALL BUSINESS OUTREACH AND INTER-AGENCY COORDINATION.— Section 609 of title 5, United States Code is amended—

(1) before ''techniques,'' by inserting ''the reasonable use of'';

(2) in paragraph (4), after ''entities'' by inserting ''including soliciting and receiving comments over computer networks'';

(3) by designating the current text as subsection (a); and

(4) by adding the following:

''(b) Prior to publication of an initial regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual small entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the small entity representatives and its findings as to issues related to subsections 603(b), paragraphs (3),

(4) and (5) and 603(c), provided that such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial regulatory flexibility analysis or the decision on whether an initial regulatory flexibility analysis is required.

''(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities.

''(d) For purposed of this section, the term covered agency means the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor.

''(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of small entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

''(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected small entities with respect to the potential impacts of the rule and took such concerns into consideration; or in developing a final rule, the extent to which the covered agency took into consideration the comments filed by the individuals identified in subsection (b)(2).

''(2) Special circumstances requiring prompt issuance of the rule.

''(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other small entities.''.

(b) SMALL BUSINESS ADVOCACY CHAIRPERSONS.—Not later than 30 days after the date of enactment of this Act, the head of each covered agency that has conducted a final regulatory flexibility analysis shall designate a small business advocacy chairperson using existing personnel to the extent possible, to be responsible for implementing this section and to act as permanent chair of the agency's review panels established pursuant to this section.

SEC. 345. EFFECTIVE DATE.

This subtitle shall become effective on the expiration of 90 days after the date of enactment of this subtitle, except that such amendments shall not apply to interpretative rules for which a notice of proposed rulemaking was published prior to the date of enactment.

Subtitle E—Congressional Review

SEC. 351. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule can take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule, including whether it is a major rule; and

''(iii) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the Chairman and Ranking Member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction in each House of the Congress by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect on the latest of—

''(A) the later of the date occurring 60 days after the date on which—

''(i) the Congress receives the report submitted under paragraph (1); or

''(ii) the rule is published in the Federal Register, if so published;

''(B) if the Congress passes a joint resolution of disapproval described in section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

''(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

''(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

''(b)(1) A rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule.

''(2) A rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of subsection (a)(3) may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive Order that the rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register (as a rule that shall take effect) on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''(e)(1) For purposes of this subsection, section 802 shall also apply to any major rule promulgated between March 1, 1996, and the date of the enactment of this chapter.

''(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

''(A) such rule were published in the Federal Register on the date of enactment of this chapter; and

''(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise

provided by law, unless the rule is made of no force or effect under section 802.

''(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

''(g) If the Congress does not enact a joint resolution of disapproval under section 802 respecting a rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

''§ 802. Congressional disapproval procedure

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(g) This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

''§ 803. Special rule on statutory, regulatory, and judicial deadlines

''(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of enactment of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

''(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

''§ 804. Definitions

''For purposes of this chapter—

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term ''major rule'' means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The term does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.

''(3) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''§ 806. Applicability; severability

''(a) This chapter shall apply notwithstanding any other provision of law.

''(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

''§ 807. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 808. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping, or

''(2) any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 352. EFFECTIVE DATE.

The amendment made by section 351 shall take effect on the date of enactment of this Act.

SEC. 353. TECHNICAL AMENDMENT.

The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

''8. Congressional Review of Agency Rulemaking ..... 801''.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest chaplain this morning, Father Lavin from St. Joseph's Catholic Church.

PRAYER

The guest chaplain, the Reverend Paul E. Lavin, pastor, St. Joseph's on Capitol Hill, Washington, DC, offered the following prayer:

Let us listen to the word of the Lord from the book of Tobit.—Tobit 12:6–8:

''Raphael called the two men aside privately and said to them: 'Thank God! Give him the praise and glory.'

''Before all the living, acknowledge the many good things he has done for you, by blessing and extolling his name in song.

''Before all men, honor, and proclaim God's deeds, and do not be slack in praise being Him.

''A king's secret it is prudent to keep, but the works of God are to be declared and made known.

''Praise them with due honor.

''Do good, and evil will not find its way to you.

''Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness.''

Let us pray:

Good and gracious God, it is by Your light, the light of Your spirit, that You inspired us to understand Your goodness and called us to be faithful.

In that same spirit, help us to relish what is right and always to rejoice in the consolation that You give us.

Grant eternal rest to our colleague, Senator Edmund Muskie, and grant consolation to his family.

Strengthen us with Your grace and Your wisdom, for You are God forever and ever. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, today, there will be a period for morning business until the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each, except for the following: Senator DORGAN for 15 minutes and Senator REID for 15 minutes.

At 10:30, we will be scheduled to resume consideration of Calendar No. 300, H.R. 1296, the Presidio legislation, with the Murkowski substitute pending. A cloture motion was filed on the Murkowski amendment last night. Therefore, a cloture vote will occur tomorrow morning under the provisions of rule XXII. There are expected to be amendments offered during the day. Therefore, rollcall votes will occur today, but not prior to 2:15 this afternoon.

The Senate will recess from 12:30 p.m. to 2:15 p.m. today for the weekly policy conferences to meet.

Other very important items to be considered this week include the farm bill conference report, hopefully under a time agreement; the line-item veto conference report; the omnibus appropriations conference report; the debt limit extension; and the State Department authorization conference report. Senators can expect busy sessions throughout the week in order to complete action on a number of these important issues.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KYL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for 5 minutes each, with the following exception: Senator REID will be recognized for up to 15 minutes and Senator DORGAN will be recognized for up to 15 minutes.

The Senator from North Dakota is recognized.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, let me claim my 15 minutes, and I ask the Chair to notify me when I have consumed 10 of the minutes.

Mr. President, I came to the floor today with Senator REID from Nevada to discuss a preliminary report that has been completed, after some 2 years of work, by the General Accounting Office. This report takes an extensive look into the activities and operations of the Federal Reserve Board and its regional banks. The Federal Reserve was created in 1913. It is kind of a dinosaur in our Government in an age of openness, an institution shrouded in great secrecy. But in 1913, the Congress created the Federal Reserve Board. That was the year in which Henry Ford built the first assembly line for the Model-T and paid people $5 a day to work to construct automobiles.

That was a long time ago, but some things do not change very much. The Federal Reserve still exists. It still sits as a house on a hill with a large fence around it and invites no one to peer in to see what they are doing. They make a substantial amount of money. They make their own spending decisions, and they are accountable only to themselves.

Senator REID and I asked the GAO to do an investigation and evaluation of

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

how the Fed works: What does it spend its money on? How well does it spend its money? How accountable is it?

We have some 200 pages in a report that represents the work of nearly 2 years by the GAO. This is not a final report. It is a preliminary report that is now awaiting comment by the Federal Reserve Board.

The Senator from Nevada and I decided to release it now only because last week it was made available to us, and this week the Senate scheduled a hearing on Chairman Greenspan's renomination. We felt that the Senate Banking Committee at least ought to have the benefit of what is in this report prior to the hearing.

Let me discuss a couple of points in this report and ask Senator REID to discuss a couple of other points, because I think this will provide a substantial amount of information that the American public will be interested in.

You talk about the Federal Reserve Board and people's eyes start glazing over, and there starts to develop a large fog around the subject. This is largely because it is a central bank, accountable largely only to itself. It conducts monetary policy by itself and does so behind closed doors, with great secrecy.

Now, what did the GAO find? A couple of things. First of all, let me discuss the surplus account that exists at the Federal Reserve Board. The Federal Reserve Board has a surplus account of about $3.7 billion. In fact, the surplus account has increased well over 70 percent in the last 6 years. They have increased their surplus, which they set aside to absorb potential losses, by 79 percent over this period. So they have a cash stash of $3.7 billion in a surplus account.

This account presumably is to cover their losses. But the Federal Reserve Board has not lost money in 79 consecutive years and is not going to lose money in the future. Last year, it had a $20 billion-plus profit, it had expenses of about $2 to $3 billion, and it turns the rest back to the Treasury. But it still keeps a small surplus—small by their definition, large by my definition. I come from a town of only 300 people, and there billions mean something.

What does the GAO say about that? The GAO talks about this surplus account by suggesting that the downward adjustment to the size of the surplus account, or perhaps its elimination, would result in a positive budgetary impact, and so on and so forth. Then they point out that when they asked the Federal Reserve Board why they had this and how they determined what they needed, they said it is arbitrary. There is really no criteria used by the Fed to how much they need in the surplus account. They just squirrel away as much as they want.

This is the taxpayers' money, $3.7 billion squirreled away in a concrete edifice that houses the Fed. The GAO recommends, and I recommend—and we will introduce legislation—that this money be returned to American taxpayers and not stashed as a surplus in an institution that has not had a loss in 79 years and is not going to have a loss in the next 79 years.

There are other areas in this GAO report that also describe the operation of the overall Federal Reserve system. The Federal Reserve Board largely conducts monetary policy. While I disagree with its monetary policies these days, I do not think that the monetary policy ought to exist here in the well of the Congress. I think it ought to be separate and apart.

But I do not agree with the Fed when it believes its mission in life is to be a set of human brake pads designed to slow down the American economy. They happen to believe the American economy should not grow more than 2.5 percent. If it grows more than that, somehow we are going to produce more inflation they think.

They are dead wrong. In the global economy, inflation is going down, not up; wages are going down, not up. So I think their monetary policy is wrong, and they are inhibiting growth in this country and slowing down the American economy.

However, that is not what the GAO looked at. The GAO evaluated the other functions of the Fed. What does it spend its money on? Less than 10 percent of the activities of the Federal Reserve System are spent on monetary policy activities. The rest of it is bank supervision, check clearing, and a whole range of other things.

The Fed has counseled this country to cut its expenditures, slim down, downsize, and streamline. What has the Fed done? The Fed has counseled that America go on a diet and it has decided to over-eat. Here you have a circumstance where this shows what has happened between 1988 and 1994 according to the GAO: Personnel compensation up 53 percent. Benefits, that is, benefits per employee, increased about 90 percent during the same period; equipment and software up; buildings up.

In fact, they built one building, and they estimated when they decided to build the building they would need a 7,000-square-foot lobby. That is a pretty good-sized lobby. When they finished the building, they had a 27,000-square-foot lobby. You ought to see a picture of this lobby with no chairs—27,000 square foot. And that also is in the GAO report.

If you take a look at the expenditures of the Fed, you will see this line, which is the blue line, and from 1988 to 1994, the Fed, which writes its own checks and decides how much it wants to spend—nobody is suggesting that it ought to do this or ought not to do this. It decides how much of its money it wants to keep—had a 48 percent increase in expenditures, according to the GAO. During the same period, the Consumer Price Index increased 25 percent—almost double the Consumer Price Index in terms of the increase in costs down at the Fed.

I just indicated a couple of those items, but the cost per employee of the increases in benefits, employee benefits of the Fed increased 90 percent during the 6-year term.

So again, the suggestion by the Fed that the rest of the Government tighten its belt is apparently advice lost on the Fed itself. If you take a look at a whole range of these issues, the amount of money spent on personnel, on buildings, on benefits, and a whole series of issues like that, what you will find is a Federal Reserve Board that has not had a previous audit but a board for which an audit would discover that it seems to be growing while the rest of the Government is shrinking.

Maybe we ought to bring the Federal Reserve Board into the same realm. I am not talking about bringing monetary policy functions into this realm, but maybe the non-monetary policy functions of the Federal Reserve ought to be subject to annual appropriations just as are all of the other functions of Government.

Certainly, we ought to now proceed, based on what we will find in this report, to decide there should be every year, each and every year, an independent audit of the Federal Reserve Board. We ought to, based on what we have discovered in this report, decide that we should have this $3.7 billion taken out of the surplus account that has been squirreled away by the Fed itself and brought back into the stream of income that is available to the American taxpayers. Those are the things that we ought to do together. There are a whole series of recommendations that Senator REID and I will jointly employ in the decision on future legislation as a result of this GAO report.

Let me conclude my portion of this where I began. The Federal Reserve Board is a dinosaur; in the rest of Government, we are now discussing openness. In the Federal Reserve Board, we still have the shroud of secrecy. In the rest of the Government, we have the requirement for financial accountability. At the Federal Reserve Board, it is: We will spend what we need to spend, and we will make that judgment.

While the rest of the Federal Government is shrinking with fewer employees, fewer now than at any time during the Government's history going back to John F. Kennedy, the Federal Reserve Board system is growing. That is why I think this GAO audit suggests it is out of step and does need some correction.

Mr. President, let me yield the floor. My colleague, Senator REID, from Nevada, will discuss some of the other results of this GAO evaluation.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, will the Chair advise me when I have used 12 minutes of my time.

Mr. President, this report that was released yesterday has taken about 2 years for the General Accounting Office to conduct. The findings of this report, if centered on a Member of Congress or an agency of the Federal Government, would be, for lack of a better word, scandalous.

It is interesting to note the apologists that are around this country for the Federal Reserve Board. Take, for example, the Wall Street Journal. They wrote an article on the release of this report today, but it was an apology for the Federal Reserve Board. The Wall Street Journal looks at the Members of Congress and Federal agencies and anything they do, they do not dot an ''i'' on the right place on the page, do not cross the ''t,'' they not only report it, but they write an editorial about it.

This $3.7 billion? The huge cost overruns? Not a word said in today's Wall Street Journal, but it is very typical for that newspaper.

This report raises legitimate questions about fiscal management within the Federal Reserve System. Some important questions should be answered as we proceed, Senator DORGAN and I, with our legislative agenda as it relates to this General Accounting Office report. And I think there should be some questions asked during the confirmation proceedings relating to Alan Greenspan.

We have been told by the General Accounting Office that this is the most in-depth study they have ever done of the Federal Reserve Board. In all the time I have been in Congress, certainly it is the most in-depth study by far that has ever been done of the Federal Reserve Board.

I agree the Federal Reserve should be independent, and I think that I will do what I can to make sure it is independent, but that does not mean the Federal Reserve Board and system does not need accountability. It needs accountability, as indicated in this 200-page report that has taken 2 years to prepare by the General Accounting Office.

Mr. President, I think what the Federal Reserve Board has been saying is, ''Do not do as I do, do as I say,'' because they say that Government has to cut back. What do they do? They significantly increase their spending in all areas. Take, for example, the operating costs of the Federal Reserve System. Supervision and regulation, from 1988 to 1994, increased 102 percent—102 percent. An annual audit certainly is the least we should get out of this. We should know what is happening in the Federal Reserve System. A ray of sunlight should begin shining on the Federal Reserve System. It may not need to be part of our sunshine laws that were so popular a decade or two ago, but it needs a ray of sunshine shining on it. It would instill greater public confidence in our banking system. It is important.

I have talked only a little bit about the increased operating costs, but the costs certainly have skyrocketed. And we are talking about big money. From 1988 to 1994, the costs have gone up from $1.3 billion to $2 billion. That is a lot of money. Operating costs for the Federal Reserve have grown at twice the rate of inflation. Fed operating costs jumped 50 percent between 1988 and 1994.

Mr. President, I have behind me here a visual aid, and I think it is pretty clear, if we look at what has happened with travel within the Federal Reserve System, it has gone up 66 percent. We see what has happened to the Federal Government. It has gone up 4 percent; staffing levels of the Federal Government, minus 2 percent. We see what has happened with the Federal Reserve System. It is incredible.

These costs are a story in and of themselves. From 1988 to 1994, the Fed salary costs increased by 44 percent. Interestingly, also, salaries of reserve bank presidents are significantly greater than the Chairman. They vary. Somebody in San Francisco makes more than somebody in St. Louis. It is interesting; there is no conformity as to how much they make. They can kind of pay themselves, I guess, what they want. And 120 top Fed officials earn more than the Chairman of the Federal Reserve System, Alan Greenspan. Within the Federal Reserve System, their benefits increased by 89 percent. Whereas in the rest of the Federal Government, we have been reining in the costs, theirs have gone up almost 90 percent.

I might say, when we talk about the travel expenses increasing by 66 percent—but they travel in style. In 1994, the Fed's travel expenditures were over $42 million. They are permitted to be reimbursed however they feel they should be reimbursed: They can be reimbursed per diem, they can be reimbursed actual costs. How would this institution work if, in fact, every Member of Congress could be reimbursed for travel costs, whatever they felt was appropriate? There needs to be some uniformity. Because the policy varied from bank to bank, these costs could easily be contained by a uniform, more taxpayer-friendly policy.

Senator DORGAN has talked about the double standard, and certainly there is a double standard. When we also understand that 93.25 percent of all of the work that the Fed does has nothing to do with monetary policy—only a little over 6.5 percent of what they do relates to monetary policy—that is why I agree wholeheartedly with my friend, the junior Senator from North Dakota, that in fact they should be subject to the appropriation process. They should be.

I am a member of the Appropriations Committee. We spend most of our time trying to figure out a way to downsize, to cut budgets, to eliminate programs. At the same time the Fed is telling us that we need to do this, their costs are spiraling. The rest of the Government underwent necessary belt tightening. The Fed enjoyed a smorgasbord of growth; they picked whatever they wanted. While the Federal Government's overall staffing level declined by 2 percent, the Fed's staffing level increased 6 percent over that.

So we know there needs to be better internal management. The General Accounting Office found this. I have gone around the State of Nevada. People ask questions about the Fed. I have introduced legislation in the past to have an annual audit of the Federal Reserve System. It has gotten nowhere. It has gotten from being introduced to the garbage can. But now there are facts to indicate that what I have been talking about is absolutely necessary; that we do need to have an annual report, we do need better management control within the Fed.

We do not know how costs have gone up in the last year and a half or so, but between 1988 and 1994, personnel compensation increased 54 percent, equipment and software expenditures increased 85 percent, building expenditures increased 34 percent, and, as I already talked about, travel expenditures increased by 66 percent. There is very little in the Fed to keep these under control. The Fed is not subject to the same cost reduction pressures that have affected both public and private agencies.

The $3.7 billion slush fund that they have, that they keep around for losses that may occur—we have not had any that occurred in 79 years. I am on the Appropriations Committee. We are now in conference, trying to work out the disputes we have. We badly need a few more dollars to allow this omnibus bill to be signed, these five appropriations bills. It could be done if we had the Fed's money that is sitting there, gathering dust. We would solve the problem. The Federal Government would be financed. We would not need any more continuing resolutions.

So we know, as the Senator from North Dakota has indicated, that we need to do something legislatively. We first must have the $3.7 billion returned to the Treasury. We need to require an annual audit, an independent audit. We need to institute uniform procurement and contracting practices. We need to institute executive branch policies relating to travel, benefits and security. We certainly need to do that, at a minimum.

I think it would be well that we tied the salaries of Fed executives to similarly situated Government personnel, and we need to subject the Fed's nonmonetary policy operations to the appropriations process. That is the least we can do.

I think it also says a lot when we realize that the Federal Reserve, as described by my friend from North Dakota, has had this beautiful home. We can just see the top of that home. We cannot see it all because there is a huge fence around it. We know we have responsibilities for the structure, the landscaping in there, but we cannot see it.

All we are asking is let us find out what is going on. It is important. They conduct important functions of this Government, and we should know more about what they do. We have to do away with the shroud of secrecy. We have to peel back this cloak that they covered themselves with since 1913. This rainy-day fund they have set up is not a rainy-day fund, it is for a hurricane. They have this spending free-for-all attitude. That has to stop. They have a blank check mentality. I would like to know who is minding the shop, because 1913 accounting practices must be put to a stop.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Dakota has 4½ minutes remaining.

Mr. REID. And the Senator from Nevada?

The PRESIDING OFFICER. The Senator from Nevada has 2½.

Mr. DORGAN. Mr. President, let me use a couple of these minutes by trying to put this in perspective.

There is the policy issue with respect to the Federal Reserve Board, how it behaves, what it does, how it impacts this country's economy. Then there is the issue that we raised with respect to the GAO evaluation of the Fed. That is what we are discussing before the Senate today.

This 200-page evaluation of the Federal Reserve Board and its operations is the most significant look inside the Fed in 70 or 80 years. What it shows, as we have indicated, is they have stashed away $3.7 billion for a surplus, despite the fact they have not had a loss in 79 consecutive years. They are spending more and more during times when others in the Federal Government are being told they ought to tighten their belts. Those issues are issues the Congress ought to deal with. The Federal Reserve Board ought to be subjected to an annual independent audit. We ought to have information and knowledge about what is going on behind that fence. That is the reason we want to make sure our colleagues, the relevant committees, and others will be able to evaluate the wealth of information that exists in this draft GAO report.

Let me, finally, say a word about the policies of the Federal Reserve Board itself, which are different, separate and apart from the issues we have been discussing. I have very serious reservations about the monetary policies pursued by the Fed. As I have indicated, the Federal Reserve Board has seemed to feel, now, for some long while, that this country cannot have economic growth rates above 2.5 percent. If they fancied themselves as a set of human brake pads whose mission in life is to slow down the American economy, I say they have succeeded. Give them a trophy.

That is not what this country needs. The global economy means wages are falling, not rising. It means inflation is going down, not up. And it means this country can have a higher rate of growth. There are Democrats and Republicans who believe very strongly that a 2.5 percent growth rate for our economy is anemic and cannot provide the kind of opportunity and expansion that we need in this country.

I hope, in addition to the discussion we will have about what the Fed is doing, how it runs its operations, how it spends its money—in addition to that, and we should have that discussion as a result of this report, I hope we will also have a discussion about the Fed's monetary policies, and whether they are appropriate to try to produce the kind of economic future that we want in this country. In my judgment, they are not.

Two years ago, we saw the Federal Reserve Board increase interest rates seven times. Why? Because they were heading off the fires of inflation, they suggested. But inflation was not going up, inflation was going down, and it continues to go down.

What they managed to do with those interest rate increases was to slow down the American economy. That is not such a significant talent. My Uncle Joe can slow down the American economy. Just bring Uncle Joe to town, and I am sure he can figure out how to throw a wrench in the crank case. It does not take a special talent to slow down the economy.

The question is, how do we get the economy moving again, a vigorous economy with new jobs and new opportunities for all Americans, without raising the specter of additional inflation? That is the task for all of us.

The Federal Reserve Board sees itself on a singular mission: Keep economic growth somewhere in the range of 2.5 percent. That is not enough growth for this country. No one ought to be satisfied with that. It does not produce the jobs or the opportunities this country needs.

Mr. President, I hope that even as we discuss the report about what the Fed does and how it spends its money, we will alternatively discuss Federal policies, especially in the area of monetary policy.

Mr. President, I yield the floor.

Mr. LOTT. 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.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11 a.m., with Senators to speak for 5 minutes in the case of Senator BOXER; 12 minutes for Senator GRAMS; 10 minutes for Senator GRASSLEY; 5 minutes for Senator BRADLEY; and 5 minutes for Senator KENNEDY.

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

Mr. LOTT. I yield the floor.

PRESIDENT CLINTON'S BUDGET FOR FISCAL YEAR 1997

Mr. GRAMS. Mr. President, tucked into the 2,000-page, 9-pound-11-ounce stack of documents that make up President Clinton's latest budget was a small booklet that many people might have overlooked. That booklet is called ''A Citizens Guide to the Federal Budget.'' I would like to read to you a couple of the paragraphs from chapter 2, and that chapter deals with where money comes from and where it goes.

It says:

> In a typical American household, a father and mother might sit around the kitchen table to review the family budget. They might discuss how much they expect to earn each year, how much they can spend on food, shelter, clothing, transportation, and perhaps a vacation, and how much they might be able to save for future needs.
>
> If they do not have enough money to make ends meet, they might discuss how they can spend less, such as cutting back on restaurants, movies or other entertainment. They also might consider whether to try to earn more by working more hours or taking another job. If they expect their shortfall to be temporary, they might try to borrow.

This is from the ''Small Citizens Guide to the Federal Budget.'' I agree with every word of that—the situation it describes is precisely what American families are facing today. But then the booklet continues and says:

> Generally speaking, the Federal Government plans its budget much like families do.

Generally speaking Mr. President, the Federal Government plans its budget nothing at all like a family across the country has to do.

A family does not have unlimited access to a credit card access that has allowed the Federal Government to amass a national debt of more than $5 trillion.

A family would not be allowed to spend beyond its means forever—it would reach its credit limit and the family would eventually have to tighten its belt and begin paying back its debt. The Federal Government, on the other hand, just continues to steal from our children.

A family does not have the resources of foreign investors they can turn to when the bill come due. The Federal Government does, and expects the taxpayers to foot the bills and the massive interest payments those bills generate.

And finally, a family could not impose hundreds of millions of dollar worth of new taxes and fees on its friends and neighbors to help offset its own extravagant spending. But the Federal Government can, and it does.

For years, I have used the story of the family sitting around the kitchen table as an example of how middle-class Americans understand budgeting in a way Washington never will.

The methodical, commonsense approach to reconciling expenses against revenues represents everything that Washington is not.

So to suggest that the Federal Government's free-spending, unaccountable ways have anything in common with the way the working-class people of this Nation plan their budgets is ludicrous.

Librarians take notice: The Government will recommend that ''A Citizen's Guide to the Federal Budget'' be filed in the bookshelves along with the rest of the official Federal publications.

I say it ought to go up alongside Louis L'Amour and the Harlequin Romances, because it is pure fiction.

Mr. President, there is no question that families are facing tough times.

Money is tight, and there is not much left at the end of the day to put away for savings.

They are cutting back in order to make ends meet—skimping not just on entertainment, as the authors of ''A Citizen's Guide to the Federal Budget'' would have us believe, but too often on necessities like new clothes, insurance, or even groceries.

Their credit card bills are straining under the load, They are working two or three jobs and taking on overtime hours just to make ends meet.

But why are things so tight for American families? A close look at the President's latest budget offers some answers.

In his State of the Union Address delivered just 2 months ago, President Clinton boldly declared that ''the era of big government is over.''

Big government presumably meant the high taxes that have squeezed the middle class, the gigantic bureaucracy that has made redtape a synonym for Washington inefficiency, and the wasteful spending that has drained the taxpayers of their precious dollars.

But maybe big government means something different to the President. Under the budget he outlined Tuesday, big government is far from dead. In fact, it is off the respirator, breathing on its own and taking nourishment.

The Clinton budget—the ninth budget he has sent to Congress in the last 12 months—is nothing more than the status quo his administration continues to deliver, because it calls for increasing Federal spending every year over the course of the 7-year plan, until we're spending nearly $1.9 trillion just after the turn of the century.

The President claims he will pay for all that new spending with unspecified cuts in domestic programs sometime in the future. Most of the cuts would not come until after the year 2000, meaning Bill Clinton will never have to make any of those tough choices.

As the President's budget grows, so does the Nation's debt, again, rising every year of the President's plan. By the time we have reached the year 2002, the national debt will have ballooned from $4.9 trillion this year to almost $6.5 trillion. That is an increase of nearly 27 percent in just 7 years.

And where are the tax cuts the President has repeatedly promised American families? It is practically nonexistent. The President claims he is cutting, but in reality, most of his tax reductions are offset by new tax increases. This is unacceptable.

It is nothing but token tax relief, and his child tax credit is a sham. It begins at $300 per child, is slowly ratcheted up to $500, and then eliminated just 2 years later. By the way, teenagers are too old to qualify.

The President pays for all this big government not by controlling Washington's appetite for spending, but by spending the savings Americans have sacrificed over the last year toward a balanced budget.

Other areas of the budget that demand the President's immediate attention are virtually ignored.

He does practically nothing to save the failing Medicare system and bring it into the 21st century.

Under the Clinton plan, Medicare remains a relic from 1960's that does not work in the 1990's, and will not survive much beyond it.

His budget does not reform Medicaid, either.

At a time when a bipartisan coalition of Governors is calling on Washington to entrust the States with managing this vital program, the President says Washington has all the answers.

He does not make fundamental changes in welfare to control spending. The President would not ''end welfare as we know it''—he would extend welfare as we know it.

The President's budget plan is just a bandage on a wound that's demanding emergency surgery.

President Clinton is asking the American family to pay for his campaign and he needs to pay off Washington bureaucrats and special interest groups.

His demand for billions of additional taxpayer dollars to finance bigger government, again, is consistent with his support for big Washington government.

And President Clinton funds his new spending, again, through increased taxes, increased user fees, and one-time sales of assets financed directly by the taxpayers.

Mr. President, I am a firm believer that privatization is crucial to reaching a balanced budget and protecting taxpayer dollars. But what is the point in selling off assets if we are just going to spend it on a bigger government?

Asset sales should be dedicated to deficit reduction—if they are not, and are simply redirected by Congress into another Federal program, how are the taxpayers any better off than they were before the sale happened?

Unfortunately, this budget will do nothing to help working Americans devastated by the Clinton crunch that has trapped them somewhere between the falling wages and the President's economy has generated, and the rising taxes the President's budgets have demanded.

That is why families are having trouble making ends meet—the middle-class squeeze is squeezing them dry. A balanced budget would help, and the people deserve one, but the President's budget is not the answer.

We have to inject a dose of reality into the proceedings: President Clinton can claim to support all of these goals, but every time he has had the opportunity to prove it, he has let us down.

Congress passed a budget that balances in 7 years, protecting our children and grandchildren by freeing them from a legacy of debt and tax increases.

Our budget lets taxpayers keep more of their own dollars, for spending on things important to families, not on things Washington thinks are important.

Our budget says a life on welfare is not much of a life at all, and we offer encouragement to get people off the welfare rolls and into society.

Our budget says seniors ought to have a Medicare system they can rely on, so we save it from bankruptcy and offer Medicare patients the same kind of health care choices that are now available to everybody except seniors.

Our budget does all of that and more, and yet despite his claims that he endorses each of those goals, as we all know, the President vetoed every single one of those measures.

So you can see why it is hard to get excited about the President's professed interest in a balanced budget, tax relief, and welfare and Medicare reform, when his commitment to them seems to go no deeper than the tip of his veto pen.

The President met with the distinguished majority leader and Speaker GINGRICH last week, and they will meet again. I wish them well, because negotiating with the President is like boxing with a jellyfish—it is hard to score any points when your opponent seems to have no backbone or any firm principles of his own.

But if there is any hope of reaching an agreement on a budget this year, we will need to see some encouraging signs soon.

So, Mr. President, on a closing note, if the Nation were to continue along the path outlined by the President and the congressional majorities which came before him, a pathway dominated by high taxes and big government, I am afraid we might begin to parallel the experiences of Sweden.

There is this article from the Associated Press that appeared in the Minneapolis Star Tribune on March 15.

In this article it describes what happens when a nation guided by the belief that as long as it was collecting plenty of taxes and building plenty of government, it could provide a good life for everyone. But that has met the realities of the 1990's.

With a top income tax rate of 49.9 percent, Sweden ranks as one of the two highest-taxing countries in the world. ''But today,'' says this article, ''Swedes are deep in debt, taxed to the limit, edgy about unemployment, and cynical about the model in which they once took pride.''

Even Soviet leaders once praised Sweden's welfare state. But now, continues the story, ''the welfare dream is in crisis, along with the Social Democratic Party that built it.''

While Bill Clinton and the liberal establishment try to push America toward the kind of high-taxing, big-spending government Sweden has tried and is now rejecting, Sweden's Social Democrats are pushing for a balanced budget, tighter welfare rules, and entrepreneurship.

''There is a growing insight that you can't tax a society into equality.'' Let me say that again. ''There is a growing insight that you can't tax a society into equality.'' That is from a speechwriter for Sweden's retiring prime minister.

Somehow, Mr. President, we have moved perilously close to following in Sweden's footsteps, but it is not too late to take a step back.

If we are serious about giving our children a better future, the best thing we can do is to cut taxes, end the current spending frenzy, balance the budget, and begin paying off the national debt.

''Americans want a government that uses common sense when it makes decisions that affect their lives,'' concludes the administration's little budget primer.

I agree, as long as we're talking about the common sense of a family crafting its budget around the kitchen table, and not the nonsense we too often craft around the conference tables here in Washington.

NAVAL PROMOTIONS

Mr. GRASSLEY. Mr. President, 2 weeks ago I spoke in support of the Senate Armed Services Committee not granting promotion to Comdr. Robert Stumpf. Last Thursday night I had an opportunity to listen to Senator COATS, Senator BYRD, and Senator NUNN speak on the same subject. I agree with everything they said. I will speak, once again, on that same subject but put it in a little broader context.

Before I do that, there was, last Thursday, in the Washington Post this article about Commander Stumpf and the Navy, pushing for his promotion to be granted again. I suppose that means it will come back to the Senate Armed Services Committee sometime in the future.

If people wonder why this might not be granted, I read a paragraph from this article. It talks about the Tailhook conference 4 years ago in Nevada. It talks about the behavior at the Tailhook convention in September 1991. It drew scrutiny on at least two accounts about the behavior of Commander Stumpf. It says he was present in a hotel room hosted by his squadron where two strippers performed, although he left the room before one of the women engaged in a sex act with another airman. Now, he avoids all responsibility for that. I assume that is the moral of the story, why it should not be considered in whether or not he gets a promotion.

It would be similar if I had a Christmas party for my staff and I hired a couple of strippers, and before they did their act, before other things would happen, I leave the party and claim no responsibility for that. Commander Stumpf was the commander. It was his group that was involved. He thinks he can avoid responsibility for what goes on there. I think not.

But also for the entire Navy, I point out that when you have that sort of convention, it is under the auspice of the U.S. military, and we have two strippers hired and a sex act performed with an airman, I remind the Navy—and I say this because farming is my background and my son operates our family farm—that is the way animals operate. Animals operate that way. Human beings, in their interaction with people of opposite sex, do it with love and with concern and of course with the goals that every act of love has. That is what separates human beings from animals. I suggest to the Navy that they act like human beings and not like animals.

I want to put this whole thing in a different context because the latest tremors concern the future career of this Navy Commander, Robert Stumpf. Commander Stumpf's promotion to the rank of captain has been blocked, and properly so. The committee remains opposed to the promotion because Commander Stumpf is suspected of inappropriate behavior, as I described at this Tailhook convention.

Last week, under intense pressure and lobbying, the committee reexamined the promotion one more time, and the outcome was sustained. Commander Stumpf is off the promotion list and will stay off. I said 2 weeks ago that I support the committee's action, and I support their reconsideration by taking no action.

Unfortunately, Mr. President, I do not think we have heard the last from Commander Stumpf. A recent report in the Washington Times suggests that Commander Stumpf's name will be on the 1997 captain's promotion list. Now the good commander is suing Secretary of the Navy Dalton for helping the Senate to improperly block his promotion.

Commander Stumpf's predicament is a sign of a much bigger problem. It is the ''problem of naval leadership,'' as one naval aviator put it recently. The Navy's leadership problem neither begins nor ends with Commander Stumpf. The root cause of the problem may be much higher up in the chain of command. I believe the Navy's leadership problem may lie at the very top, with people like Secretary Dalton and the Chief of Naval Operations, Admiral Jeremy Boorda.

Mr. Dalton and Admiral Boorda should have been flagged—just like Commander Stumpf was—when their promotions came up here to be at these highest ranks. Unresolved issues in their past raise questions about their integrity and their ability to lead the Navy. The adverse information in their background should have been exposed to public scrutiny and debated, but that did not happen.

Surely these troublesome facts lay buried in Government files somewhere during the confirmation process. We were sleeping at the switch when they were slipped quietly through the Senate confirmation net. Mr. President, we had no reason to ask questions about Mr. Dalton. Mr. Dalton was presented to the Senate as a financial wizard with extensive business and managerial experience. He got a green light instead of a red warning flag that his wizardry deserved.

Mr. Dalton was confirmed on July 21, 1993. Exactly 1 year later, the damaging information in Mr. Dalton's background began leaking into the public domain. The New York Times ran a front-page story on July 22nd, 1994. It was written by Mr. Jeff Gerth. This is how it began:

> When President Clinton announced that he had picked John H. Dalton to be Secretary of the Navy, he praised the nominee's true leadership ability as a Texas businessman.

As Mr. Gerth pointed out, ''There was a part of Mr. Dalton's background that most Senators were unaware of.''

His leadership was not advertised. We did not know he was deeply involved in the management of at least two failed savings and loan institutions. Mr. Dalton's S&L's were bailed out at the cost to the taxpayers of $100 million.

As president of one S&L institution, Mr. Dalton was threatened with a suit by the Federal Deposit Insurance Corporation for violating State and Federal laws and for gross negligence. The institution's insurance companies had to pay $3.8 million to settle a civil suit.

Now, Mr. President, this is very damaging information, I believe. It raises questions about the Secretary's integrity and his ability to lead the Navy. How did he skate right through confirmation without red warning flags? Commander Stumpf got the flag treatment for the big question marks in his file, and rightly so. Why did Mr. Dalton not get flagged and confronted?

We had an identical experience with Admiral Boorda's nomination. He, too, slipped right through the confirmation net. Admiral Boorda should have been flagged. Admiral Boorda was confirmed on April 1, 1994. About 2 months later I picked up a newspaper and saw this headline, ''Court Says Navy Brass Shielded Official's Son: Lenient Treatment is the Latest Plight in the System.'' That is a headline. This report appeared in the Washington Post June

15, 1994. It was written by Mr. Barton Gellman.

Mr. Gellman's report went on to say, ''Some of those criticized by the court in the case remain in important posts. Among them is Admiral Boorda.'' That really bothered me, so I got the court document and read it. I was truly dismayed by what I saw—a bunch of senior naval officers behaving in dishonest ways. So I came to the floor of this body, and on June 28, 1994, spoke on this subject. If the people are wondering what I spoke about a year ago on this subject, they can find it in the CONGRESSIONAL RECORD S7744 to S7745. Those are the pages.

My concern about Admiral Boorda's character comes directly from that military court document. Specifically, an opinion by the United States Navy-Marine Corps Court of Military Review in the case of the United States versus Chad E. Kelly, U.S. Navy. The document is dated June 13, 1994.

This was a clear-cut case of command influence and abuse of command authority.

The court document clearly indicates that Admiral Boorda may have interfered with a criminal investigation. Now, Admiral Boorda claims he was unaware of the suspect's criminal activities when he had him transferred to his own headquarters. That may be. The suspect was a low-ranking enlisted man who happened to be Navy Secretary Garrett's son. He was suspected of drug use, larceny, credit card fraud, receipt of stolen property, and lying under oath. That is very heavy stuff.

Once Admiral Boorda realized criminal behavior was involved, Garrett should have been ordered back to the scene of the crime—consistent with common Navy practice. But that did not happen. Why not?

Now, Mr. President, this brings me back to Commander Stumpf. We should not be surprised, when Commander Stumpf sets a bad example. A follower likes to imitate a leader's behavior. He is not blind. He sees the big boys abusing the system, doing bad things, and getting rewarded for it. So he figures it should be OK for him to do it as well.

No aspect of leadership is more powerful than setting a good example. If the Secretary and Chief of Naval Operations expect integrity, discipline, courage, and competence from their followers, then they must demonstrate those very same qualities themselves. Herein lies the crux of the Navy leadership problem.

Mr. Dalton and Admiral Boorda demand excellence from Commander Stumpf, but failed to deliver it themselves. ''Flagging'' is good for junior officers, but somehow not for admirals and above. That attitude does not sit well with junior officers. The big boys are asking their troops to do something they are unwilling to do themselves, and that just does not work.

So we cannot begin to address shortcomings in the leadership at Commander Stumpf's level until those at the top, like Mr. Dalton and Admiral Boorda, set an example of excellence in their personal behavior.

I suggest, once again, that as far as what went on at the Tailhook scandal, I want to remind the Navy that those things are things that are done in the animal kingdom, and human beings should not be involved in that sort of sexual behavior.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from California.

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mrs. BOXER. Mr. President, I just want to express some conflicting feelings here this morning about the bill we are about to go to. I know the Senator from Alaska understands this because we have been talking and working together on the Presidio for quite some time.

The Presidio legislation that is about to be before us—if it simply was the Presidio and other environmental issues that were not controversial, this would be one of my happiest days since I came to the Senate, because, for me, the Presidio bill is so close to my heart. Mr. President, I represented, for many years, the congressional district in which the Presidio sits. Years ago, Congressman Phil Burton, looking at the Presidio, said, ''If the gates ever close, we would not want to lose this extraordinary resource.'' Back in the early 1980's—actually, I stand corrected, in 1972, Congressman Burton's legislation creating the Golden Gate Recreation Area and the Presidio was passed. The law provided that the Presidio would become a national park when it was no longer needed by the Army.

In 1988, when the Base Closure Commission recommended the closure, the law kicked in and triggered this incredible new park called the Presidio for the people of this country.

So why do I say that I am faced with such a terrible conflict here? It is because, rather than just voting this Presidio legislation up or down—which, by the way, we can do in 10 seconds because everybody agrees it is so important; it sets up a trust, and that would enable us to use the buildings on the park to create revenue to keep the park in good shape and to keep it safe and beautiful—we have this tangled up in the Utah wilderness conflict.

I suppose there are those who say, well, that is just the way it is done. Well, I simply do not buy that. If we really want to make progress here, if we really want to cut through the gridlock, what better chance do we have than to pull out this Utah wilderness bill—which is so controversial that it deserves its own separate attention—and pass these other environmental measures that are so important to the people of the country? We could do that in a minute.

I want to give you my feelings as to how much work has gone into this Presidio legislation. I already told you that the vision was established in the 1970's, and in the 1980's when the Presidio was closed, we all realized at that moment that it would become a glorious park. We also knew that funds were not there to keep it in the pristine condition. We figured out a way, with Congresswoman PELOSI's leadership, and Senator FEINSTEIN and I working with many others, we introduced the bill that would set up a trust. Everyone agrees that it is a wonderful idea.

I want to compliment Senator MURKOWSKI for coming out to the Presidio on more than one occasion to meet with the people. Senator CAMPBELL has been a key person working on this. Senator CHAFEE went out to visit the Presidio. Perhaps, for me, the most rewarding thing happened when Senator DOLE went out and, in fact, agreed this was the way to go.

So we did something here that we did not think was possible. We reached across party lines and we agreed on an approach for the Presidio that both Democrats and Republicans could support. Did it have everything that this Senator wanted? No. Did it have everything that the Senator from Alaska wanted? No. Clearly, we would have written it a little bit differently. But we worked together and we got a wonderful bill.

It is hard for me to imagine why it now has to get caught up in this tangle with the Utah wilderness bill, other than the fact that there are those who are pushing that bill and feel the only way they can pass it is to get it on the Presidio train.

The PRESIDING OFFICER. The Chair advises the Senator from California that the 5-minute limit has been exceeded.

Mrs. BOXER. I ask unanimous consent for another 3 minutes.

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

Mrs. BOXER. So we have a national historic landmark. Five hundred buildings are on the National Register of Historic Buildings. We need to make sure that these buildings do not deteriorate and make sure we get the revenues to support the Presidio. Today, what are we faced with? The best of bills and the worst of bills—in one bill. It is like the Dr. Jekyll/Mr. Hyde approach here. We take a wonderful piece of legislation, the Presidio trust bill, and everyone supports it from both parties, the whole spectrum, and it gets hooked to this Utah wilderness.

I hope, Mr. President, a couple of things will occur today in the time that we have. No. 1, I hope we take the Utah wilderness bill out of this omnibus bill. It deserves its own debate. Right now, 3.3 million acres of that Utah wilderness are basically under protection. If this bill passes, half of those acres are going to lose protection. How can we even call it a Utah wilderness bill? Clearly, it puts the

Senators from California in a very, very difficult position.

So I hope we can move this Presidio on its own. Senator DOLE and Senator DASCHLE both agree—they both cosponsor this bill—that it could be moved in a moment by a unanimous-consent request. Let us not load it down with a bill that has serious, serious problems.

I hope we can get to the point where this is truly a celebration for the people of California, that we can have our bill, have it stand alone, and take up the controversial matters independently.

I thank you very much, Mr. President. I yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KENNEDY. I think there was a unanimous consent request that was made by the Republican leader on how we are going to use morning business. Am I correct?

The PRESIDING OFFICER. That is correct. Each Senator is allowed to speak up to 5 minutes with the exception of Senator REID of Nevada and Senator DORGAN of North Dakota, who each have 15 minutes reserved.

Mr. KENNEDY. I am asking whether the consent request went after 11 o'clock. I think the Senator from Mississippi requested it for some of us.

The PRESIDING OFFICER. Senator BRADLEY of New Jersey and Senator KENNEDY of Massachusetts are authorized to speak up to 5 minutes at this point.

Mr. KENNEDY. I thank the Chair.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. I ask unanimous consent that I be allowed to complete this. I do not think it will be longer than 5 minutes, but if it is, it will be a minute or two, and I prefer not to be interrupted.

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

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. BRADLEY. Mr. President, I wish to address a few of the points that were made yesterday by the distinguished Senators from Utah on the underlying wilderness bill. First, there is the assertion that S. 884, that we are now dealing with, had been fixed, particularly that the release language had been fixed, been modified.

It has been modified somewhat, I think, to reflect the debate in the Energy Committee but despite all the changes the amended version just drops the requirement that the released lands shall be managed for ''nonwilderness multiple purposes'' and substitutes a full range of uses—not much difference. However, the amendment still says that the lands released ''shall not be managed for the purpose of protecting their suitability for wilderness designation.''

The previous version of the bill as reported out was a kind of belt and suspenders approach to release. It had two protections against further wilderness designation. The revised version still leaves the belt even though the suspenders have been removed. It still remains an unprecedented provision in wilderness bills.

Next, the protected areas. Is it fair to say that almost 20 million acres have been released and can now be exploited? The distinguished Senator from Utah questioned whether you could say that, but both versions of the bill as reported and as amended find that all public lands in the State of Utah administered by the BLM have been adequately studied for wilderness designation. This eliminates further consideration of approximately 20 million acres.

There are other problems which I will not get into at this stage, but I would like to just focus on the acreage where the distinguished Senators from Utah have asserted that plenty of land in the Kaiparowits Plateau and other areas, plenty of land has already been protected—125,000 acres in Kaiparowits and 110,000 in Dirty Devil Canyon—but the point is what is not protected. There are about 525,000 acres in Kaiparowits that were in the House bill and 152,000 acres in the Dirty Devil area. So the question is not what is protected but what is not protected, particularly on the Kaiparowits Plateau.

The proponents of the bill have basically constantly referred to the House bill which is 5.7 million acres. I am not pushing 5.7 million acres. I have not introduced a bill that advocates 5.7 million acres, nor has any such bill been introduced. I am simply concerned that 2 million acres is far too little to protect out of 22 million acres of BLM land. I am concerned that all the remaining land would be permanently released from consideration as wilderness. But once again I am not saying that 5.7 is the right number. Keep in mind that it is 3.2 million acres that are currently protected as wilderness.

Also, the Senators from Utah should recognize that if the Utah wilderness bill does not pass or is vetoed, the result will not be that 5.7 million acres are protected. Instead, for the time being, the 3.2 million will remain protected for study and a new recommendation will have to be developed.

Third, there is the assertion that acreage is an issue for Utah to resolve. I would argue that acreage is far from the only issue here. In fact, there are many other issues that should be of great concern to other Senators and to other taxpayers.

As to the hard release language, as I said, the belt is still there even though the suspenders have been removed. The land exchange provision should be of concern to taxpayers since the State is going to likely give up land of little value in exchange for very valuable Federal land on which they will want to mine coal, according to the Assistant Secretary. The exceptions to traditional wilderness rules for motor vehicle, also to water rights language, all are very ominous precedents.

And finally there is the assertion that there was nothing wrong with the BLM inventory process. The distinguished Senator from Utah basically said that this was not the case, and he quoted Jim Parker, a former Utah BLM State director, to support the assertion that the BLM's inventory was not seriously flawed. Mr. Parker has made statements supporting the BLM wilderness inventory and has been cited as an expert. However, Mr. Parker did not work on the BLM in Utah during the inventory but was living in Washington, DC, at the time.

I think it should be clear what the BLM's position is on this bill. Yesterday, I received a letter from Bob Armstrong, the Assistant Secretary of Lands, Minerals and Management, that supports the view that the BLM officials recognize the Utah BLM process was in fact flawed. Mr. Armstrong says:

> I am told by professional career staff at all levels of the organization that the Utah wilderness process was the most controversial, and perhaps the most political, in the entire BLM wilderness process.

The letter goes on to state:

> It is the position of the BLM that far too little land is protected under this bill and too much land is released for development. In short, no one should be claiming the support of the Bureau of Land Management and its professional staff—

No one should be claiming BLM support—

for S. 884.

I ask unanimous consent that the letter from Mr. Armstrong be printed in the RECORD.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 25, 1996.

Hon. BILL BRADLEY
U.S. Senate, Washington, DC.

DEAR SENATOR BRADLEY: I understand you will shortly be considering whether to include S. 884, the ''Utah Public Lands Management Act of 1995,'' in an omnibus package of parks legislation. I would like to clarify the record with respect to the position of the Bureau of Land Management and the Department of the Interior on the subject of the acreage covered in this bill.

In 1991, President Bush forwarded his recommendation that 1.9 million acres of Utah lands be immediately protected as wilderness. The Congress did not act on that recommendation and President Clinton did not adopt it when he came into office. Interestingly, President Bush did not support the ''hard release'' of the rest of Utah's lands, as is proposed in this bill, and neither does the Clinton Administration.

Last July, Deputy Assistant Secretary Sylvia Baca testified before the Senate regarding the numerous problems with this legislation. She testified that the Bush proposal of 1.9 million acres is ''inadequate to protect Utah's great wilderness resources.'' In fact, S. 884 would remove protections for some 300,000 acres recommended for wilderness by President Bush.

Nevertheless, some supporters of the legislation have repeatedly sought to portray the position of the previous Administration as that held by the Bureau of Land Management, or to claim that ''field professionals'' independently and objectively formulated the previous Administration's position. This is not the case. I am told by professional career staff at all levels of the organization that the Utah wilderness process was the most controversial, and perhaps the most political, in the entire BLM wilderness process.

It is the position of the Bureau of Land Management that far too little land is protected under this bill and too much land is released for development. In short, no one should be claiming the support of the Bureau and its professional staff for S. 884.

We have reviewed the most recent changes proposed by the bill sponsors and find that the same basic problems exist: too little designated, too much opened to development, unprecedented ''hard release'' language, reduced protections inside wilderness, and unprecedented land exchange language. The Secretary has indicated—most recently in a March 15, 1996, letter to Senator Murkowski—that he would recommend the President veto legislation carrying the text of S. 884. It continues to be my hope that the core problems of this bill can be fixed so the President receives legislation he can sign.

Sincerely,

BOB ARMSTRONG,
Assistant Secretary,
Land and Minerals Management.

Mr. BRADLEY. I remind my colleagues that there are 33 titles to this bill. I personally would have no objection to moving almost all 33, and we already have a veto threat in the form of a letter from the Secretary, and yesterday also we have a statement of administration policy from the Executive Office of the President also being very clear on that issue.

I hope we will be able to recognize that this Utah wilderness bill is far from complete and that there are many things that need to be done before it could be thought to be a true wilderness bill.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995—UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to and considered original text for the purpose of further amendment. I further ask unanimous consent Senators have until the hour of 5 p.m. today in order to file first-degree amendments, in accordance with rule XXII.

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

Mr. LOTT. For the information of my colleagues, this now allows the pending substitute amendment offered by Senator MURKOWSKI to be amendable in two degrees. Also, as a reminder, a cloture vote will occur on that substitute tomorrow morning under the provisions of rule XXII.

Senators have until the hour of 5 today in order to file first-degree amendments to the substitute. I thank my colleagues. We have worked with the Democratic leadership in getting this agreement.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. I now ask there be a period for morning business until the hour of 12:30, with the time between now and 12:30 equally divided between the two leaders or their designees.

Mr. BRADLEY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. I renew my unanimous consent request.

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

The Chair recognizes the Senator from Massachusetts.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, just as a matter of a point of information, on yesterday when there was the announcement of the Republican leader, which is on page S. 2839, in the Program, Mr. LOTT said, ''For the information of all Senators, the Senate will resume the Presidio legislation tomorrow morning with the understanding that Senator DASCHLE or his designee will be prepared to offer an amendment at 10:30.''

I am his designee, and I was prepared to offer the amendment at 10:30. The amendment I was going to offer was the increase in the minimum wage. I was offering it for myself, my colleague from Massachusetts, Mr. KERRY, Senator WELLSTONE, and others.

This was not in order, I want to make it very clear. So it was not consent, but it was an understanding about the way we were going to proceed. Now, as a result of our indication to try to get a debate on the increase on the minimum wage, and hopefully some action on the minimum wage, we have been put into this holding pattern to effectively deny us that opportunity for debate and discussion about increasing the wages for working families, some 13 million working families in this country.

What we are being faced with is another procedural effort by our Republican friends to deny the Senate taking action on this issue. This is a similar kind of avoidance by the Senate that we saw on July 31, when we voted 48 to 49 on a sense-of-the-Senate resolution; again on October 27, 1995, 51–48 to override a budget point of order on the issue on the minimum wage, raised by my colleague, Senator KERRY.

We had a hearing on this issue on December 14, 1995. We have not had the markup. We have not reported anything out. We were prepared to debate this issue, which is of such fundamental importance and fairness to working families in this country. Now we are caught up in a procedural situation where we are, at least at this time, foreclosed from being able to offer it.

I can even foresee the possibilities where that will continue in the afternoon, as we are coming down to the line for a cloture motion to be voted on tomorrow, where those, under the current situation, under the right of recognition, will be able to offer an amendment and then offer another amendment right on top of that and virtually foreclose our opportunity to speak for working families, the 13 million working families who have not experienced any increase since 1991 and have seen the real value of that minimum wage deteriorate by some 40 percent.

So we are seeing the commitment of our Republican friends, and Republican leadership, which cannot be separated from the Republican who is on the ballot out in the State of California, Senator DOLE, as well as the Republican leadership, saying on the issue of worker fairness, we are not even going to permit you to vote on that or address that on the floor of the U.S. Senate. We are going to use all the parliamentary means of denying working families the chance to get any kind of increase in that minimum wage.

At a time when CEO salaries have gone up 23 percent and we are having record profits in 1995; again, 1991, of 23 percent—we are refusing to permit the Senate of the United States to even address this issue, to vote on this issue—an issue which will mean some $1,800 for working families. This is an issue which will affect 13 million working families. It will be the equivalent of a year's tuition in a 2-year college; 9 months of groceries, 8 months of utilities for working families. We are seeing, at a time when the disparity between the wealthiest workers and families and poorest families has been growing and growing and growing, the small, modest step to try to do something for working families, families that work 40 hours a week, 52 weeks of the year, trying to make it—we are seeing we are effectively being closed out. You cannot interpret the kinds of actions we have heard here this morning to be anything else.

Mr. President, I want to point out, because I am on limited time on this

morning hour—hopefully we will have additional time during the debate going before the break—this has not been a partisan issue, historically. There have only been two Presidents, Presidents Reagan and Ford—they are the only two Republican Presidents who have not supported an increase in the minimum wage. President Eisenhower supported it, President Nixon supported it, President Bush supported it. The last time we had an increase, Republicans supported it. BOB DOLE supported it. NEWT GINGRICH supported it.

At that time, we had a Democratic Congress and a Republican President. Now we have Republican Congress and a Democratic President. And we ask: Why? Why is it that we cannot, at least, debate this issue? And why is it that we cannot afford to provide working families with a livable wage?

Mr. President, I hope we are not going to hear our Republican friends talk about their concern for working families in this country when something that we can do, here on the floor of the U.S. Senate today, and the House of Representatives can do in a matter of hours, that can make a difference to the lives and well-being of those—that we are being denied the opportunity to face this issue, to debate the issue, to talk about the issue, to take on the issues which have been raised against the increase —the questions of inflation, the question of job loss.

All of those issues which we have debated and discussed at other times, we are prepared today, with our colleagues, to debate those here. But we are back at a situation where those who lay the agenda out for the American people in the U.S. Senate, absolutely refuse to give the American working families the opportunity to be heard on the floor of the U.S. Senate.

Mr. President, as we have said before, Senator KERRY, Senator WELLSTONE and others have said before, this issue is not going away. This issue is not going away. We have seen the parliamentary maneuvers to deny us an opportunity to take action. We have seen that before. We know it is out there again today.

I do not understand what it is. Yes, I could understand. It is, again, the power of special financial interests, the special interests that just refuse to let working families in this country be treated fairly, equitably, and decently. Finally, this is an issue about women, since 70 percent of all of those who get the minimum wage are women, and it is an issue about children, whether they are going to grow up in households that are going to be decently fed and clothed, and in a setting which is humane and decent. This is not just an issue about men. It is an issue about women and it is an issue about children. It is an issue about families. We will not be silenced and we will not be denied. We are going to continue to press this. I am absolutely convinced that the working families in this country will be heard and we will have a successful vote.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, for his leadership in this effort, and Senator WELLSTONE and others who believe that the moment has really come for us to confront the reality of the rhetoric in Washington that talks about worker anxiety, that pays lip service to addressing the problem of downsizing and to the problem of the transformation in the American workplace.

Countless Senators, on both sides of the aisle, have come to the floor on many different occasions and talked about the difficulties that the American worker faces today.

In the Republican primaries, it became a major issue as Pat Buchanan focused on the anger that is coming out of those workers who work harder and harder and harder, play by the rules, pay their taxes, try to make ends meet, teach their kids, and yet they cannot get ahead.

We have an opportunity in the U.S. Senate to ratify what the Senate has already expressed. Fifty-one U.S. Senators already voted last year, saying they want to vote on a proposal to increase the minimum wage. The minimum wage is worth less now than it was when those 51 Senators who voted said we need to raise it.

The Republican majority has the opportunity to set the agenda of the Senate and, to some degree, thereby, the agenda of the country. As my colleague from Massachusetts said, this is their statement about their agenda. Their agenda is to not even let the U.S. Senate debate this and have an up-or-down vote on whether or not a majority of the U.S. Senate thinks it is time to raise the minimum wage.

Increasing the minimum wage is not a great breaking of new ground in this country. In 1938, we passed a minimum wage and set it at 25 cents. In 1938, we came to a consensus in America that we ought to pay people a minimum base standard of living by which they ought to be able to work and achieve the American dream. Every year since 1938, when that wage dipped below because of inflation and changes in the marketplace, we raised the minimum wage. Democrat and Republican alike joined together to raise the minimum wage. The last time we raised it was 1989, and I think there were something like 86 or 89 votes in the U.S. Senate to raise it to the current level of $4.25.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. KERRY. Yes.

Mr. WELLSTONE. I wonder, given the bipartisan support since 1938, can the Senator answer the question for me, what would be the basis now for the opposition of the majority leader, Senator DOLE, and others in preventing us from even having this amendment out on the floor and having an up-or-down vote? Does the Senator have any idea, given this bipartisan support, given how important it is to working families, given the fact we have heard the majority leader campaign around the country about the importance of working families and fairness, what would be the basis of opposition to our having this amendment on the floor and having this debate? Does the Senator have any idea?

Mr. KERRY. I must confess to the Senator from Minnesota, I do not understand that. I cannot understand why Senator DOLE, who previously voted to raise the minimum wage, would not want to raise the minimum wage above what soon will be a 40-year low in purchasing power. The minimum wage in this country soon will be at a 40-year low. The poverty level in America is $12,500 for a family of three. It is $15,150 for a family of four. On a minimum wage, you can earn $8,500, three-quarters the level of poverty for a family of three, and only about half the poverty level for a family of four.

I honestly do not know why the Senator from Kansas, the majority leader, the nominee-to-be of the Republican Party, would not want to see the minimum wage raised, particularly since he has previously joined in the bipartisan effort to try to do that. I do not have an answer. Maybe my colleague has an answer.

Mr. WELLSTONE. If I can ask one other question, because I am trying to understand the disconnect between politics in Washington today where at least for the moment you have a Presidential candidate, the majority leader, who does not seem to want us to have a debate on this versus what we hear back in our States.

In Massachusetts, as you visit with families and spend time in communities, do you find that people talk a lot about the importance of jobs, of decent wages and raising the minimum wage? Is this an issue that you hear about all the time from people you represent?

Mr. KERRY. Let me say to my friend from Minnesota, when you talk to working people in Massachusetts and when you talk to almost anybody—white-collar workers, people who have good jobs in our high-technology economy, people who are part of our financial services industry, which is one of the strongest in the Nation—I would say 80 percent of the people believe that workers at the bottom rung of the economic ladder ought to be able to secure income from their work that is at least equal to the poverty level. That is all we are asking for here.

As an example, to answer your question specifically, a fellow named Neil Donovan, who runs something called Project Impact, which is a Massachusetts organization that puts homeless people into jobs, has said that a job placement at the minimum wage is, in

fact, a recipe for failure. That is the experience of someone who runs a homeless shelter and wants to help those in the shelter to move toward self-sufficiency.

Why is that? I can tell you, using as examples people who live in homeless shelters. There is a fellow about whom I have talked recently who lost his job. He is now in a homeless shelter. Four months ago, he found a new job. He is working as a stock clerk, doing errands in a small operation. He is working at the minimum wage, and at the end of the week, he brings home $132.50. He proudly brings this $132.50 back to the homeless shelter in which he still lives, because even the full $132.50 is too little to be able to pay for the smallest, cheapest studio apartment in the city of Boston.

That amount does not begin to pay for health care. If you are a parent of a young child, it does not pay for day care. It does not pay the food bills for the month, after you have paid for the rent. We are talking about fundamental subsistence here.

Corporations have seen their revenues increase 12 percent or more, but the total personal income of the country as a whole, taking all incomes into account, has only gone up 2 percent. And we know that even this increase was not evenly distributed across the income spectrum. The incomes that increased were mostly at the upper level.

Here in the Congress we have a lot of people earning 10 times the poverty level. Ten times the poverty level we earn in the U.S. Congress, and the Republican leadership of the U.S. Senate is unwilling to raise the income level for those who are working at three-quarters of the poverty level and one-tenth of the salary of Senators.

Mr. WELLSTONE. Might I ask the Senator two more questions?

Mr. KERRY. Yes.

Mr. WELLSTONE. So what the Senator is saying is that right now, $4.25 an hour, what happens is that with a family, you have somebody working 40 hours a week, 52 weeks a year and still not making poverty wages.

If we were to raise this minimum wage in the amendment we want to offer, I think the senior Senator from Massachusetts said this would be an additional $1,800. I know what this means to a family in Minnesota, but for a working family in Massachusetts, what does that mean? What does $1,800 mean?

Let us talk in real people terms so that people understand this is not some party strategy, this is about people's lives, and we think this is critically important to do. As of the moment, we cannot even get our colleagues on the other side to debate. What does this mean to people in Massachusetts?

Mr. KERRY. To a family in Massachusetts, say a single parent with two kids, that spends about 60 bucks a week on groceries, this means a difference of 7 months groceries. What we are talking about is 7 months of food for the adult who is the combination breadwinner and parent and the two children. Obviously, if you can buy the 7 months of groceries, you then may also be able to move some of the money you had been spending on food to pay the heating bill, pay the rent, pay the utilities, or, if you are lucky enough to own a home, pay the mortgage. But, of course, you are very unlikely to own a home if the family's income depends on a minimum-wage job.

But there are many Americans who are hampered in what jobs they can get because they do not have transportation. Often that is the difference—being able to travel by some means from home to a job. An increase in the minimum wage easily could enable a worker to afford transportation, maybe a $3,000 used car, so you can travel beyond the confines of an area where there are not a lot of jobs, and find a better job.

There are many people with whom I talk in Massachusetts who are limited in their ability to get a decent job by their inability to be able to get to the job. As we are seeing more and more reductions in transit subsidies, bus routes are being cut, the fares are going up. People are actually written out of jobs because they cannot get to them.

But let me just make one further point to my colleague, and then I will yield the floor to him. All of this is not really that complicated. You hear the same arguments every time. Oh, if you raise the minimum wage, all those kids in the work force or who want to come into the work force are going to be denied jobs. But the truth is, we are not talking about kids. We are talking about adults. More than 70 percent of the people working on minimum wage are adults. More than two-thirds of them are women. These are working families that are affected here.

The argument is made that, oh, we are going to lose jobs if we raise that minimum wage. Well, there are at least 12 studies, several of them in the last couple of years, that refute that argument. A couple of these studies were done in New Jersey because New Jersey raised its minimum wage. You heard all the same arguments about New Jersey. And New Jersey experienced an increase in jobs.

Can anyone look around America in any year in which we have raised the minimum wage and say that doing so held us back—that it hurt our economy or cost us jobs? Can you look around this country and suggest that we have not created more jobs and raised people's incomes while we provided that income floor which guaranteed that American workers are not going to be exploited?

Mr. President, let us be honest about the history of what happened in our Nation. Go back and read the ''Grapes of Wrath.'' Go back through the history of the labor movement. Are we going to pretend that the gains for America's workers came spontaneously? Did they come out of the goodness of the hearts of managers or owners of the coal mines or the steel mills or the railroads of this Nation? No.

Everybody knows the sacrifices that the labor movement had to make, and that people lost their lives. People were shut out, people were starved, people were hit over the head, knees were broken. People were killed because workers had to fight for the right to be able to get a decent wage. There was even a time, believe it or not—how amazing—when people had to strike because they thought that they should not work more than 8 hours a day. Remember the exploitation of child labor? Remember the various diseases, the inhumane working conditions?

So through the years we have reached a point in America where we thought we had a fundamental understanding about what was fair. Now you have people working at the minimum wage who are earning only three-quarters or half the level of poverty for their families. And we have a party that believes that those of us elected to try to make these choices in Washington should not have the right on the floor of the Senate to have an up-or-down vote on a proposal to increase that minimum wage. It is very simple. In this body, 51 votes is the measure of what we do. In this case, 51 votes is the measure of whether Americans working at the minimum wage will receive a raise.

The chief executive officers of this country have not had a hard time getting raises. When 40,000 people are laid off at AT&T, the stock goes up and the chief executive can walk away with millions of dollars in additional compensation. What happens to those workers who were the victims of the downsizing? Well, maybe they have a skill level where they will break into another job. But for those people at the very bottom rung of the ladder, they are not going to have a chance to reach the next rung, or even to stay on the bottom rung, unless we lift their living standard and give them a raise.

When one examines the ratio of salaries of chief executive officers to salaries of their companies' wage earners, the ratio has moved from 50 to 1, where it remained for decades in this country, to over several hundred to one today. It just seems incomprehensible to me, Mr. President, that we should be even debating whether we should give the workers on the bottom rung of the ladder a raise, especially when the purchasing power of their current wage is at a 40-year low. That is what this is all about. I hope that our colleagues will join with us in our traditional bipartisan approach on this issue and raise the minimum wage in this country.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privilege of the floor be granted to Paul Mazur during the duration of the debate on this bill

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

Mr. WELLSTONE. Thank you, Mr. President.

I would like to thank both my colleagues from Massachusetts. Let me just get back to basics. This amendment that I thought we were going to lay down this morning is simple and straightforward. It would increase the minimum wage, the Federal minimum wage from the current $4.25 an hour to $5.15 an hour over the next 2 years. That is all. Mr. President, 90 cents over 2 years, no indexing to adjust for the cost of living, no other things to complicate the debate.

A straightforward proposition—raise the Federal minimum wage from $4.25 an hour for working families in our country, to $5.15 an hour over 2 years, and 90 cents over 2 years. For some reason my colleagues on the other side of the aisle, at least as of this morning, do not want us to be able to lay this amendment out on the floor of the Senate and have the debate and vote for it up or down.

I would just say to my colleagues, that this is simple, this is straightforward. My colleague from Massachusetts, Senator KERRY, talked about CEO salaries. Let me just be blunt. The U.S. House of Representatives and the U.S. Senate sure as heck voted themselves a huge raise, an increase from about $100,000 a few years ago to $130,000 a year. I heard my colleagues tell me that, you know, you have kids in college and there is additional expenses and all of the rest.

Fair enough. But if the U.S. Senate can vote for a salary increase from $100,000 to $130,000 a year—and the House took the action earlier—do you not think it is about time we are willing to raise the minimum wage from $4.25 an hour to $5.15 an hour over 2 years? Do you not think it is about time that we would be willing to raise the minimum wage by 90 cents over 2 years?

Mr. President, I do not know what the majority leader plans on doing. But it does seem to me that we have now reached the point where regardless of the strategies and regardless of whatever parliamentary ruling there might be, it is going to be very difficult for Senators to essentially finesse this issue. Because while we are putting off the debate, at least for the moment, there are many Americans who have to live with this minimum wage. We are putting the debate off on the minimum wage this morning, while many Americans have to live with it. For 200,000 working people and their families in Minnesota, this is an extremely important issue.

Later on, Mr. President, when we get to the debate, I will talk about people. I do not want it to be abstract. But let me just tell you, whether it is a single parent working or whether it is two parents working, this debate about the minimum wage, this effort to raise the minimum wage, is absolutely key toward providing people with a ladder to get into the middle class. This is a fundamental economic justice question. I will just say one more time, I came to the floor about 10:30. I thought we had an understanding that we would go forward with this amendment.

My hope is that after the caucuses meet at lunch we will be able to do so, that we will be able to lay down our amendment, that we will have debate on this amendment, and that Senators will be accountable, Democrats and Republicans alike. Because I will tell you; in Minnesota, the cafe discussion is whether or not your children are going to be able to find jobs at a decent wage. The cafe discussion is whether or not you can pay your mortgage payment or whether you can pay your rent. The cafe discussion is whether you can afford to send your kids to college. The cafe discussion is on the economic squeeze that families feel.

The vast majority of people in Minnesota and the vast majority of people all across this country want to see us take action on this.

I say one more time, the U.S. Senate and the U.S. House of Representatives did not seem to have any problem in voting ourselves a huge pay increase. Do you not think it is about time we vote for a pay increase for working families in this country, and set some kind of decent, humane, compassionate minimum wage floor for working men and women and their children?

That is what this is about. I do not think anybody is going to be able to hide from this debate. I do not think there is going to be any way of maneuvering around this debate. I am just speaking for myself. I am not even speaking for my two colleagues from Massachusetts. But I intend to be a part of this effort to introduce this amendment over and over and over again.

You cannot duck. You cannot hide. It is an important economic issue. It is an important economic opportunity issue. It is all about working men and women and their children. It is all about economic justice. It is all about fairness. And it is time we get serious about these kinds of issues in the U.S. Senate. I hope this afternoon after lunch we will have the opportunity to lay down our amendment and then we will have this debate. Then we will have a positive, affirmative vote for working men, women, and children in the State of Minnesota. Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the time is divided. I am just wondering—I want to have a few more moments for a statement I want to make between now and 12:30.

The PRESIDING OFFICER. The Senator from Massachusetts, his side has 4 minutes remaining.

Mr. KENNEDY. Mr. President, I will yield myself 3½ minutes.

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

Mr. KENNEDY. Mr. President, why we wanted to have the opportunity to address this issue is because, as this chart shows, between 1979 and 1993, this shows what has happened to real family income during this period of time.

This body is familiar with what happened before 1979 from the postwar period from 1949 up to 1979. Virtually each of these columns all moved up together up to about 100 percent improvement in the family income growth. Virtually at every level of the economy everyone moved up together. We have gone through that in other debates on the minimum wage and we may have a chance, if there is a challenge to this, to go into that in some greater detail.

But what we have now seen is 1979–93, the bottom fifth of the population has seen a real loss of 17 percent. I am always interested in how we evaluate what has happened in the median, where the median is. If you take the median as for the highest wages and the highest profits and the highest growth of the wealthiest families and the least you come out somewhere in the middle.

But the fact of the matter is that is not a good indication of what is happening to those on the bottom rung of the ladder. They are the ones that have fallen furthest behind from 1990 to 1993. This is the group which would be most affected and most helped and assisted with the increase in the minimum wage. It would be modest. It amounts to about $3.4 billion that would go to that particular group.

We will hear a lot about this is very inflationary. That is $3.4 billion in a $5 trillion economy. That is $3.4 billion in a $5 trillion economy. And they are going to talk about, well, it is inflation and it is going to set off all of the economy? This demonstrates what is out there in terms of our colleagues who are working in America.

The ones that are being affected by the minimum wage, as has been pointed out, are the ones that are working full time, 40 hours a week, 52 weeks of the year. This chart shows what the real minimum wage is. That is in the purchasing power. This continues to go. It will be the lowest it was since 1989.

In 1989, as has been pointed out in this debate, at that level, of Republicans and Democrats, there were only nine Members of the U.S. Senate in 1989 that voted against it. And 32 Members of the Republican Party voted for this increase. George Bush voted for that increase. Effectively we are right back down to—BOB DOLE voted for the increase. We are right back to that level now. Plus, I think most would understand that the economy is stronger

today than it was at that particular time.

Mr. President, this chart shows what is happening. The Dow-Jones average, inflation adjusted, goes right up through the roof. Here it is. It breaks through the roof. This is what is happening with the stock market, the Dow-Jones average, right up through the roof. The real minimum wage, inflation adjusted, the small increase here with the 90-cent increase, right back down again. And what we are talking about with this amendment would be a 90-cent increase over the next 2 years.

Mr. President, as has been pointed out, these are the individuals who are affected—16 to 19 years is 31 percent; over 20 years of age, 70 percent. We are talking about adults; 70 percent of the individuals are over 20 years of age.

Mr. President, this is an indication, again, as I mentioned briefly, about who in our society is going to be impacted. Men represent 40 percent of the wage earners from $4.25 to $5.14. These are the wage earners that would be impacted by this increase. Again, 60 percent would be women. Many of them are single women. Many of them have children. That is why I believe that this is not just——

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. Mr. President, I yield myself the final 30 seconds.

Is not just a workers' issue; it is a women's issue and a child's issue.

Mr. President, we will have the opportunity to go on and show about what the impact has been on inflation and employment since the end of World War II. We are glad to debate this issue, to take on issues and go through them and let the Senate vote its will.

So, Mr. President, I hope that we will have that opportunity when the legislation is going to come up under what was agreed to last evening to be recognized. We will offer this amendment. We hope that we will be able to work out an agreeable format so that we can have a real debate on the issue and then have a final vote, find out who is on the side of working families in this country.

My time has expired. I understand the remaining time will be available to the Members of the other party and we will be back here at 2:15 to continue this debate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I did not come to the floor for the purpose of discussing this issue, but having listened to this discussion, I do want to remark on the bizarre nature of an argument which emphasized so strongly the outrage of the last three Senators in not being permitted to debate an issue which they were, of course, debating, on which they will place an amendment, when each of those three Senators has been visibly engaged in the last 4 weeks in preventing the Senate from voting on an appropriations bill for the District of Columbia with all of the positive impact that has on poor people, law enforcement, and education in the District, and by foolishly engaging at the same time in filibustering an attempt to bring to conclusion—to extend and bring to conclusion—the Whitewater investigation. We have not been permitted to debate these issues on their merits or to vote on their merits. For the life of me, I do not understand how that differs from the objection they are making today, particularly since they will, of course, be able to bring up such an amendment and have a debate on it.

I also point out, they neglected to state that all of their examples relate to some 10 or 15 percent, a very small percentage, of minimum-wage people who are the primary supporters for their families, and that a proposal that would obviously benefit that small handful of people will have a terribly damaging effect on first jobs for teenager and welfare recipients attempting to build new lives and living for themselves.

The compassion for those people, at the beginning of their careers, seem to be remarkably absent in the debate we have heard so far.

RAISING THE MINIMUM WAGE IS A BAD IDEA

Mr. NICKLES. Mr. President, I rise in opposition to some of the statements that were made by our colleagues from Massachusetts, who said we should increase the minimum wage. I will make a couple of editorial comments because I do not know that we need to debate it at this time, but I feel a need to respond to some of the statements made on the floor of the Senate.

The implication was that if we do not increase the minimum wage, we do not care about low-income people. I find that to be offensive. That attempts to show that maybe those of us who oppose raising the minimum wage are not only insensitive, but we do not care about poor people or something. I disagree with that. Maybe we should turn that argument around. Maybe those of us who care more about poor people should increase the minimum wage to $10, $15, or $20 an hour. I would like for everybody in America to make $20 an hour. But is the proper way to do it to pass a law that says it is against the law for you to have a job if you do not make that? That is what our colleagues from Massachusetts are doing. They want to offer an amendment that says it is against the law for you to have a job unless it pays $5.15 an hour. They do not care if the job is in rural Missouri or Oklahoma. Maybe every job in Massachusetts pays that much. I do not care if the State of Massachusetts passes a minimum wage law for any figure. That is their prerogative. But to pass a law that makes it effective in my State and all across the country and says it is against the Federal law to have a job that pays less than $5.15, I think is a serious mistake.

Who does it hurt? I think it would hurt the very people they propose to help. It would be telling a lot of people who are low income, who have a job that maybe does not pay much, it pays minimum wage—by definition, that is not much, but at least they have a job—and we are going to say, unless that job pays at least $5.15 an hour, we do not think you should have that job. As a matter of fact, it is against the law, against the Federal law for you to have a job unless it pays that amount. I totally disagree with that.

I just have to say that I do not understand the effort made to have this amendment on this bill. We have a lands bill up. We have a bill that deals with Presidio, deals with the land exchange in Oklahoma and Arkansas, and we have a bill dealing with Utah wilderness. It is a complicated bill. I compliment my colleague from Alaska, Senator MURKOWSKI, for his leadership on this bill.

What does the minimum wage amendment have to do with this bill? Nothing—except for politics. I will say it has something to do with politics. My colleagues said that we have not had an increase in the minimum wage since 1989—7 years. Wait a minute. The Democrats were in control of the Senate and the House and the White House in the years 1993 and 1994. Why did they not have the bill on the floor then? The majority leader, Senator MITCHELL, at that time could have brought it up. But he did not. Why? Well, they were trying to have a big increase in the minimum wage because they wanted to mandate a very expensive health care plan on America. Maybe they figured they could not do both. They controlled the agenda. The Senator from Massachusetts could have offered that amendment, and he did not do it. We did not have a vote in 1993 and 1994 when President Clinton and the Democrats were in control. But we are having one today.

I noticed a coincidence in today's paper, the Washington Post. The headline is, ''AFL-CIO Endorses Clinton, Approves $35 Million Political Program.'' They want to enact their agenda. This is on their agenda. My colleagues talked about special interests. I would say this is a pretty big special interest. I would say that all of their members make more than minimum wage. Maybe all of them do. There are a lot of people in rural Missouri or rural Oklahoma making minimum wage, and if you increase the minimum wage by a certain amount, you are going to be putting some people out of work. I do not know who, but I know there are some. I have been in rural areas that have grocery stores that are striving to stay alive because they had a big company come in, like Wal-Mart or somebody, a big competitor.

Yes, they were paying $4.50 an hour or whatever the amount would be, and they are not making any money. But if

we mandate that they increase their minimum wage or whatever they are paying by 21 percent as proposed, you are going to be putting some of those jobs out, maybe put the business out.

And what are these jobs? A lot of them are starting level jobs. I worked for minimum wage 27½ years ago. It was when my wife and I were first married. I worked for it before then as well. But I remember that was the best job we could get. We both worked. At that time I think the minimum wage was $1.60 an hour, and was it enough? No. Did I want more? Yes. Did I learn part of the trade? And that trade at the time was a janitor service. Yes. And I started my own.

So the minimum wage was not so much a minimum wage as it was a starting wage. It helped me learn a craft or business, and I was able to start a business. I employed more people and they made more than the minimum wage. But what we are doing, if we increase the minimum wage significantly, what we are going to be doing is telling all people if your job does not pay at least this amount, it is against the law for you to have a job, we are going to pull up the economic ladder. The Federal Government is determined if your job does not pay that amount, you should not have it; it is against the Federal law.

I think that is wrong. That is the heavy hand of the Federal Government coming in and saying we know best. We know you should be making more. Now, what is right in Boston, MA, may not be what is right in my hometown of Ponca City, OK.

So I just really disagree with this idea of big Government knows best; we are going to mandate, we are going to tell everybody what to do and act like there are no economic consequences whatsoever.

Sure, there are economic consequences. You are going to be pricing some jobs—maybe the job is pumping gas—out of the market. That is one of the first jobs that a lot of my group growing up were working at. You do not see that anymore. Most of the gas stations are self-serve. That may not be the greatest job in the world, but I would rather have that young person coming in and getting a start and maybe learning the fact this is not good enough; I cannot make enough money, so maybe I need to go back and complete high school or maybe I need to go into vo-tech or maybe I need to go get some additional training. That is all part of the educational process.

We say, ''Oh, no. If the job doesn't pay over $5.15 an hour, you can't have it; it is wrong.'' Or maybe the job is sacking groceries. You do not see many jobs like that. We used to have those jobs. The Federal Government is going to put people out of business and back on the streets, people who need that job training.

A lot of people in Boston, a lot of people in different parts of the country need that first job. That first job teaches them a lot more than just the dollar amount. And we should give them that opportunity. We should not be pulling the economic ladder up and saying, no, if it does not pay that much, it is not worth it; you go ahead and stay home. And, yes, so what if you are 16 years old and you do not have anything else to do, just stay home. And then what happens? A lot of those idle people say, well, I need some money. How can I make money? Maybe I can make money running drugs, maybe I can make money stealing things, whatever. A lot of people get into trouble because they have time on their hands.

That is a mistake. We should not price them out of the marketplace, and that is what is being proposed.

And then some of our colleagues say, well, there are no economic consequences whatsoever. This is not going to mean an increase in unemployment. I think it just defies the law of supply and demand. If there are no negative economic consequences by a 21-percent increase in the minimum wage, why not increase it 50 percent? Why not increase it 100 percent? Maybe we should have a perfecting amendment that says the minimum wage will be $10 an hour?

That is all right. If you work 2,080 hours a year, that is $20,000 a year. I think that would be nice. I would like for everybody to make $20,000 a year. So maybe we should perfect this amendment. If you are not going to have any negative consequences by a 21-percent increase in the minimum wage, let us make it 100 percent, make it $10 an hour. I just think that argument makes no sense whatsoever. Common sense would say, hey, this is going to cause some problems for some people and those some people are going to be the people on the lowest end of the economic scale that maybe are trying to crawl that ladder and we are going to pull the ladder up. We should not do that.

I wish to make a couple of comments. Yes, there are negative economic consequences. CBO said that this is an unfunded mandate on cities and counties and States and tribes of about $1 billion over the next few years. They said it is an unfunded mandate on the private sector to the tune of over $12 billion for the next few years.

The real problem is that this is going to be telling a lot of young people we are sorry; if you cannot find a job that pays this much, we do not want you to have a job; it is against the law for you to have a job. That is a mistake. I think that is a serious mistake. We should not do that.

So I will urge my colleague at the appropriate time to oppose this amendment if and when it is offered. It does not belong in this bill. Some people are kind of frustrated Congress does not get its business done, and on occasion I may join that frustration. But this amendment is for politics because the leaders of organized labor are in town, because the leaders of organized labor are endorsing Clinton and promising record amounts, record amounts, $35 million in political campaign contributions. This is special interest legislation and the real problem is the real people it will hurt will be low-income people who need jobs.

So I will urge my colleagues at the appropriate time to defeat this amendment.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my friend from Oklahoma relative to his concern over what the minimum wage will do if there is an increase. And I believe the increase proposed by the Senator from Massachusetts is from $4.25 to $5.15. That is about 45 cents I believe over a 2-year period.

FEDERAL REGULATIONS

Mr. GORTON. Mr. President, I have today a bizarre example of the unthinking impact of conflicting Federal regulations on other conflicting Federal regulations and the fact that so often our bureaucracy simply does not think out the consequences of what it does.

Recently, I was in the Tri City area of east central Washington and was discussing his business with the manager of a Unocal fertilizer plant in the city of Kennewick. He brought to my attention a fairly recent message that he had received from the U.S. Coast Guard. The Coast Guard has written to everyone with various kinds of facilities in ports from California through the State of Washington, warning them about potential terrorism, pointing out that the base of the explosive at the Oklahoma City courthouse disaster was fertilizer, and telling the manager of this fertilizer plant how important it was to guard against terrorism, to guard against outsiders getting into the facility and engaging in terroristic acts.

Well, it was oratory in nature and did not suggest any particular things to do. I do not think it suggested anything that the plant was not already doing. But at the same time, Mr. President, the Unocal plant was informed by the Environmental Protection Agency of a truly bizarre proposal on its part.

As a fertilizer plant, and because fertilizers do, under some circumstances, raise certain health risks and also certain explosive risks, this business is subject to widespread regulation on the part of the Occupational Safety and Health Administration and the Environmental Protection Agency. In fact, those regulations are so detailed in nature that 23 people out of 150 employees in the plant are devoted almost solely to abiding by various governmental regulations.

In any event, the Environmental Protection Agency announced a new regulation to apply to some 122,000 facilities across the country. That regulation would require each of these 122,000 facilities to make public the worst-case scenario, the worst thing that could possibly happen if any of the materials handled by or stored in the facility were released.

So, in other words, Mr. President, we have a Federal Government warning against terrorism with one hand and instructing companies to publicize the worst thing a terrorist could possibly do with their materials on the other hand—in detail.

The Environmental Protection Agency, when it was asked how many deaths had resulted off of the site of one of these 122,000 plants from the release of such material, came up with the answer ''zero.'' No such deaths. But they have a regulation which will tell the terrorists exactly how to cause those deaths in very, very large numbers.

Mr. President, there is no question but that safety regulations are vitally important and environmental protection regulations are important. This Unocal plant, I may say, had 1 injury that caused one day of lost time in the last several years in its plant, and that was from heavy lifting, not the use of hazardous material. It runs an extremely safe plant.

But, Mr. President, could we possibly come up with a better illustration of the proposition that we need to look over our old regulations after a certain period of time and determine whether or not they are still relevant or still working; that before we impose new regulations, we ought to figure out what the cost and the downside is against whatever the purported gain is before we impose them? Are we going to simply publicize ways in which to engage in terrorism, when we have not had any serious problems from the very condition that the regulation is designed to control?

Mr. President, should we not have some kind of coordination among various Federal agencies as to whether or not the regulation of one is not going to undercut the very purpose for which another exists? Well, Mr. President, I think the answer to these questions is quite obvious. Here is another example of the use of the so-called safety regulation or environmental regulation in a way which is destructive of the very goals it seeks in the first place.

Mr. President, I ask unanimous consent that the Coast Guard missive and the letter from Mr. Powell of Unocal be printed in the RECORD at this point.

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

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Alameda, CA, January 14, 1996.

DEAR WATERFRONT FACILITY OPERATOR/MARITIME TRANSPORTATION COMPANY: As a result of a series of recent U.S. judicial proceedings, I have received an advisory indicating possible retaliatory acts against U.S. interests. The sentencing of Sheikh Omar Abdel Rahman and nine others for their involvement in the bombing of the World Trade Center and other New York landmarks may prompt sympathizers to possible retaliate. Similar responses could also follow if the U.S. extradites Musa Abu Marzuq, a member of the ''Islamic Resistance Movement (HAMAS)'' to Israel for his involvement in terrorist activities there. In addition, Salman Rushdie, the target of an Iranian death order, is currently on a multicity U.S. book tour. Finally, the trial of alleged bomb maker and terrorist Ramei Ahmed Youssef is expected in the first half of 1996. He and his accomplices are charged with conspiring to bomb a U.S. commercial airlines in the Asia Pacific region.

The possible retaliatory acts to these judicial proceedings may include attacks against the U.S. transportation infrastructure. It should be emphasized that no specific threats against any form of transportation have been identified to date. However, the Secretary of Transportation believes it is prudent and appropriate to ensure deterrence and prevention of these activities. Therefore, I am advising all waterfront facility operators and companies involved in maritime transportation in Northern California to take appropriate and immediate actions to ensure that adequate measures are in place to prevent or deter terrorist actions against facilities and port personnel. These actions should begin with a review of your security measures already in place and an assessment of whether or not additional security measures are necessary.

To facilitate information sharing and response actions during a security-related emergency, the Department of Transportation has established a hotline for reporting incidents. The number for the hotline is 1–800–424–0201. Should you receive any threats or notice any unusual activities which may compromise your security, I urge you to contact this hotline and appropriate law enforcement agencies. You may also contact the Marine Safety Office's watch office at (510) 437–3073 to report these incidents.

Your cooperation in ensuring the safety of the port is greatly appreciated. Should you have any questions regarding this matter, please contact Lieutenant Lee of my staff at (510) 437–5873.

Sincerely,

D.P. MONTORO,
Captain, U.S. Coast Guard.

UNOCAL PETROLEUM PRODUCTS &
CHEMICALS DIVISION,
Kennewick, WA, June 26, 1995.

Hon. RICHARD ''DOC'' HASTINGS,
House of Representatives, Longworth Office Building, Washington, DC.

DEAR REPRESENTATIVE HASTINGS: Thank you for the time you afforded my entire family when we were in Washington, D.C. last week. Meeting a congressman in his office was a big event for us.

During our brief talk I told you that I was in town for a meeting of the Fertilizer Institute where EPA's proposed risk management (RM) regulations were discussed in depth. These regulations which focus on community safety are explicitly called for by the 1990 Clean Air Act Section 112(r)(7). In addition to our internal discussion, an EPA spokeswoman, Dr. Lyse Helsing of EPA's Chemical Emergency Preparedness and Prevention Office, provided us with an update of the status of their proposed regulations. EPA's proposed RM regulations will substantially overlap with existing regulations also called for by the Clean Air Act and already implemented by OSHA to protect worker safety. These are OSHA's Process Safety Management (PSM) regulations which went into effect in 1992. Unfortunately, the overlapping portions of the regulations are not quite identical. The Fertilizer Institute and Unocal feel this problem can be easily solved and that the solution would be in line with President Clinton's recent directive to eliminate or modify regulations that are obsolete or unnecessary.

The attached letter explaining the problem with these overlapping regulations was drafted by the Fertilizer Institute. It briefly explains the problem and offers a solution. I hope you will consider sending this or a similar letter to the EPA.

One element in the RM regulations called for by the Clean Air Act is not dealt with by OSHA in its PSM regulations. That is a requirement that industries storing certain hazardous materials above threshold quantities make public the ''worst case'' scenario for the release of this material including its impact on the surrounding community. RM regulations will effect 122,000 facilities in this country according to EPA's spokeswoman Dr. Lyse Helsing. When asked how many such worst case releases had ever resulted in an injury to a person offsite from the affected facility. Dr. Helsing stated that EPA's records showed zero deaths. She did not comment on injuries, but I suspect there is scant evidence of a problem. However, the requirement to publicize worst case information will be costly and we will in the process of releasing such information make it known to potential terrorists as well as to average citizens. In the wake of Oklahoma City, the Trade Tower incident in New York and subway incidents in Japan, I doubt that public safety will be enhanced by making worse case information public. This is especially true in this instance where EPA acknowledges no history of problem in this country.

The clock is ticking on EPA's court ordered deadline of March 1996 to issue RM regulations with a requirement for publication of worst case scenarios. I urge you to take action to avoid implementation of this aspect of the Clean Air Act.

Thank you for your time, your consideration and your constant efforts at improving the workings of our government.

Sincerely,

MARK R. POWELL.

Mr. GORTON. Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my colleague from Washington for that statement. That may be the most vivid example of bureaucracies running amok, actually endangering the lives of some of our constituents. That is unfortunate. I appreciate the Senator for bringing that to our attention. I hope we will be able to take some corrective action.

PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I wish to continue our earlier discussion a little bit more. I remind this body of the pending business that is before the Senate, and that is a package of parks bills, some 56 titles, and a couple of them are contentious—Utah wilderness and Presidio. And as we look at getting things done around here, it is inconceivable to me that we would not finish

what we started. We started yesterday with this parks package. It was scheduled to come up throughout the day. We had about 7½ hours of debate, good debate yesterday. Today, we were going to take amendments, and the first thing out of the box is the minimum wage. Putting aside the merits of the minimum wage, the question is, Why not finish what we started?

The Utah wilderness debate is a legitimate issue for the State of Utah. The Presidio trust establishment is a legitimate issue for the State of California. The concern relative to Utah wilderness is whether or not 2 million acres of additional wilderness is adequate or, as some from the elitist group suggest, it should be 5 to 6 million acres. Currently, Utah has a pretty good chunk of wilderness. They have approximately 800,000 acres that is Forest Service wilderness. The proposed bill that we presented would increase that BLM wilderness classification to 2 million acres, making a total of 2.8 million.

That is pretty significant, Mr. President, when you consider just how big a million acres of wilderness actually is. Few people recognize as they wander around in the great outdoors what a million acres of wilderness equates to. A million acres equates to a State the size of Delaware. Two million acres, what we are talking about, is about three times the size of the State of Rhode Island. Two million acres is about half the size of the State of New Jersey.

With reference to the Utah wilderness, why they are somewhat reluctant to put in even more acreage is that there has been an extended study done as to what would be adequate in the minds of Utahns, the legislature, the Governor, and so forth. And I think some 15 years have been spent in the study, some $10 million expended to come up with the recommendation of 1.9 million. As I said before, the proposal here is 2 million acres.

Now, Utah needs for its economy, for its infrastructure, funds coming from resource development. Some of these areas would be used for the production of resources to support the needs of Utah—the schools and various other long-term commitments to better the residents of that State. Some might wonder why I am speaking coming from the State of Alaska, but we, too, are affected by wilderness designations. We have 56 million acres of wilderness in our State of Alaska, so I know something about the topic.

But, as we reflect on what is behind the issue, on one hand, of trying to reach an accord to get the 56 titles through that represent the parks in some 26 States, I encourage all my colleagues to remember the importance of standing behind this package. Because, if the Senate votes out this package, it will be accepted by the House. If the Utah wilderness is stricken, if the Presidio is stricken, why, the House has assured us, they are not even going to take it up.

But the significance here is what the Utahns are trying to do to develop their economy and meet their school obligations by utilizing the resources in that State, the resources that, if additional wilderness is set aside beyond the 2 million acres, they are simply not going to be able to achieve their needs.

Who are these folks who are proposing it should be 5 to 6 million acres? They are not residents of the State of Utah. They are some of the eastern elitists, who have moved their focus, if you will, from the West as being an area where there is great productivity and return for their investments, as they reside in the East, to easterners who look at the West as a great place to recreate.

What we are talking about here is balance. We are trying to get a balance between preserving the wilderness and developing our resources and trying to address our jobs. As I hear my colleagues this morning talk about the minimum wage, I ask them where in the world are the jobs that we formerly had in resource development in this country? We have lost 600,000 jobs since 1980 in the oil and gas industry; 600,000 jobs. These are not minimum-wage jobs. These are high-paying union jobs, blue-collar jobs of the highest skills necessary to produce oil and gas. What have we done? We have relied on imports. We are bringing in, now, 54 percent of our crude oil. Mr. President, 54 percent of our crude oil consumption is imported. So, what we are doing is we are exporting our dollars, we are exporting our jobs, and we have lost 600,000 jobs since 1980.

I do not see my colleagues on the other side of the aisle saying what can we do to stimulate domestic jobs in oil and gas production, where we have huge reservoirs simply ready to be tapped, we have the technology, we have the expertise to do it safely. They do not want to stand up and be counted, because some of the elitist groups might suggest we should not be developing oil and gas on public lands, we should not be generating revenue and taxes for the communities. They move over to the minimum wage, on a parks bill, and suggest that this is the issue for the Senate. This is not the business of the Senate. The business of the Senate is the 56 titles of the parks bill.

Look at the timber industry. Timber is a renewable resource. Do you know why the U.S. Forest Service was established? It was established so we could have an ongoing supply of timber. It is up to us to determine whether the management is adequate or inadequate. We have lost 30,000 timber jobs in 10 years. How many communities did that affect? Lots and lots.

As a consequence, I just am bewildered at my colleague's immediate jump to a minimum-wage increase with no consideration for the lost jobs in timber, mining, oil, gas, ranching—virtually every resource from public lands that has traditionally employed Americans in high-paying jobs. Where have the jobs gone to in the United States? They have gone to the service industry. They have gone to McDonald's. They have gone to the low pay, as we import the things we need, like our wood fiber. Some of the extreme elitists suggest we do not have to develop that in the United States, we can import it. But many of those countries do not have the same environmental sensitivity that we do in the United States. They are not developing their renewable resources with the same sensitivity that we are.

So, I think it is a little inconsistent, as we listen to this debate today, particularly in view of the statement from my friend from Oklahoma that it is a bit coincidental, with the AFL–CIO in town, endorsing the current administration, committing $35 million out of the union members in this country for a political action effort. Where are those people when it comes to the basic, hard-core resource jobs of this country? They are not on this floor. They are not defending the right to use our science and technology to keep this job base that we have had in this country, that has made this country self-sufficient.

Mr. President, 54 percent of our crude oil is imported. As I said, the dollars and jobs are going overseas. Over one-half the trade deficit is the cost of imported oil. There is absolutely no excuse for that. We are importing over 8 million barrels a day. The total cost to import that is $1 billion per week. We could have those jobs in the United States if we would recognize, as we look at our regulatory requirements, that they really do not keep pace with the technological advancements. To suggest we cannot open up oil and gas deposits safely with the technology that we have been developing is really selling American engineering and ingenuity short.

I see the hour of 12:30 is almost upon us, Mr. President. I again remind my colleagues of the inappropriateness of trying to move a minimum-wage action on a parks bill, a parks bill that addresses some 25 States, 56 titles, and has been worked on for many, many years by many Members here and addresses the needs of many, many States.

So, I urge my colleagues to refrain from the debate on the minimum wage to simply take advantage of the political opportunity associated with the presence of the AFL–CIO and their convention in town and their pledge of $35 million to the current administration and get back to the business of the Senate, which is this parks package, debate it, pass it, and move on. I am sure there will be a time and place for the minimum wage, but it is not on this parks bill.

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

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

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. It was.

EDMUND S. MUSKIE

Mr. DOLE. Mr. President, during a speech in the 1968 Presidential campaign, Senator Edmund Muskie, who was the Democrat nominee for Vice President, told his audience, ''you have the God-given right to kick the Government around—don't hesitate to do so.''

That remark was pure Ed Muskie. Blunt. To the point. And leaving no doubt that Americans should expect the best of their public officials.

And the best is just what the people of Maine and America received from Ed Muskie during a public service career that spanned five decades.

Along with all Senators, I join today in mourning the death of Ed Muskie, who passed away here in Washington early this morning.

The son of a Polish immigrant, Ed Muskie grew up knowing about the blessings of freedom and democracy, and he spent a life time standing up for those blessings, beginning with serving for 3 years in the Atlantic and Asiatic-Pacific Theaters in World War II.

After the war, he returned to his beloved Maine, and soon began his political career as a Democrat in a State that for over a century had rarely elected anybody but Republicans.

Ed Muskie changed all that. During his 6 years in the State house of representatives, his 4 years as Governor, and his 21 years in the U.S. Senate, Ed Muskie's intelligence and integrity changed the voting habits of Maine—many of whom called themselves Muskie Republicans.

Ed's years in the Senate were highlighted by his service as the first chairman of the Senate Budget Committee. I was proud to be on that committee with him at that time. In that role, Ed took some criticism from those of his party who believed he was too tough in his opposition to increased spending.

He handled this criticism by saying that America would not get its fiscal house in order if we continued to have public servants who—and I quote—''talked like Scrooge on the campaign trail, and voted like Santa Clause in the Senate.''

Ed Muskie was a patriot who always answered the call of his Nation. He resigned from the Senate when President Carter asked him to serve as Secretary of State. And when Ronald Reagan—the man who defeated President Carter—asked him to serve on the Tower Commission, Ed was there, as well.

Mr. President, the State of Maine and America are better because of Ed Muskie's life and career.

I know all Senators join with me in extending our condolences to his family and friends.

Mr. KENNEDY. Mr. President, I want to thank and commend the majority leader for these comments. I join in the feeling which he has spoken so very eloquently about.

I wanted to speak very briefly on Senator Muskie. I do not know whether others wanted to speak on this matter, but I have some remarks.

I ask unanimous consent that we extend our recess time.

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

Mr. KENNEDY. I thank the leader very much.

Mr. DORGAN. Mr. President, I simply wanted to commend the majority leader for his comments about the late Senator Muskie. I did not know him well. I had met him a number of times. This was an era when there is often a caricature created about those involved in public service. He represented, I think, what is the best of public service. He was smart, tough, strong. He served not only the State of Maine but this country with great distinction.

All of us who had met him, or those of us who had crossed paths with him over the years will miss him. We extend our sympathies to the Muskie family. I yield the floor.

Mr. KENNEDY. Mr. President, I join in thanking the majority leader for his comments about Senator Muskie, and I would like to express my appreciation to others for their comments.

Ed Muskie was a fellow New Englander, and over his long and distinguished career, his friendship for the members of our family and for my brothers was very real, ongoing, and based upon our very high regard and great respect for Senator Muskie.

As has been pointed out here in the Senate, he was a Senator's Senator. I like to think of him as being the foremost authority on preserving the environment. Senator Muskie inherited this extraordinary commitment because he represented one of the most beautiful States in our country, the State of Maine. He spent a good deal of time on that issue as Governor and gave it very special attention in the Senate, where he championed the Clean Water Act and other environmental reforms. We made great progress in preserving the environment in those years, and Ed Muskie deserves the commendation and the gratitude of a nation.

He also took on challenging responsibilities as the first chairman of the Budget Committee, in trying to ensure that the Nation acts responsibly in its financial affairs. With his extraordinarily gifted mind and his ability to analyze and understand complex issues, he was able to get at the heart of the problem and master the details of a budget in a way which all of us admired and respected. He played an enormously important role in trying to put this country on a path toward a more sensible and responsible fiscal policy.

His work as Secretary of State was outstanding as well. His key role in the release of the American hostages in Iran was an extraordinary diplomatic initiative and achievement. It was when he served as Secretary of State that this Nation achieved new heights in the preservation of human rights around the world, a cause which he championed.

Many commentators have described Ed Muskie as Lincolnesque. He was Lincolnesque in stature and character—a tall, lean man, a towering figure, with those piercing eyes and strong features that characterized an enormously gifted mind and a backbone of steel and courage.

He was a great public servant for our time. The people of Maine were well served, the Senate was well served, and the country was well served in a range of different responsibilities that he undertook.

Mr. President, I join with those expressing our sense of sorrow and loss to his wife Jane and the other members of the Muskie family. We will be saying our prayers for Ed Muskie and for his family. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DEWINE].

Mr. DOLE. Mr. President, I need to have a brief discussion with the Democratic leader. Therefore, 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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the House:

H.J. Res. 168. Joint resolution waiving certain enrollment requirements with respect to two bills of the One Hundred Fourth Congress.

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–2178. A communication from the Assistant Secretary of the Treasury (Legislative Affairs and Public Liaison), transmitting, pursuant to law, a report relative to the tobacco product vending machines; to the Committee on Appropriations.

EC–2179. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Foreign Comparative Testing Program for fiscal year 1995; to the Committee on Armed Services.

EC–2180. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report on the Laboratory Revitalization Demonstration Program for fiscal year 1996; to the Committee on Armed Services.

EC–2181. A communication from the Assistant Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting, pursuant to law, the report on the defense environmental restoration program (volume 1 of 2) for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2182. A communication from the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, the interim report on the Department of Defense actions relative to section 381 of the National Defense Authorization Act for fiscal year 1995; to the Committee on Armed Services.

EC–2183. A communication from the Secretary of Defense, transmitting, pursuant to law, 1995–1996 Joint Military Assessment; to the Committee on Armed Services.

EC–2184. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction (CTR) funding; to the Committee on Armed Services.

EC–2185. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report relative to the Commission's administrative and enforcement actions under the Fair Debt Collections Practices Act; to the Committee on Banking, Housing and Urban Affairs.

EC–2186. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the National Oceanic and Atmospheric Administration's (NOAA) Deep Seabed Mining Report; to the Committee on Commerce, Science, and Transportation.

EC–2187. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of intent to submit a report required under the Energy Policy Act of 1992; to the Committee on Energy and Natural Resources.

EC–2188. A communication from Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a notice on leasing systems; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–517. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 45

''Whereas, Jimmy Tran valiantly fought for the freedom of his country of seven years as a member of the Army of the Republic of Vietnam; and

''Whereas, after the fall of Saigon, Jimmy Tran escaped from a reeducation camp and continued to fight the totalitarian regime as a member of the democratic movement; and

''Whereas, Jimmy Tran escaped Vietnam in 1978 and came to the United States to start a new life in a free nation; and

''Whereas, Jimmy Tran became a citizen of the United States and continued to work for freedom and democracy through patriotic organizations in his adopted country; and

''Whereas, Jimmy Tran returned to Vietnam in January 1993 to promote the cause of freedom in Vietnam; and

''Whereas, Jimmy Tran was arrested on February 15, 1993, and charged with planning to denigrate symbols of the Hanoi regime; and

''Whereas, Jimmy Tran was denied a lawyer of his choice, tried in secret with a predetermined verdict, and sentenced to 20 years in one of Vietnam's most notorious prisons; and

''Whereas, Jimmy Tran now suffers in prison from severe malnutrition and, at the age of 44, has become nearly blind; and

''Whereas, the United States has formally recognized the communist government of Vietnam in hopes of bringing democratic reforms to that nation; and

''Whereas, Jimmy Tran should be enabled to return home to his wife and four young children: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the President of the United States to use our new diplomatic relations with Vietnam to secure the release of Jimmy Tran and his return to his wife and children in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of State, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–518. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 34

''Whereas, the memory of those Americans who died in the Korean War to defend liberty and freedom, demands that Americans make every effort to reclaim, identify, and appropriately enshrine their remains; and

''Whereas, the accounting of Americans who were taken as prisoners of war or who were missing in action during the Korean War is incomplete; and

''Whereas, the Government of the United States should demand that the government of North Korea provide the fullest possible accounting of each and every American P.O.W. or M.I.A.; and

''Whereas, the use of current DNA biotechnology can assist greatly in the identification of the remains of American personnel in the hands of North Korea: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to demand that the government of North Korea provide the fullest possible accounting of each and every American P.O.W. or M.I.A.; and be it further

''*Resolved,* That the President and the Congress of the United States ensure that the latest DNA biotechnology is used to its fullest potential to identify the remains, and that arrangements be made for the remains to be properly enshrined in a suitable place of honor; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–519. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

''ASSEMBLY JOINT RESOLUTION NO. 37

''Whereas, the government of the Socialist Republic of Vietnam (SRV) is continuing to violate all fundamental and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expression of political or religious beliefs; and

''Whereas, in 1991 and 1992, Amnesty International had reported that there were still thousands of political prisoners detained in hundreds of government-operated reeducation camps, and Amnesty International estimates that at least one reeducation camp exists in each of Vietnam's 40 provinces and continues to receive ''persistent reports of torture and ill-treatment of people'' within those camps; and

''Whereas, the Asia Watch has raised the issue of political detainees in the SRV having to perform hard labor under conditions of malnutrition, abuse, and lack of medical care, and the periods of detention are indefinitely renewable; and

''Whereas, as a part of the Campaign for the Release of Political Prisoners in Vietnam, the National United Front of the Liberation of Vietnam released a list of political prisoners, including writers, journalists, religious leaders, intellectuals, civil servants, and politicians; this list provides the names of prisoners, their prison location, and the penalty under which they are serving; and there are currently 1,005 prisoners on this list; and

''Whereas, for decades hundreds of religious leaders and followers have been imprisoned and scores of religious leaders have been killed and since summer of 1993, there has been a brutal crackdown on religion by the government of Vietnam; and

''Whereas, in the SRV, the Vietnamese people are constantly subjected to police surveillance and restricted social and political activities; in other words, the Vietnamese people are being denied normal civil rights and entitlements; and

''Whereas, political oppression and human rights violations in Vietnam continue to increase at an alarming rate in contrast to the government's recent publicity maneuvers, such as ''economic reforms,'' a ''revised Constitution,'' or an ''open door policy''; and

''Whereas, after two decades, the government of the SRV is still committing the inhumane act of warehousing the remains of

American soldiers to be used as bargaining chips; and

''Whereas, for two decades, the government of the SRV has been and is still less than forthright about the fate of American POWs and MIAs; and

''Whereas, the Government of the United States should require specific improvements of human rights and civil rights by the Vietnamese government as conditions in all business, investment, aid, and diplomatic discussions with Vietnam; and

''Whereas, the government of Vietnam has reacted to the United States decision to normalize diplomatic relations with a refusal to institute democratic reforms and a rejection of calls for an end to human rights violations; and

''Whereas, April 30, 1995, marked the 20th anniversary of the fall of Saigon to the Communist government of North Vietnam: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature hereby declares its support for the struggle of the Vietnamese people for freedom and democracy, calls for an end to political oppression and for respect of human and civil rights in Vietnam, and urges the Government of the United States to use its new diplomatic relations with Vietnam to insist on democratic political reforms, an end to human rights violations, and a full accounting of American POWs and MIAs and to make the extension of Most Favored Nation status, contingent upon (1) the unconditional release of all political and religious prisoners in Vietnam, (2) the immediate cessation of punishment of critics through detention without trial, (3) the abolition of all political prisons and reeducation camps throughout the country, (4) the elimination of all regulations, codes, and constitutional provisions prohibiting organized opposition activity that are commonly used to repress peaceful expression of dissent, (5) a formal commitment by the leaders of the Communist Party of Vietnam to create a pluralistic and democratic environment, with free and open national elections under international supervision, so that the citizens of Vietnam may determine the future leadership and orientation of their government, (6) the immediate and unconditional return of the remains of all United States soldiers still in the possession of the government of the SRV, and (7) full and forthright cooperation in resolving the fate of all American POWs and MIAs in Southeast Asia; and be it further

''*Resolved,* That corporations doing business with Vietnam are encouraged to seek improvement in labor practices, as well as human rights and civil rights in all business negotiations and transactions; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–520. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations.

H.P. 1273

''Whereas, the United States of America has had a long and friendly relationship with the Government of the Republic of China on Taiwan; and

''Whereas, in recent years the Republic of China on Taiwan has established a multiparty, democratic political system dedicated to human rights and the pursuit of freedom; and

''Whereas, commercial interaction with the Republic of China on Taiwan has grown substantially in recent years; and

''Whereas, the Republic of China on Taiwan is a major trading partner of the United States and has a strong, free-market economy with the largest foreign reserves of any nation in the world; and

''Whereas, the role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has significantly expanded during the past decade; and

''Whereas, the return of the Republic of China on Taiwan to the family of nations through membership in the United Nations will help to strengthen mutual cooperation and the bonds of friendship between our nations: Now, therefore be it

''*Resolved,* That We, your Memorialists, respectfully request the President and the Congress of the United States to encourage and support full participation by the Republic of China on Taiwan in the United Nations; and be it further

''*Resolved,* That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.''

POM–521. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs.

LEGISLATIVE RESOLVE NO. 31

''Whereas there is continuing controversy concerning Americans who were listed as prisoners of war (POW) or missing in action (MIA) while serving in the Southeast Asian nations of Vietnam, Laos, Kampuchea (formerly Cambodia); and

''Whereas the United States government has stated that all of our POW's have been returned; and

''Whereas a top secret Vietnamese report dating from 1972 by General Tran Von Kwang, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

''Whereas only 591 American POWs have been released under the 1973 Peace Settlement, which means that, based on General Kwang's own report, at least 614 POWs were not returned or accounted for; and

''Whereas Vietnamese nationals who have moved to the United States have reported the appearance of American prisoners still being held in Southeast Asia; and intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, North Korea, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War; and be it further

''*Resolved,* That the lawsuit is not intended to solicit a ruling or an opinion definitively declaring the POW/MIA issue moot, but rather it is intended to seek a mandate that all documents and other information concerning POWs and MIAs be released to the public so that the fate or location of all members of the service who were POWs or MIAs may be proven beyond a reasonable doubt; and be it futher

''*Resolved,* That the Alaska State Legislature respectfully requests the other 49 states of the United States to join in this action on behalf of their citizens being held in captivity as a result of the war in Southeast Asia.''

POM–522. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Indian Affairs.

''SENATE JOINT MEMORIAL NO. 8028

''Whereas, the Indian Gaming Regulatory Act of 1988 was passed by Congress to protect tribal and state interests as they pertain to gambling; and

''Whereas, the primary intent of Congress was to allow for tribal economic development and self-sufficiency consistent with the state's public policy as it pertains to gambling; and

''Whereas, the conduct of Class III gaming within the state's boundaries is subject to the completion of a tribal-state compact; and

''Whereas, only the gambling activities authorized for any person, organization, or entity for any purpose in accordance with state law, should be the subject matter of any negotiation; and

''Whereas, some courts recognize states' interests in limiting the scope of gambling; other courts have failed to give adequate weight to state limitations on gambling within a state's borders; and

''Whereas, the public policy of the state of Washington, as expressed by the Legislature in 1994, is to limit the nature and scope of gambling activities through strict regulation and control; and

''Whereas, Washington state has been unable to carry out its public policy on gambling due to some courts' decisions not allowing the state to set reasonable limitations on gambling; and

''Whereas, because Washington has been limited by court decisions to fulfill its public policy goal an unfair situation and an economic hardship has occurred for operators of non-Indian gambling establishments, which are licensed and regulated by the state;

''Whereas, nationally there has been much disagreement between tribes and states as to the scope of gaming subject to negotiation under the Indian Gaming Regulatory Act of 1988: Now, therefore, Your Memorialists respectfully request:

''(1) Congress implement sufficient clarification of the Indian Gaming Regulatory Act of 1988 to ensure that only those specific gambling activities currently authorized under the laws of a particular state are subject to negotiation between a tribal government and a state government and that the clarification ensure that no state is required to negotiate on any specific type of gambling activity that is not either authorized, or played, or both, within a state's particular boundaries;

''(2) Congress additionally clarify the Indian Gaming Act to recognize that non-Indian gambling is important to the economic well-being of states and that a balance needs to be achieved between Indian and non-Indian gambling activities, be it

''*Resolved,* That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 1642. A bill to amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself and Mrs. KASSEBAUM):

S. 1643. A bill to amend the Older Americans Act of 1965 to authorize appropriations

for fiscal years 1997 through 2001, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWN (for himself, Mr. SIMON, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1644. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 1645. A bill to regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1642. A bill to amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY ACT AMENDMENT ACT OF 1996

• Mr. DORGAN. Madam President, today, I introduce legislation for which there is broad bipartisan support. Many of my colleagues share my concern about monthly cash payments provided through the Supplemental Security Income [SSI] and Social Security Disability Insurance [SSDI] programs to people who are considered disabled solely because they are drug addicts and alcoholics. My bill would terminate cash benefits for these recipients of SSI and SSDI, and would instead provide treatment for their addictions.

SSI was established in 1972 to provide cash benefits to needy disabled persons with limited resources. Most Americans would be surprised to learn that drug addiction and alcoholism can qualify a person to receive monthly cash benefits under this program.

In fact, 135,000 people receive monthly SSI payments because they are alcoholics or drug addicts—148 of them in my own State of North Dakota. And this number is growing at a shocking pace.

The number of addicts receiving monthly SSI benefits quadrupled in the last 4 years. Over 10 years, the percentage of SSI recipients who receive payments because of an addiction to drugs or alcohol increased from 0.3 percent of the caseload to more than 2 percent of the total caseload today—for an annual cost to taxpayers of about $630 million.

To most Americans, this policy is wrong-headed. Substance abusers need treatment, not cash handouts from the Federal Government. The bill I am introducing today would address this problem by ending SSI and SSDI cash benefits for those for whom substance abuse is a material factor in their disability. Instead, drug addicts and alcoholics would be provided with access to quality treatment for their diseases.

There is broad consensus that we must end cash benefits for substance abusers. The House and Senate voted to terminate SSI and SSDI for drug addicts and alcoholics when welfare reform legislation was considered. These provisions have now been attached to legislation to raise the Social Security earnings limit, which will soon be considered by the Senate.

My bill is different from these proposals, however, because my bill would retain Medicaid eligibility and provide access to treatment for drug addicts and alcoholics.

Under the current system, recipients are required to participate in treatment programs if they are available. However, quality programs often are not available or are not easily accessible to SSI and SSDI recipients. To make matters worse, the inspector general at the Department of Health and Human Services recently reported that the Social Security Administration does not know the treatment status of most SSI recipients and does not provide monitoring of the program.

Access to quality treatment for drug addiction is not only an effective way to truly help chemically dependent Americans—it is also cost-effective. Experts testifying before the House Ways and Means Subcommittee on Human Resources recently pointed out that every dollar invested in treatment produced between $3 and $76 in health- and criminal justice related savings.

These provisions of my bill ensure that people whose primary disability is alcoholism or drug addiction will receive treatment instead of cash benefits to address their disability. In addition, my bill helps to ensure that people who have other disabilities but who also have a chemical addiction will use cash benefits in a way that is beneficial for their well-being.

Under current law, SSI and SSDI cash payments to recipients whose principal disability is a chemical addiction are distributed through a representative payee, rather than directly to the recipient. This is intended to ensure that payments are used for the benefit of the recipient, rather than to further his or her disability. My bill extends that safeguard to any SSI or SSDI recipient who is chemically dependent if the recipient is incapable of managing his or her own benefits.

I hope my colleagues will join me in cosponsoring this legislation so that we can underscore the importance of this issue. Cash assistance will not help alcoholics and drug addicts overcome their diseases, but quality treatment and medical care will.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

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

S. 1642

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

SECTION 1. DENIAL OF CASH BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.

(a) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFITS.—

(1) IN GENERAL.—Section 225(c) of the Social Security Act (42 U.S.C. 425(c)) is amended—

(A) by striking ''(c)(1)(A)'' and inserting ''(2)(A)'';

(B) by striking paragraph (7) and by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting before paragraph (2) as redesignated by subparagraph (A) the following new paragraph:

''(c)(1) No cash benefits shall be payable under this title to any individual who is otherwise entitled to benefits under this title based on disability, if such individual's alcoholism or drug addiction is a contributing factor material to the Commissioner's determination that such individual is disabled.''.

(2) TREATMENT REQUIREMENTS.—

(A) Section 225(c)(2)(A) of such Act (42 U.S.C. 425(c)(2)(A)), as redesignated by paragraph (1), is amended to read as follows:

''(2)(A)(i) Any individual who would be entitled to cash benefits under this title but for the application of paragraph (1) may elect to comply with the provisions of this subsection.

''(ii) Any individual who is entitled to cash benefits under this title by reason of disability (or whose entitlement to such benefits is suspended), and who was entitled to such benefits by reason of disability, for which such individual's alcoholism or drug addiction was a contributing factor material to the Commissioner's determination that such individual was disabled, for the month preceding the month in which this paragraph takes effect, shall be required to comply with the provisions of this subsection.''

(B) Section 225(c)(2)(B) of such Act (42 U.S.C. 425(c)(2)(B)), as so redesignated, is amended—

(i) by striking ''who is required under subparagraph (A)'' and inserting ''described in clause (ii) of subparagraph (A) who is required''; and

(ii) by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(C) Section 225(c)(3)(A) of such Act (42 U.S.C. 425(c)(3)(A)), as so redesignated, is amended—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (2)(A)''; and

(ii) by striking ''paragraph (5)'' and inserting ''paragraph (6)''.

(D) Section 225(c)(3)(B) of such Act (42 U.S.C. 425(c)(3)(B)), as so redesignated, is amended by striking ''paragraph (1)'' and inserting ''paragraph (2)(A)''.

(E) Section 225(c)(5) of such Act (42 U.S.C. 425(c)(5)), as so redesignated, is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(F) Section 225(c)(6)(A) of such Act (42 U.S.C. 425(c)(6)(A), as so redesignated, is amended—

(i) by striking ''who are receiving benefits under this title and who as a condition of payment of such benefits'' and inserting ''described in paragraph (2)(A)(i) who elect to undergo treatment; and the monitoring and testing of all individuals described in paragraph (2)(A)(ii) who'';

(ii) by striking ''under paragraph (1)''; and

(iii) by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(G) Section 225(c)(6)(C)(ii)(I) of such Act (42 U.S.C. 425(c)(6)(C)(ii)(I)), as so redesignated, is amended—

(i) by striking ''residing in the State'' and all that follows through ''they are disabled'' and inserting ''described in paragraph (2)(A) residing in the State''; and

(ii) by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(H) Section 225(c)(6)(C)(ii)(III) of such Act (42 U.S.C. 425(c)(6)(C)(ii)(III)), as so redesignated, is amended by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(I) Section 225(c)(6)(C) of such Act (42 U.S.C. 425(c)(6)(C)), as so redesignated, is amended by adding at the end the following:

''(iii) The monitoring requirements of clause (ii) shall not apply in the case of any individual described in paragraph (2)(A)(i) who fails to comply with the requirements of paragraph (2).''.

(J) Section 225(c)(7) of such Act (42 U.S.C. 425(c)(7)), as so redesignated, is amended—

(i) in subparagraph (A), by striking ''who is entitled'' and all that follows through ''is under a disability'' and inserting ''described in paragraph (2)(A)''; and

(ii) in subparagraph (D), by striking ''(4) or (7)'' and inserting ''(5)''.

(K) Section 225(c)(8) of such Act (42 U.S.C. 425(c)(8)) is amended by striking ''(1), (4) or (7)'' and inserting ''(2) or (5)''.

(L) Section 225(c) of such Act (42 U.S.C. 425(c)) is amended by adding at the end the following new paragraphs:

''(10) The Commissioner shall provide appropriate notification to each individual subject to the limitation on cash benefits contained in paragraph (1) and the treatment provisions contained in paragraph (2).

''(11) The requirements of paragraph (2) shall cease to apply to any individual if the Commissioner determines that such individual no longer needs treatment.''.

(3) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 205(j)(1)(B) of such Act (42 U.S.C. 405(j)(1)(B)) is amended to read as follows:

''(B) In the case of an individual entitled to benefits based on disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) and the individual is incapable of managing such benefits.''.

(B) Section 205(j)(2)(C)(v) of such Act (42 U.S.C. 405(j)(2)(C)(v)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(C) Section 205(j)(2)(D)(ii)(II) of such Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in paragraph (1)(B).''.

(D) Section 205(j)(4)(A)(i)(II) of such Act (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(b) AMENDMENTS RELATING TO SSI BENEFITS.—

(1) IN GENERAL.—Section 1611(e)(3) of the Social Security Act (42 U.S.C. 1382(e)(3)) is amended—

(A) by striking ''(B)'' and inserting ''(C)'';

(B) by striking ''(3)(A) and inserting ''(B)''; and

(C) by inserting before subparagraph (B) as redesignated by paragraph (2) the following new subparagraph:

''(3)(A) No cash benefits shall be payable under this title to any individual who is otherwise eligible for benefits under this title by reason of disability, if such individual's alcoholism or drug addiction is a contributing factor material to the Commissioner's determination that such individual is disabled.''.

(2) TREATMENT REQUIREMENTS.—

(A) Section 1611(e)(3)(B)(i)(I) of such Act (42 U.S.C. 1382(e)(3)(B)(i)(I)), as redesignated by paragraph (1), is amended to read as follows:

''(B)(i)(I)(aa) Any individual who would be eligible for cash benefits under this title but for the application of subparagraph (A) may elect to comply with the provisions of this subparagraph.

''(bb) Any individual who is eligible for cash benefits under this title by reason of disability (or whose eligibility for such benefits is suspended) or is eligible for benefits pursuant to section 1619(b), and who was eligible for such benefits by reason of disability, for which such individual's alcoholism or drug addiction was a contributing factor material to the Commissioner's determination that such individual was disabled, for the month preceding the month in which this subparagraph takes effect, shall be required to comply with the provisions of this subparagraph.''.

(B) Section 1611(e)(3)(B)(i)(II) of such Act (42 U.S.C. 1382(e)(3)(B)(i)(II)), as so redesignated, is amended by striking ''who is required under subclause (I)'' and inserting ''described in division (bb) of subclause (I) who is required''.

(C) Subclauses (I) and (II) of section 1611(e)(3)(B)(ii) of such Act (42 U.S.C. 1382(e)(3)(B)(ii)), as so redesignated, are each amended by striking ''clause (i)'' and inserting ''clause (i)(I)''.

(D) Section 1611(e)(3)(B) of such Act (42 U.S.C. 1382(e)(3)(B)), as so redesignated, is amended by striking clause (v) and by redesignating clause (vi) as clause (v).

(E) Section 1611(e)(3)(B)(v) of such Act (42 U.S.C. 1382(e)(3)(B)(v)), as redesignated by subparagraph (D), is amended—

(i) in subclause (I), by striking ''who is eligible'' and all that follows through ''is disabled'' and inserting ''described in clause (i)(I)''; and

(ii) in subclause (V), by striking ''or (v)''.

(F) Section 1611(e)(3)(C)(i) of such Act (42 U.S.C. 1382(e)(3)(C)(i)), as redesignated by paragraph (1), is amended by striking ''who are receiving benefits under this title and who as a condition of such benefits'' and inserting ''described in subparagraph (B)(i)(I)(aa) who elect to undergo treatment; and the monitoring and testing of all individuals described in subparagraph (B)(i)(I)(bb) who''.

(G) Section 1611(e)(3)(C)(iii)(II)(aa) of such Act (42 U.S.C. 1382(e)(3)(C)(iii)(II)(aa)), as so redesignated, is amended by striking ''residing in the State'' and all that follows through ''they are disabled'' and inserting ''described in subparagraph (B)(i)(I) residing in the State''.

(H) Section 1611(e)(3)(C)(iii) of such Act (42 U.S.C. 1382(e)(3)(C)(iii)), as so redesignated, is amended by adding at the end the following:

''(III) The monitoring requirements of subclause (II) shall not apply in the case of any individual described in subparagraph (B)(i)(I)(aa) who fails to comply with the requirements of subparagraph (B).''.

(I) Section 1611(e)(3) of such Act (42 U.S.C. 1382(e)(3)), as amended by paragraph (1), is amended by adding at the end the following new subparagraphs:

''(D) The Commissioner shall provide appropriate notification to each individual subject to the limitation on cash benefits contained in subparagraph (A) and the treatment provisions contained in subparagraph (B).

''(E) The requirements of subparagraph (B) shall cease to apply to any individual if the Commissioner determines that such individual no longer needs treatment.''.

(3) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 1631(a)(2)(A)(ii)(II) of such Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amended to read as follows:

''(II) In the case of an individual eligible for benefits under this title by reason of disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) and the individual is incapable of managing such benefits.''.

(B) Section 1631(a)(2)(B)(vii) of such Act (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(C) Section 1631(a)(2)(B)(ix)(II) of such Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in subparagraph (A)(ii)(II).''.

(D) Section 1631(a)(2)(D)(i)(II) of such Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(4) PRESERVATION OF MEDICAID ELIGIBILITY.—Section 1634(e) of such Act (42 U.S.C. 1382(e)) is amended—

(A) by striking ''clause (i) or (v) of section 1611(e)(3)(A)'' and inserting ''subparagraph (A) or subparagraph (B)(i)(II) of section 1611(e)(3)''; and

(B) by adding at the end the following: ''This subsection shall cease to apply to any such person if the Commissioner determines that such person no longer needs treatment.''.

(5) CONFORMING AMENDMENT.—Section 201(c) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is repealed.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to applicants for benefits under title II or title XVI of the Social Security Act for months beginning on or after the date of the enactment of this Act, without regard to whether regulations have been issued to implement such amendments.

(2) APPLICATION TO CURRENT RECIPIENTS.—Notwithstanding any other provision of law, in the case of an individual who is receiving benefits under title II of the Social Security Act or supplemental security income benefits under title XVI of such Act as of the date of the enactment of this Act and whose entitlement or eligibility for such benefits would terminate by reason of the amendments made by this section, such amendments shall apply with respect to the benefits of such individual for months beginning on or after January 1, 1997, and the Commissioner of Social Security shall so notify the individual not later than 90 days after the date of the enactment of this Act.

(3) BENEFITS UNDER TITLE XVI.—For purposes of this subsection, the term ''benefits under title XVI of the Social Security Act'' includes supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act, and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.●

By Mr. GREGG (for himself and Mrs. KASSEBAUM):

S. 1643. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes; to the Committee on Labor and Human Resources.

THE OLDER AMERICANS ACT AMENDMENTS OF 1996

Mr. GREGG. Mr. President, I rise today to introduce the Older Americans Act Amendments of 1996. This important law recently saw its 30th anniversary, and I believe it is the type of legislation that we should have more of in this country; it is a bill that is designed to help our senior citizens help themselves. This is a bill that focuses on meeting the needs of senior citizens in ways that will promote their well-being and independence. Through a variety of supportive programs—from providing meals that are both home-delivered and served in congregate settings, to subsidizing seniors' income through an employment and training program, to facilitating information, case management, and referral services so that all available services to seniors can be coordinated and maximized—this bill works to ensure the system works for our older Americans.

This bill essentially takes what has become an overly complicated, prescriptive law and streamlines it, turns significant amounts of authority over to the States, encourages a bottoms-up planning process, and allows programs and services to be tailored to meet actual—rather than perceived—social and economic needs. This legislation will provide maximum authority and flexibility to States and localities in the design and operation of their services for seniors, while protecting the integrity of a number of priority programs—including outreach and counseling programs, the long-term care ombudsman, preventive health efforts, elder abuse prevention, and legal assistance services.

The bill drives more money into the delivery of those services most needed in States and local communities through sound economic principles. Throughout this bill, a ''bottoms-up'' planning process is facilitated; this means actual needs will be met on the local level, rather than what we perceive the needs to be from our distant vantage point here in Washington. It is clear from a myriad of other programs that we fund and that have failed that Washington does not always know best. We must ensure that we don't drag this program down under a father-knows-best mentality.

This is not a welfare bill. It is not legislation that is designed to only meet the needs of specific populations or address specific problems. Instead, the Older Americans Act is a continuum of programs which have been structured to respond to everything from economic needs, to physical and transportation problems, to answering individuals' social requirements. All of our seniors should have the opportunity for a nutritious meal, or to get other assistance when they need it; this bill facilitates their access to these kinds of services.

This has never been considered a partisan piece of legislation, and Senator KASSEBAUM and I have worked hard, along with Senator MIKULSKI who is the ranking member on the Aging Subcommittee, to ensure that it remains bipartisan. That is not to say that concerns on both sides of the aisle were not fully explored. The goal has been to achieve the strongest policy possible, and in doing so, meet the concerns of all of our colleagues.

A concerted effort has been made to maintain an atmosphere of collegiality and consensus. For the Republican members of the Labor Committee, this has meant a willingness to recognize the value of a particular policy in cases where we would have made other decisions based on our general philosophy. In addition, we have taken a great deal of time and effort to listen to and consult with interested groups who are part of the aging network. We have extended an open-door policy to anyone who expressed an interest in sharing their views and exchanging ideas in a constructive environment. We responded to what we heard; for example, we have retained the Eldercare Locator Service, a program which allows family members to find services for their loved ones, even if they are in a different part of the country. We retained a separate line-item of funding for the long-term-care ombudsman program, after hearing repeatedly of its significance in States across the Nation.

The bill I am introducing here today, along with my colleague from Kansas and the Chairman of our Committee, Senator KASSEBAUM, is a result of that process over the last year. It contains policy that was structured in response to excellent witnesses who testified both before our subcommittee and the House. These individuals brought their unique, grassroots perspective from the trenches to us here in Washington. Their comments had a tremendous value in this process, as their issues are real, not perceived. One provision we adopted on their advice was, for example, to permit States to institute cost-sharing provisions; however, we have ensured that these provisions will not prevent any senior from receiving services due to an inability to pay.

This bill responds to concerns and questions that were posed after we circulated a legislative proposal last December. It also incorporates a number of items raised by the administration and the Democratic members of the Labor Committee, both technical and substantive. These include: Retaining authority for the Assistant Secretary to make grants for preventive health activities, with priority given to medically underserved areas and locations with the greatest economic need; definition of low income at 150 percent of the Federal poverty line; and mandated State planning requirements for legal assistance and insurance-public benefit counseling.

The overall structure of this bill has also been changed. Like a house that had numerous additions over the years, the Older Americans Act had become disjointed. We have corrected that, restructuring the act so that it is logically based on service and oversight responsibilities, as opposed to program by program, fractionalized by seven titles. The four titles of this bill include one for Federal functions, one for State responsibilities, one for Area Agency on Aging authorities, and one title for native American programs.

This bill maximizes flexibility for service delivery at the State and local level, while still retaining protections over priority services, such as outreach and counseling, long-term care ombudsmen, and case management. The bill also rationalizes the funding formulas for both nutrition and supportive services as well as SCSEP, the Senior Community Service Employment Program. This is important because we must direct our limited Federal resources to where a real need exists. We must also be planning now for the future, and ensure that legislation that we pass today will be structured to respond to the needs of tomorrow and the 21st century.

In addition, we have directed funds to the administration, States, and localities as required for the purpose of administering these programs. While important functions are carried out with administrative dollars, when faced with a choice between administration and service, we have opted to meet the needs of our seniors wherever we can. To further promote quality service delivery, we have eliminated the artificial funding wall between home-delivered and congregate meals programs. We have also increased the transfer authority between nutrition programs and supportive services, which funds items such as transportation, in-home assistance, health screening and education, health insurance benefit options, crime prevention, and work on multipurpose senior center facilities.

This bill retains the authority and authorizes funding of research and demonstration grants in order to encourage innovative approaches to the delivery of the critical services provided for under this act. While, again, there is a limit on the number of dollars that can be provided for such activities, we also have seen some excellent programs emerge from these projects, and have attempted to find a way to continue them.

We maintained a number of provisions to protect the quality of the long-term-care ombudsman offices in each State by clarifying the minimal criteria for eligibility and providing conflict-of-interest safeguards. This bill ensures that particular attention continues to be paid to the needs of the minority elderly population. In addition, the legislation permits States to institute cost-sharing requirements as they see necessary under a self-declaration-of-income standard. Confidentiality standards are provided, and there is language which ensures that no one will be denied services due to an inability to pay.

It is time to reexamine the status quo for all Federal programs and make

improvements where necessary. And I think we have made an excellent start with this bill, the Older Americans Act. Again, I would like to thank Senators KASSEBAUM and MIKULSKI for their efforts on this bill. I believe the bill will allow seniors across the country to remain healthy, living in their own homes in their community, and supported in their endeavors to stay independent. And this bill does all of this by striving to maximize public-private partnership to supplement the limited Federal funds available—encouraging the Federal dollars to be used to leverage private funding, and by allowing priorities to be set at the grassroots level whenever possible.

Mrs. KASSEBAUM. Mr. President, I rise today as an original cosponsor of legislation to reauthorize the Older Americans Act of 1965. I am pleased that Senator GREGG has taken the lead in drafting a bill that grants States and local communities the authority and flexibility to tailor programs to best fit the needs of their aging citizens.

The original Older Americans Act was passed in 1965 with the intention of using joint Federal and State funds to provide a range of services for elder Americans. Since that time, the act has evolved into a comprehensive list of programs and services—ranging from legal and counseling services to transportation and employment services to, perhaps most importantly, nutrition services.

Every day thousands of seniors gather at congregate meal sites to obtain nutrition services, as well as enjoy the companionship these sites offer. Often, a nutrition site will serve as the point of entry for seniors to gain knowledge of other services available to them through their local communities or their area agency on aging. The congregate meal sites serve as a valuable socialization too, as well as often providing the only nutritious meal of the day for many seniors.

Through changes in the Older Americans Act, this legislation will provide maximum authority and flexibility to States and localities in the design and operation of their services for seniors, while protecting the integrity of certain priority programs including: outreach and counseling programs, case management, the long-term-care ombudsman, preventive health efforts, and elder abuse prevention programs. Mr. President, each State has very different needs. This bill allows each State to craft programs to fit their individual communities.

In addition, this proposal strives to maximize public-private partnership, recognizing that the Federal Government is not able to meet all the needs that exist among this growing population, but that Federal funds can form a basis of support for leveraging private dollars. Also important, I believe, is the retention of the authority and funding for research and demonstration projects which encourage the development of innovative approaches to the delivery of critical services for seniors.

As the population continues to age and as needs change, more pressure will be placed on providers to make sure that essential needs of the elderly are met. I am hopeful that our efforts will lead to a system of senior services that are not only more consumer driven but are also better designed to offer support to seniors in their endeavors to remain healthy and independent.

By Mr. BROWN (for himself, Mr. SIMON, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1644. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania; to the Committee on Finance.

ROMANIA MOST-FAVORED-NATION STATUS LEGISLATION

Mr. BROWN. Mr. President, I rise today with several of my distinguished colleagues, including Senator PAUL SIMON, Senator CHUCK GRASSLEY, and Senator MAX BAUCUS, to introduce a historic measure, a bill to permanently restore nondiscriminatory treatment to the products of Romania. We are joined by Representatives PHIL CRANE, SAM GIBBONS, and BARBARA KENNELLY in the House who are also introducing this same bill in that body today.

On December 22, 1989, Romania emerged from years of brutal Communist dictatorship and began its careful journey toward democracy and free markets. By 1991, Romania had approved a new Constitution and elected a Parliament, laying a foundation for a modern parliamentary democracy. This year will mark the second nationwide Romanian Presidential election under the new Constitution.

Romania's economic legacy of extreme centralization, an oppressive Communist government and a stifling bureaucracy gave it one of the longest paths to reach a functioning market economy of any of the emerging democracies of Central Europe. Nonetheless, according to the U.S. Department of Commerce, after many years of difficult work, much of the necessary legislative framework for a market economy is in place. Romania's economic reforms include the establishment of a two-tier banking system, the introduction of a modern tax system, the freeing of most prices and elimination of most subsidies, the adoption of a tariff-based trade regime, and the privatization of nearly all Romanian agriculture and rapidly developing enterprises.

As I witnessed on my recent visit to Romania, the economic changes are remarkable. Romania's private sector currently accounts for 45 percent of gross domestic product, including more than 80 percent of agricultural property with 5 million. new landowners, more than half a million private firms, and 46,000 joint ventures with foreign capital.

American investment in Romania doubled from 1993 to 1994 and doubled again in 1995, with total foreign investment of $1.6 billion as of December 31, 1995. Romanian exports to the United States are growing rapidly, increasing by 27 percent through the third quarter of 1995 over the same period in 1994.

All in all, Romania's progress in instituting democratic reforms and a free market economy has earned it a permanent extension of most-favored-nation treatment. In addition, Romania has been found by President Clinton to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974. As I found during my recent visit, Romania is clearly making significant progress in rejoining the West. I urge the support of my colleagues for the earliest consideration of this important measure.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 1645. A bill to regulate United States scientific and tourist in Antarctica, to conserve Antarctic resources, and for other purposes; to the Committee on Commerce.

THE ANTARCTIC SCIENCE, TOURISM, AND CONSERVATION ACT OF 1996

• Mr. KERRY. Mr. President, today I am introducing the Antarctic Science, Tourism, and Conservation Act of 1996. The purpose of this legislation is to enable the United States to implement the Protocol on Environmental Protection to the Antarctic Treaty. The Protocol was negotiated by the parties of the Antarctic Treaty System and signed in October, 1991. The Senate gave its advice and consent to the Protocol on October 7, 1992. In August, 1993, I introduced the precursor to this bill and the Senate Commerce Committee reported it to the full Senate in early 1994. Unfortunately, continuing disagreements among scientists, conservation groups, and the administration about the legislative changes needed for the United States to carry out its responsibilities under the Protocol prevented further action on that bill.

Today, I am pleased to announce that the legislative impasse has come to an end. The bill Senator HOLLINGS and I are introducing is supported by all the parties engaged in this somewhat lengthy but ultimately successful consensus-building process.

Why are we concerned about implementing this particular international agreement? The protocol recognizes that Antarctica is a unique and fragile ecosystem that must be monitored and protected and it reaffirms the designation of Antarctica as a special conservation area. At the same time, the protocol encourages and supports the unparalleled research opportunities Antarctica offers for scientific study of both global and regional environmental processes. Finally, the protocol acknowledges and addresses the impact of the growing number of tourists who travel to the Antarctic to witness its wild beauty and bountiful marine life, but whose presence is responsible for increasing environmental stress.

The bill before us builds on the existing U.S. regulatory framework provided in the Antarctic Conservation Act to implement the protocol and to balance two important goals. The first goal is to conserve and protect the Antarctic environment and resources. the second is to minimize interference with scientific research. The bill amends the Antarctic Conservation Act to make existing provisions governing U.S. research activities consistent with the requirements of the Protocol. As under current law, the Director of the National Science Foundation [NSF] would remain the lead agency in managing the Antarctic science program and in issuing regulations and research permits. In addition, the bill calls for comprehensive assessment and monitoring of the effects of both governmental and nongovernmental activities on the fragile Antarctic ecosystem. It also would continue indefinitely a ban on Antarctic mineral resource activities. Finally, the bill amends the act to prevent pollution from ships to implement provisions of the protocol relating to protection of marine resources.

Before closing, I would like to thank Senator HOLLINGS, ranking Democrat on the Commerce Committee; the Department of State, especially Under Secretary for Global Affairs Tim Wirth and Tucker Scully of the Bureau of Oceans and International Environmental and Scientific Affairs; Dr. Neil Sullivan, Director of Polar Programs, and Larry Rudolph of the National Science Foundation; and other interested parties including Greenpeace, World Wildlife Fund, and especially the Antarctica Project and its director Beth Marks for their hard work and assistance in developing this bill.

As one of the founders of the Antarctic Treaty System, the United States has an obligation to enact strong implementing legislation, and our action to complete ratification of the protocol is long overdue. I urge my colleagues' support, and prompt action to enact the Antarctic Science, Tourism, and Conservation Act of 1996.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my statement.

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

S. 1645

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 ''Antarctic Science, Tourism, and Conservation Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

''(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

''(2) more recently, interest of American tourists in Antarctica has increased;

''(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;'';

(2) by striking ''the Agreed Measures for the Conservation of antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation'' in paragraph (4), as redesignated, and inserting ''the Protocol establish a firm foundation for the conservation of Antarctic resources,'';

(3) by striking paragraph (5), as redesignated, and inserting the following:

''(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.''.

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking ''Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII–3 of the Eighth Antarctic treaty Consultative Meeting'' and inserting ''Treaty and the Protocol''.

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2492) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''For purposes of this Act—

''(1) the term 'Administrator' means the Administrator of the environmental Protection Agency;

''(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

''(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

''(4) the term 'Director' means the Director of the National Science Foundation;

''(5) the term 'harmful interference' means—

''(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

''(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

''(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

''(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

''(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

''(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

''(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

''(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

''(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an important within the meaning of the customs laws of the United States;

''(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(10) the term 'native invertebrate' means any terrestial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

''(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

''(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

''(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

''(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

''(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

''(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

''(18) the term 'Secretary' means the Secretary of Commerce;

''(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

''(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

''(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

''(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

''(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).''.

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

"SEC. 4. PROHIBITED ACTS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

''(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

''(3) to dispose of any prohibited waste in Antarctica;

''(4) to engage in open burning of waste;

''(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

''(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

''(7) to damage, remove, or destroy a historic site or monument;

''(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

''(10) to resist a lawful arrest or detention for any act prohibited by this section;

''(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

''(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

''(13) to attempt to commit or cause to be committed any act prohibited by this section.

''(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

''(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

''(A) disposing of any waste from land into the sea in Antarctica; and

''(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

''(2) to introduce into Antarctica any member of a nonnative species;

''(3) to enter or engage in activities within any Antarctic Specially Protected Area;

''(4) to engage in any taking or harmful interference in Antarctica; or

''(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

''(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a) (1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.''.

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

"SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

''(a) FEDERAL ACTIVITIES.—(1)(A) the obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

''(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term ''significantly affecting the quality of the human environment'' shall have the same meaning as the term ''more than a minor or transitory impact''.

''(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

''(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

''(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

''(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

''(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

''(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

''(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

''(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

''(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

''(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

''(c) NONGOVERNMENTAL ACTIVITIES.—(1)The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

''(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

''(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

''(2) Such regulations shall be consistent with Annex I to the Protocol.

''(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

''(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

''(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

''(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

''(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

''(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of

this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.''.

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking ''section 4(a)'' and inserting in lieu thereof ''section 4(b)'';

(2) in subsection (c)(1)(B) by striking ''Special'' and inserting in lieu thereof ''Species''; and

(3) in subsection (e)—

(A) by striking ''or native plants to which the permit applies,'' in paragraph (1)(A)(i) and inserting in lieu thereof ''native plants, or native invertebrates to which the permit applies, and'';

(B) by striking paragraph (1)(A) (ii) and (iii) and inserting in lieu thereof the following new clause:

''(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;'';

(C) by striking ''within Antarctica (other than within any specially protected area)'' in paragraph (2)(A) and inserting in lieu thereof ''or harmful interference within Antarctica'';

(D) by striking ''specially protected species'' in paragraph (2) (A) and (B) and inserting in lieu thereof ''Specially Protected Species'';

(E) by striking ''; and'' at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof '', or'';

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

''(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and'';

(G) by striking ''with Antarctica and'' in paragraph (2)(A)(ii)(II) and inserting in lieu thereof ''within Antarctica are''; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

''(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

''(i) if the entry is consistent with an approved management plan, or

''(ii) if a management plan relating to the area has not been approved but—

''(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

''(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.''.

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

''SEC. 6. REGULATIONS.

''(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

''(A) each species of the class Aves;

''(B) each species of the class Mammalia; and

''(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

''(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a) (1), (2), (3), and (4), and section 4(b)(1) of this Act.

''(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

''(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

''(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

''(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.''.

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

''SEC. 14. SAVING PROVISIONS.

''(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

''(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.''.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(1) 'Antarctica' means the area south of 60 degrees south latitude;

''(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;''; and

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

''(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.''.

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''.

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'' in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'';

(3) in subsection (b)(2)(A) by striking ''within 1 year after the effective date of this paragraph,''; and

(4) in subsection (b)(2)(A)(i) by inserting ''and of Annex IV to the Antarctic Protocol'' after ''the Convention''.

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol'';

(2) in subsection (e)(1) by inserting ''or the Antarctic Protocol'' after ''the Convention'';

(3) in subsection (e)(1)(A) by inserting ''or Article 9 of Annex IV to the Antarctic Protocol'' after ''the Convention''; and

(4) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol''.

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting ''Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in the second sentence of subsection (a)—

(A) by inserting ''or to the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''and Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(3) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears;

(4) in subsection (c)(1) by inserting '', of Article 3 or Article 4 of Annex IV to the Antarctic Protocol.'' after ''to the Convention'';

(5) in subsection (c)(2) by inserting ''or the Antarctic Protocol'' after ''which the MARPOL Protocol'';

(6) in subsection (c)(2)(A) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol'';

(7) in subsection (c)(2)(B)—

(A) by inserting ''or the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''or Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(8) in subsection (d)(1) by inserting '', Article 5 of Annex IV to the Antarctic Protocol,'' after ''Convention'';

(9) in subsection (e)(1)—

(A) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''; and

(B) by striking ''that Protocol'' and inserting in lieu thereof ''those Protocols''; and

(10) in subsection (e)(2) by inserting '', of Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''.

(f)PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(3) in subsection (b)(2) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(4) in subsection (d) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(5) in subsection (e) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''; and

(6) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking ''Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it'' and inserting in lieu thereof ''It''.

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.●

● Mr. HOLLINGS. Mr. President, today I join with Senator KERRY in introducing the Antarctic Science, Tourism, and Conservation Act of 1996, which will implement the Protocol on Environmental Protection to the Antarctic Treaty. The protocol was signed by the United States 5 years ago and approved by the Senate in the 102d Congress; yet implementing legislation remains to be completed. In the 103d Congress, the Senate Commerce Committee reported implementing legislation, but differences among key agencies and interests prevented further action. Now that those differences have been reconciled, it is timely to complete the implementation effort.

I had the opportunity to visit Antarctica in 1988, and can attest both to its pristine beauty and to the unique scientific activities being conducted there. As many of my colleagues know, the activities of U.S. citizens and interests in Antarctica are almost exclusively those of federally sponsored scientific expeditions, together with their Federal logistics support. These activities are concentrated at the edge of the ice shelf and are based at the three U.S. research stations: McMurdo, South Pole, and Palmer. The peak of activity occurs at the height of the Antarctic summer, when there are about 1,200 personnel at McMurdo, 140 at South Pole, and 40 at Palmer. Occasional U.S. tourists visit as well, under the overall responsibility of the National Science Foundation [NSF]. NSF and the National Oceanic and Atmospheric Administration [NOAA] are the main scientific agencies, and the logistics and icebreaking support is provided by the Navy and Coast Guard.

The Antarctic provides scientists with a truly unique laboratory to conduct research that cannot be carried out anywhere else. During my visit I was impressed by a number of dedicated scientists operating under difficult circumstances to help us to understand better our global environment. I witnessed NOAA's ozone hole research at the South Pole, the sampling of ice cores at the Newell Glacier along the coast, and marine biology investigations at McMurdo. Much of this research has implications for the long term survival of human beings.

We must recognize, however, that such scientific endeavors need to be carried out with great care in an environment as fragile as Antarctica's. This is essential if Antarctica is to remain a natural reserve that is of great scientific value for generations to come. While much has been done in recent years to improve the environmental soundness of U.S. operations there, the Antarctic Science, Tourism, and Conservation Act of 1996 will help to ensure that present and future U.S. activities comply with the highest environmental standards. Implementation of the protocol is long overdue, and I am hopeful that we can enact this bill very soon.●

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 186, a bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes.

S. 358

At the request of Mr. HEFLIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1448

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1448, a bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mrs. FEINSTEIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1610

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1618

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1618, a bill to provide uniform standards for the award of punitive damages for volunteer services.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1996

GORTON (AND MURRAY) AMENDMENT NO. 3565

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; as follows:

SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this

section as the ''Reserve'', consisting of the area described in the report entitled ''Vancouver National Historic Reserve Feasibility Study and Environmental Assessment'' published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101–523 (referred to in this section as the Vancouver Historic Reserve Report'').

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with;

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of Interior, acting through the Director of the National Park Service, and the City of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit;

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

STEVENS AMENDMENT NO. 3566

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

On page , line , of the amendment, insert the following new section:

SEC. . PAYMENT IN LIEU OF TAXES.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

''(2) 'unit of general local government' means—

''(A) a county (or parish), township, borough, or city (where the city is independent of any other unit of general local government), that—

''(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior determines to be the principal provider or providers of governmental services within the State; and

''(ii) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration;

''(B) the State of Alaska, for any land within that State which is not within the boundaries of a governmental entity under subparagraph (A);

''(C) the District of Columbia;

''(D) the Commonwealth of Puerto Rico;

''(E) Guam; and

''(F) the Virgin Islands.''.

(b) Section 6902(a) of title 31, United States Code, is amended to read as follows:

''(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. Except for the State of Alaska for entitlement land described in section 6901(2)(B), a unit of general local government may use the payment for any governmental purpose. The State of Alaska shall distribute any payment received for entitlement land described in section 6901(2)(B) to home rule and general law cities within Alaska (as such cities are defined by the State).''.

BRYAN AMENDMENT NO. 3567

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendment, add the following:

TITLE —RELIEF OF PERSONS IN CLARK COUNTY, NEVADA

SEC. 1. FINDINGS.

Congress finds that—

(1) certain landowners in the north Decatur Boulevard area of Las Vegas and North Las Vegas, Clark County, Nevada, who own property adjacent to property of the Bureau of Land Management have been adversely affected by certain erroneous private surveys;

(2) the landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of the property that the landowners believed were accurate;

(3) the landowners presumed that their occupancy was codified through a judgment and decree of the Eighth Judicial District Court of Nevada that was filed on October 26, 1989, as a friendly lawsuit affecting numerous landowners in the north Decatur Boulevard area; and

(4) the dependent resurvey and section subdivision of sections 6, 7, 18, and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, Nevada, performed in 1990 by the Bureau of Land Management correctly established accurate boundaries between the public lands and the private lands.

SEC. 2. DEFINITIONS.

In this title:

(1) AFFECTED LANDS.—The term ''affected lands'' means—

(A) the Federal lands located in the Las Vegas District of the Bureau of Land Management, Clark County, Nevada, in sections 18 and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, as described in the dependent resurvey by the Bureau of Land Management accepted on May 4, 1990, under Group No. 683, Nevada; and

(B) the Federal lands comprising the subsequent supplemental plats of sections 18 and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, as contained on plats accepted on November 17, 1992;

which lands are described as government lots 22, 23, 26, and 27 in section 18 and government lots 20, 21, and 24 in section 19, containing approximately 29.36 acres.

(2) CLAIMANT.—The term ''claimant'' means an owner of real property in the city of Las Vegas, Clark County, Nevada, located adjacent to the affected lands, who claims to have been deprived by the United States of title to a portion of the affected lands as a result of an erroneous private survey performed prior to the date of enactment of this Act.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LANDS.

(a) PROVISION OF INFORMATION TO SECRETARY.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas shall notify the Secretary, through the State Director of the Nevada Bureau of Land Management, in writing of the claim of each claimant to the affected lands. The claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of the affected lands; and

(3) such other information as the Secretary may require.

(b) CONVEYANCE BY THE SECRETARY.—Not later than 180 days after receipt of the notification described in subsection (a), notwithstanding any other law, the Secretary shall convey the affected lands to the city of Las Vegas, Clark County, Nevada, on the condition that the city convey the affected lands to the claimants in accordance with the resurvey and plats described in section 2(1).

WARNER (AND ROBB) AMENDMENTS NOS. 3568–3569

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. ROBB) submitted two amendments to be proposed by them to the amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

AMENDMENT NO. 3568

On page 196, beginning on line 2 strike all through page 198, line 3 and insert the following:

SEC. 2301. COLONIAL NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in the Title referred to as the ''Secretary'') is authorized to transfer, without reimbursement (except as provided in subsection (c), to York County, Virginia, any portion of the existing sewage disposal system, including related improvements and structures, that is owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as the Secretary determines to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) EFFECT OF AGREEMENT ON CHARGES, IMPACT, AND ALTERATIONS.—In consideration for the rights-of-way granted under subsection (a), in recognition of the contribution authorized under subsection (b), and as a condition of the transfer authorized by subsection (a), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal with respect to the Colonial National Historical Park, shall provide for minimizing the impact of the park's sewage disposal system on the park and its resources, and shall provide that such system may not be enlarged or substantially altered without the concurrence of the National Park Service.

SEC. 2302. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the ''Secretary'') is authorized to include within the Colonial National Historical Park, and to acquire by purchase with donated or appropriated funds, donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled ''Page Landing Addition to Colonial National Historical Park''. Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

AMENDMENT NO. 3569

At the appropriate place in the amendment, insert the following:

TITLE ____—NATIONAL PARK SYSTEM IN THE COMMONWEALTH OF VIRGINIA

Subtitle A—Richmond National Battlefield Park

SEC. ___01. MODIFICATION OF BOUNDARY.

The first section of the Act of March 2, 1936 (49 Stat. 1155, chapter 113; 16 U.S.C. 423j), is amended to read as follows:

''SECTION 1. ESTABLISHMENT OF PARK.

''(a) IN GENERAL.—In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is established, subject to existing rights, the Richmond National Battlefield Park (referred to in this Act as the 'Park').

''(b) BOUNDARIES.—The Park shall consist of—

''(1) lands, waters, and interests therein within the area generally depicted on the map entitled 'Richmond National Battlefield Park, Land Status Map', numbered 367/92,000, and dated September 1993; and

''(2) on donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

''(c) MAPS.—

''(1) NEW MAP.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park.

''(2) PUBLIC AVAILABILITY.—The map required by this subsection and the map described in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

''(d) NEW MARKET HEIGHTS BATTLEFIELD.—

''(1) DECLARATION.—Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public.

''(2) DEVELOPMENT OF ALTERNATIVES.—The Secretary shall work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and owners of property that is within, and property that is affected by, the battlefield area to develop alternatives to ensure implementation of the goals of paragraph (1).

''(3) REPORT.—Not later than June 1, 1996, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate report outlining the alternatives developed under paragraph (2).

''(e) REVISED BOUNDARY.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall complete and submit to Congress a general management plan that—

''(1) identifies lands that would be appropriate for inclusion in the Park and lands that would make essential improvements to the management of the Park; and

''(2) includes recommendations for a revised boundary for the Park.''

SEC. ___02. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.

Section 2 of the Act of March 2, 1936 (49 Stat. 1156, chapter 113; 16 U.S.C. 423k), is amended to read as follows:

''SEC. 2. LAND ACQUISITION.

''The Secretary may acquire for inclusion in the Park land and interests in land by donation, purchase with donated funds, or exchange, but no land or interest in land may be acquired under this section without the consent of the owner.''

SEC. ___03. ADMINISTRATION.

Section 3 of the Act of March 2, 1936 (49 Stat. 1156, chapter 113; 16 U.S.C. 423*l*), is amended by striking the period and inserting '', and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).''.

Subtitle B—Shenandoah National Park

SEC. ___11. MODIFICATION OF BOUNDARY.

(a) IN GENERAL.—The boundary of Shenandoah National Park is modified to include only those lands and interests in land that, on the day before the date of the enactment of this Act, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the ''Secretary'') as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent herewith is hereby repealed.

(b) BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.—

(1) MINOR BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments to the boundary of Shenandoah National Park, as modified by this subtitle to allow to accept a donation of adjacent land.

(2) LIMITATIONS ON LAND ACQUISITION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may acquire lands and interests therein under this subsection only by donation or exchange.

(B) ADDITIONAL RESTRICTIONS.—When acting under this subsection—

(i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;

(ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the county in which such lands and interests are located;

(iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner; and

(iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park.

(c) MITIGATION OF IMPACTS AT ACCESS POINTS.—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads and other visitor access points around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this subsection.

Subtitle C—Shenandoah Valley Battlefields

SEC. ___21. SHORT TITLE.

This subtitle may be cited as the ''Shenandoah Valley Battlefields Partnership Act of 1996''.

SEC. ___22. FINDINGS.

Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990, the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. ___23. PURPOSE.

The purposes of this subtitle are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. ''Stonewall'' Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) to recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. ___24. DEFINITIONS.

In this subtitle:

(1) BATTLEFIELD.—The term ''battlefield'' means 1 of 15 battlefields in the Shenandoah Valley, as identified in the report.

(2) BATTLEFIELDS PARK.—The term ''battlefields park'' means the Shenandoah Valley National Battlefields Park established under section _____ 25.

(3) COMMISSION.—The term ''Commission'' means the Shenandoah Valley Battlefields Commission established by section _____29.

(4) HISTORIC CORE.—The term ''historic core'' means the area that is so defined in the report, encompasses important components of a battle, and provides a strategic context and geographic setting for understanding the battle.

(5) PLAN.—The term ''plan'' means the Shenandoah Valley Battlefields plan approved by the Secretary under section ____26.

(6) REPORT.—The term ''report'' means the report prepared by the Secretary pursuant to the Civil War Sites Study Act of 1990 (Public Law 101–628; 16 U.S.C. 1a–5 note).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) SHENANDOAH VALLEY.—The term ''Shenandoah Valley'' means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. ___25. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this title, there is established in the Commonwealth of Virginia the Shenandoah Valley National Battlefields Park, consisting of the land and interests in land generally depicted on the map entitled ''Shenandoah Valley National Battlefields'', numbered SHVA/80,000, and dated April 1994, comprising units at Cedar Creek, Cross Keys, Fisher's Hill, McDowell, New Market, Opequan, Port Republic, Second Kernstown, Second Winchester, and Tom's Brook.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and in the appropriate offices of the National Park Service.

(3) MINOR REVISIONS.—The Secretary may, with the advice of the Commission and following an opportunity for public comment, make minor revisions to the boundaries of the battlefields.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the battlefields in accordance with this title and with the law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) PURPOSE.—The Secretary shall protect, manage, and administer the battlefields for the purposes of preserving and interpreting their national, cultural, and historic resources and of providing for public understanding and appreciation of the battlefields in such a manner as to perpetuate those qualities and values for future generations.

(c) LAND ACQUISITION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary may acquire, with the consent of the owner, land or an interest in land within the boundaries of the battlefields by donation, purchase with donated or appropriated funds, or exchange.

(2) PUBLIC LAND.—Land or an interest in land located within the boundaries of the battlefields or a historic core area that is owned by the Commonwealth of Virginia or a political subdivision of the Commonwealth may be acquired by the Secretary under this title only by donation or exchange.

(3) NO CONDEMNATION.—The Secretary may not accept under this title a donation of land or an interest in land that was acquired through condemnation.

(d) LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD ENACTMENTS.—

(1) DEMONSTRATIONS AND ENACTMENTS REQUIRED TO BE PERMITTED.—The Secretary shall permit to be conducted, at any location in the battlefields, any living history demonstration or battlefield reenactment that is the same as or substantially similar to a demonstration or reenactment that occurred at that location at any time during the 12-month period ending on the date of the enactment of this Act.

(2) OTHER DEMONSTRATIONS AND REENACTMENTS.—The Secretary may allow, at any location in the battlefields, any living history demonstration or battlefield reenactment not described in paragraph (1) that the Secretary determines to be appropriate.

SEC. ___26. SHENANDOAH VALLEY BATTLEFIELDS PLAN.

(a) IN GENERAL.—The battlefields park shall be managed by the Secretary pursuant to this title and the Shenandoah Valley Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) provisions for the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields, consistent with the purposes of this title;

(2) identification of the historic cores that are appropriate for administration by the Secretary;

(3) a determination of the level of protection that is adequate to ensure the long-term preservation of each of the historic cores that is identified under paragraph (2) and measures recommended to accomplish such protection, which may include (but need not be limited to) conservation easements, local zoning, transfer of development rights, or ownership by an entity dedicated to preservation of the historic resources of the battlefields;

(4) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) regarding the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields;

(5) the information described in section 12(b) of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertaining to the preparation of general management plans);

(6) identification of appropriate partnerships between the Secretary, Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this title;

(7) proposed locations for visitor contact and major interpretive facilities;

(8) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas;

(9) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within and contribute to the understanding of the battlefields; and

(10) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) ADDITIONAL REQUIREMENTS.—Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under subsection (c) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the draft plan as the plan; or

(2) reject the draft plan and recommend to the Commission modifications that would make the draft plan acceptable.

SEC. ___27. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In furtherance of the purposes of this title, the Secretary may establish partnerships and enter into cooperative agreements concerning lands, and interests therein, within the battlefields with other Federal, State, or local agencies and private persons or organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into an agreement with the owner of property that is located in the battlefields and on which an historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monument or tablet, as the case may be, pursuant to the agreement.

(c) AGREEMENTS AND PARTNERSHIPS NOT DEPENDENT ON INCLUSION IN BATTLEFIELDS PARK.—The Secretary may establish a partnership or enter into an agreement under this section with respect to a battlefield regardless of whether or not the historic core area of the battlefield is included in the battlefields park.

SEC. ___28. GRANT AND TECHNICAL ASSISTANCE PROGRAM.

(a) TECHNICAL ASSISTANCE TO PROPERTY OWNERS.—The Secretary may provide technical assistance to owners of property located within the battlefields to provide for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields.

(b) TECHNICAL ASSISTANCE TO GOVERNMENTAL ENTITIES.—

(1) IN GENERAL.—The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances, and other appropriate documents that are consistent with and are designed to protect the historic character of the battlefields and historic core areas.

(2) REGULAR REVIEW.—

(A) IN GENERAL.—The Commission shall conduct a regular review of plans, guidelines, regulations, ordinances, and documents with respect to which the Secretary has awarded a grant under this subsection.

(B) RECOMMENDATION.—If the Commission finds that a plan, guideline, regulation, ordinance, or document, or the implementation of a plan, guideline, regulation, ordinance, or document is no longer consistent with the protection of the historic character of the battlefields and historic core areas, the Commission may recommend, after consultation with the affected governmental entity, that the Secretary suspend any grant awarded under this subsection with respect to the plan, guideline, regulation, ordinance, or document.

(3) SUSPENSION OF GRANT.—The Secretary, after consultation with the Commission, shall suspend a grant under this subsection if the Secretary determines that the plan, guideline, regulation, ordinance, or document with respect to which the grant is awarded has been modified in a manner that is inconsistent with the protection of the historic character of the battlefields and historic core areas.

(c) ASSISTANCE NOT DEPENDENT ON INCLUSION IN PARK.—The Secretary may provide assistance under this section with respect to a battlefield or historic core area regardless of whether or not the battlefield or historic core area is included in the Park.

SEC. ___29. SHENANDOAH VALLEY BATTLEFIELDS COMMISSION.

(a) ESTABLISHMENT.—There is established the Shenandoah Valley Battlefields Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields (1 member within each unit of the battlefields).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) 1 member from a list of recommendations made by the Governor of Virginia.

(6) 1 member representing the interests of the National Park Service.

(c) APPOINTMENTS.—Members shall be appointed for the life of the Commission.

(d) ELECTION OF OFFICERS.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The

terms of office of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) QUORUM.—A majority of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this title.

(m) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(o) TERMINATION.—The Commission shall terminate upon the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section ___26(d).

SEC. ___30. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) develop the plan and draft plan referred to in section ___26, in consultation with the Secretary;

(2) advise the Secretary with respect to the battlefields;

(3) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the battlefields, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields by landowners, local governments, organizations, and businesses.

(b) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—The Commission may assist any nonprofit organization in the management, protection, and interpretation of the natural, cultural, and historical resources within the historic core areas.

SEC. ___31. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated not more than $5,000,000 for development of the battlefields park, not more than $2,000,000 for land acquisition pursuant to this title, not more than $5,000,000 to carry out the purposes of sections ___27 and ___28, and not more than $250,000 for any fiscal year for the operation of the Commission.

(b) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until expended.

Subtitle D—Cumberland Gap National Historical Park

SEC. ___41. ADDITION OF LANDS.

(a) AUTHORITY.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) ADMINISTRATION.—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

ABRAHAM AMENDMENT NO. 3570

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

SEC. . SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) Section 2(a) of the Act entitled ''An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes,'' (16 U.S.C. 460X–x14) is amended:

By deleting the period following the words ''Department of the Interior''; and,

By adding the following at the end thereof: ''except that—

''(1) certain land shall be taken out of the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of Government Lots 2 and 3, the East ½ of the Southeast ¼ of Section 11, also part of East ½ of Section 14, T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as follows:

''The North 982 feet of the Northeast ¼ of the Southeast ¼ of said section 14, and the East ½ of the Northwest ¼ of the Northeast ¼ of said section 14, (being part of Government lot 1), and that part of the East ½ of the Northeast ¼ of said section 14, lying West of the centerline for Thoreson Road. Also the South 1759 feet of that part of Government lots 2 and 3, and the East ½ of the Southeast ¼ of said Section 11, all being part of T29N, R14W, Glen Arbor Township Leelanau County, Michigan.

''Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

''Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.

''Further subject to rights of the public over and across Thoreson Road.

''(2) certain land shall be added to the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of the West ½ of Section 23, also part of the SE¼ of Section 22, all in T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as:

''Beginning at the Southeast corner of said Section 22; thence N88°55′30″W 1320.48 feet along the South line of said Section 22 to East ⅛ line of said Section 22; thence along William B. Batzer Jr., R.L.S., Surveys 8325 and 83025-B by the following (7) courses; thence NOO°40′45″E 33.00 feet along said East ⅛ line, N80°34′20″E 115.50 feet; N70°51′20″E 172.09 feet; N61°51′20″E 181.87 feet; N41°25′20″E 230.80 feet; N63°02′45″E 514.60 feet; N28°57′25″W 600.62 feet to the South bank of the North part of the Crystal River; thence along said river bank by the following (6) courses; N42°18′19″E 102.13 feet (recorded as N40°03′30″E 102.07 feet; N58°07′35″E 219.82 feet; N42°09′40″E 215.48 feet; N54°20′35″E 121.36 feet; N46°10′10″E 107.67 feet; N34°05′25″E 46.08 feet to the East line of said Section 22; thence leaving said South bank S01°19′55″W 347.84 feet along said East line to the South bank of the South part of said Crystal River; thence along said river bank by the following (4) courses; N48°48′30″E 168.46 feet, N40°56′15″E 168.77 feet; N55°24′10″E 99.10 feet; N43°30′00″E 154.21 feet; thence leaving said South river bank S56°45′50″E 350.00 feet; thence N41°49′50″E 400 feet; thence S56°44′25″E 412.99 feet to the West ⅛ line of said Section 23; thence leaving said William B. Batzer, Jr. Survey Northerly along said West ⅛ line to the East-West ¼ line of said Section 23; thence Westerly along said East-West ¼ line and County Road No. 675 to a point where the most Easterly channel of the Crystal River passes under County Road No. 675; thence along a Nicholas M. O'non R.L.S. Survey of December 5, 1986, Job No. 8668–23 GA 2914 by the following (3) courses along the center thread of said river N41°13′48″E 273.78 feet; N17°09′18″E 405.85 feet; thence leaving said center thread N89°43′02″W 253.56 feet to a point on the old centerline of State Highway M–22; thence Northerly along the centerline of State Highway M–22, by the following (5) courses; thence N35°02′58″E, along said old centerline, a distance of 12.66 feet to the existing centerline of State Highway M–22 and a point on a 516.00 foot radius curve to the right; thence Northeasterly along said centerline and curve, an arc distance of 109.88 feet (chord bearing and distance of N53°19′13″E, 109.67 feet) to the point of tangency of said curve; thence N59°25′16″E, along said centerline, a distance of 156.38 feet to the point of curvature of a 400.00 foot radius curve to the left; thence Northeasterly along said centerline and curve, an arc distance of 219.55 feet (Delta of N31°26′55″, long chord bearing and distance of N43°41′48″E, 216.81 feet) to the point of tangency; thence N27°58′11″E, (Also recorded as N27°19′23″E) along said centerline, a distance of 528.10 feet to an extension of the South line of Chamberlain's unrecorded plat of Glen Arbor Beach Subdivision; and the South boundary line of South Beach Condominium recorded in Liber 243, Pages 63–74, thence Easterly approximately 38.39 feet along said South boundary line extended to the Easterly right-of-way line of State Highway M–22 and the Southwest corner of a survey by Gosling Czubak Associates, Inc., Job No. 87025.12; thence N27°19′23″E 633.21 feet along said right-of-way; thence along said right-of-way 79.72 feet on the arc of a curve to the right (Rad=110.24 feet, 1=N41°26′00″, Chord=N48°02′23″E 77.99 feet); thence N68°45′23″E 106.17 feet along said right-of-way; thence S00°42′53″E 174.11 feet; thence N89°17′07″E 217.57; thence S41°18′01″E 122.39 feet, thence S01°31′50E 370.00 feet; thence N88°28′10″E (previously recorded as N88°34′00″E 220.3 feet more or less to a point on the North-South ¼ line of Section 23; thence Southerly along said North-South ¼

line to the South ⅛ line of said Section 23; thence Westerly along said South ⅛ line to the West ⅛ line of said Section 23; thence Southerly along said West ⅛ line to the Point of Beginning.

''Subject to the correlative rights of the owners along the Crystal River.

''Together with riparian rights between the shore courses and the center thread of Crystal River.

''Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

''Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.''

Section 8(a) of the Act is amended to read as follows:

(1) By deleting the period following the word ''Act'' at the end of the first sentence; and,

(2) By adding the following at the end thereof: ''except that the land to be taken out of and added to the land area now comprising the lakeshore shall, within 120 days after the date hereof, be conveyed by an exchange of deeds. The Secretary is instructed to and shall have the authority to effect this exchange but shall not have the authority to otherwise dispose of the land to be taken out of or to acquire the land to be added to the lakeshore pursuant to the amendments hereinabove.''

Section 8(e) of the Act is amended to read as follows:

(1) By deleting the period following the word ''encumbrances'' at the end of the section; and

(2) By adding the following at the end thereof: ''except condemnation may not be used to acquire the land to be added, pursuant to the amendment hereinabove, to the land area now comprising the lakeshore.''

BURNS AMENDMENT NO. 3571

Mr. DOLE (for Mr. BURNS) proposed an amendment to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendemnt, add the following:

TITLE —MISCELLANEOUS

SEC. 01. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall acquire by exchange certain land and interests in lands owned by R–Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as ''R–Y''), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R–Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R–Y and available for exchange, the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R–Y's land under paragraph (1), the Secretary shall convey to R–Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a value that is approximately equal to the value of the land described in subsection (a).

(ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

(III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R–Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R–Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

(3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R–Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(ii) all draft conveyance and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secertary shall advise R–Y regarding corrective actions necessary to make an affirmative determination.

(C) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(b) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a) are subject to such minor corrections as may be agreed upon by the Secretary and R–Y.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY.—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the acquisition of an interest in the Lost Creek Tract or due to cricumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

BURNS AMENDMENT NO. 3572

Mr. DOLE (for Mr. BURNS) proposed an amendment to amendment No. 3571 proposed by Mr. BURNS to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

In lieu of the matter proposed to be added, insert the following:

TITLE —MISCELLANEOUS

SEC. 01. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall acquire by exchange certain land and interests in land owned by R–Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as ''R–Y''), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R–Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R–Y and available for exchange, the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R–Y's land under paragraph (1), the Secretary shall convey to R–Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a value that is approximately equal to the value of the land described in subsection (a).

(ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

(III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R–Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R–Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

(3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R–Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(ii) all draft conveyances and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise R–Y regarding corrective actions necessary to make an affirmative determination.

(c) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(b) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a) are subject to such minor corrections as may be agreed upon by the Secretary and R–Y.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of approximately equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the acquisition of an interest in the Lost Creek Tract or due to circumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

TITLE —VANCOUVER NATIONAL HISTORIC RESERVE

SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(A) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the ''Reserve'', consisting of the area described in the report entitled ''Vancouver National Historic Reserve Feasibility Study and Environmental Assessment'' published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101–523 (referred to in this section as the Vancouver Historic Reserve Report'').

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with;

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of Interior, acting through the Director of the National Park Service, and the City of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit;

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

KENNEDY (AND OTHERS) AMENDMENT NO. 3573

Mr. KENNEDY (Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. LEVIN, Mr. HARKIN, Mrs. BOXER, Mrs. MURRAY, Mr. PELL, Mr. LEAHY, Mr. LAUTENBERG, Mr. SARBANES, Mr. BRADLEY, and Mr. DASCHLE) proposed an amendment to the bill H.R. 1296, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997;''.

KERRY AMENDMENT NO. 3574

Mr. KERRY proposed an amendment to amendment No. 3573 proposed by Mr. KENNEDY to the bill H.R. 1296, supra; as follows:

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

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

KENNEDY AMENDMENTS NOS. 3575–3576

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

AMENDMENT NO. 3575

At the end of the amendment proposed by Mr. Murkowski, add the following title:

TITLE—

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 3(b) of this Act, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this Act are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 3(b) of this Act, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this Act; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''park'' means the New Bedford Whaling National Historical Park established by section 3.

(2) The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitle ''An Act to establish a National Park Service, and for

other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) NON-FEDERAL MATCHING REQUIREMENTS.—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this Act.

SEC. 5. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) EXCEPTIONS.—In carrying out this Act—

(1) not more than $2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this Act may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than $50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under section 4(b).

AMENDMENT NO. 3576

At the end of the amendment proposed by Mr. MURKOWSKI, add the following title:

TITLE —

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 3(b) of this Act, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this Act are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 3(b) of this Act, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this Act; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''park'' means the New Bedford Whaling National Historical Park established by section 3.

(2) The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront park, immediately south of land adjacent to the State Pier.

(C) The Roth-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) NON-FEDERAL MATCHING REQUIREMENTS.—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this Act.

SEC. 5. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) EXCEPTIONS.—In carrying out this Act—

(1) not more than $2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this Act may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than $50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under section 4(b).

ABRAHAM AMENDMENT NO. 3577

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) Section 2(a) of the Act entitled ''An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes,'' (16 U.S.C. 460X–x14) is amended:

By deleting the period following the words ''Department of the Interior''; and

By adding the following at the end thereof: ''except that—

''(1) certain land shall be taken out of the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of Government Lots 2 and 3, the East ½ of the Southeast ¼ of Section 11, also part of East ½ of Section 14, T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as follows:

''The North 982 feet of the Northeast ¼ of the Southeast ¼ of said section 14, and the East ½ of the Northwest ¼ of the Northeast ¼ of said section 14, (being part of Government lot 1), and that part of the East ½ of the Northeast ¼ of said section 14, lying West of the centerline for Thoreson Road, Also the South 1759 feet of that part of Government lots 2 and 3, and the East ½ of the Southeast ¼ of said Section 11, all being part of T29N, R14W, Glen Arbor Township, Leelanau County, Michigan.

''Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

''Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.

''Further subject to rights of the public over and across Thoreson Road.

''(2) certain land shall be added to the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of the West ½ of Section 23, also part of the SE¼ of Section 22, all in T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as:

''Beginning at the Southeast corner of said Section 22; thence N88°55′30″W 1320.48 feet along the South line of said Section 22 to East ⅛ line of said Section 22; thence along William B. Batzer Jr., R.L.S., Surveys 8325 and 83025–B by the following (7) courses; thence N00°40′45″E 33.00 feet along said East ⅛ line, N80°34′20″E 115.50 feet; N70°51′20″E 172.09 feet; N61°51′20″E 181.87 feet; N41°25′20″E 230.80 feet; N63°02′45″E 514.60 feet; N28°57′25″W 600.62 feet to the South bank of the North part of the Crystal River; thence along said river bank by the following (6) courses; N42°18′19″E 102.13 feet (recorded as N40°03′30″E 102.07 feet; N58°07′35″E 219.82 feet; N42°09′40″E 215.48 feet; N54°20′35″E 121.36 feet; N46°10′10″E 107.67 feet; N34°05′25″E 46.08 feet to the East line of said Section 22; thence leaving said South bank S01°19′55″W 347.84 feet along said East line to the South bank of the South part of said Crystal River; thence along said river bank by the following (4) courses; N48°48′30″E 168.46 feet, N40°56′15″E 168.77 feet; N55°24′10″E 99.10 feet; N43°30′00″E 154.21 feet; thence leaving said South river bank S56°45′50″E 350.00 feet; thence N41°49′50″E 400.00 feet; thence S56°44′25″E 412.99 feet to the West ⅛ line of said Section 23; thence leaving said William B. Batzer, Jr. Survey Northerly along said West ⅛ line to the East-West ¼ line of said Section 23; thence Westerly along said East-West ¼ line and County Road No. 675 to a point where the most Easterly channel of the Crystal River passes under County Road No. 675; thence along a Nicholas M. O'non R.L.S. Survey of December 5, 1986, Job No. 8668–23 GA 2914 by the following (3) courses along the center thread of said river N41°13′48″E 273.78 feet; N17°09′18″E 405.85 feet; thence leaving said center thread N89°43′02″W 253.56 feet to a point on the old centerline of State Highway M–22; thence Northerly along the centerline of State Highway M–22, by the following (5) courses; thence N35°02′58″E, along said old centerline, a distance of 12.66 feet to the existing centerline of State Highway M–22 and a point on a 516.00 foot radius curve to the right; thence Northeasterly along said centerline and curve, an arc distance of 109.88 feet (chord bearing and distance of N53°19′13″E, 109.67 feet) to the point of tangency of said curve; thence N59°25′16″E, along said centerline, a distance of 156.38 feet to the point of curvature of a 400.00 foot radius curve to the left; thence Northeasterly along said centerline and curve, an arc distance of 215.55 feet (Delta of 31°26′55″, along chord bearing and distance of N43°41′48″E, 216.81 feet) to the point of tangency; thence N27°58′11″E, (Also, recorded as N27°19′23″E) along said centerline, a distance of 528.10 feet to an extension of the South line of Chamberlain's unrecorded plat of Glen Arbor Beach Subdivision; and the South boundary live of South Beach Condominium recorded in Liber 243, Pages 63–74; thence Easterly approximately 38.39 feet along said South boundary line extended to the Easterly right-of-way line of State Highway M–22 and the Southwest corner of a survey by Gosling Czubak Associates, Inc., Job No. 87025.12; thence N27°19′23″E 633.21 feet along said right-of-way; thence along said right-of-way 79.72 feet on the arc of a curve to the right (Rad.=110.24 feet, I=40°26′00″, Chord=N48°02′23″E 77.99 feet); thence N68°45′23″E 106.17 feet along said right-of-way; thence S00°42′53″E 174.11 feet; thence N89°17′07″E 217,57; thence S41°18′01″E 122.39 feet; thence S01°31′50″E 370.00 feet; thence N88°28′10″E (previously recorded as N88°34′00″E 220.3 feet more or less to a point on the North-South ¼ line of Section 23; thence Southerly along said North-South ¼ line to the South ⅛ line of said Section 23; thence Westerly along said South ⅛ line to the West ⅛ line of said Section 23; thence Southerly along said West ⅛ line to the Point of Beginning.

''Subject to the correlative rights of the owners along the Crystal River..

''Together with riparian rights between the shore courses and the center thread of Crystal River.

''Subject to all applicable building, use restrictions and easements, if any, affecting the premises..

''Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.''

Section 8(a) of the Act is amended to read as follows:

(1) By deleting the period following the word ''Act'' at the end of the first sentence; and

(2) By adding the following at the end thereof: ''except that the land to be taken out of and added to the land area now comprising the lakeshore shall, within 120 days after the date hereof, be conveyed by an exchange of deeds. The Secretary is instructed to and shall have the authority to effect this exchange but shall not have the authority to otherwise dispose of the land to be taken out of or to acquire the land to be added to the lakeshore pursuant to the amendments hereinabove.''

Section 8(e) of the Act is amended to read as follows:

(1) By deleting the period following the word ''encumbrances'' at the end of the section; and

(2) By adding the following at the end thereof: ''except condemnation may not be used to acquire the land to be added, pursuant to the amendment hereinabove, to the land area now comprising the lakeshore.''

THOMAS AMENDMENT NO. 3578

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendment, add the following:

SEC. 02. CONVEYANCE OF CERTAIN PROPERTY TO THE STATE OF WYOMING.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Wyoming without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b) for use by the State for the purposes described in subsection (c). The property shall be conveyed as is.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the property commonly known as ''Ranch A'' in Crook County, Wyoming, consisting of approximately 680 acres of land including all real property, buildings, and all other improvements to real property, and all personal property including art, historic light fixtures, wildlife mounts, draperies, rugs, and furniture.

(c) USE AND REVERSIONARY INTEREST.—

(1) Use.—The property conveyed to the State of Wyoming under this section shall be used by the State for the purposes of—

(A) fish and wildlife management or education, or both; or

(B) maintaining and using through State or local agreements, or both, the historical interests and significance of facilities on the

property consistent with applicable Federal and State laws.

(2) REVERSION.—If the property is used for a purpose not described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

STEVENS AMENDMENT NO. 3579

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

On page , line , of the amendment, insert the following new section:

SEC. . PAYMENT IN LIEU OF TAXES.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

''(2) 'unit of general local government' means—

''(A) a county (or parish), township, borough, or city (where the city is independent of any other unit of general local government), that—

''(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior determines to be the principal provider or providers of governmental services within the State; and

''(ii) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration;

''(B) the State of Alaska, for any land within that State which is not within the boundaries of a governmental entity under subparagraph (A);

''(C) the District of Columbia;

''(D) the Commonwealth of Puerto Rico;

''(E) Guam; and

''(F) the Virgin Islands.''.

(b) Section 6902(a) of title 31, United States Code, is amended to read as follows:

''(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. Except for the State of Alaska for entitlement land described in section 6901(2)(B), a unit of general local government may use the payment for any governmental purpose. The State of Alaska shall distribute any payment received for entitlement land described in section 6901(2)(B) to home rule and general law cities within Alaska (as such cities are defined by the State).''.

BUMPERS AMENDMENTS NOS. 3580–3583

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

AMENDMENT NO. 3580

Strike subsection 2008(a) of the substitute and insert the following:

''(a) RELEASE.—Except for the areas retained in wilderness study status pursuant to subsection (b), the Congress hereby finds and directs that all public lands in Utah administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 which have not been designated as wilderness by this title or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirements of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.''

AMENDMENT NO. 3581

Strike subsection 2002(i) of the substitute and insert the following:

''(i) ACCESS.—Reasonable access, including the use of motorized equipment where necessary and customarily or historically employed, shall be allowed on routes within the areas designated wilderness by this title in existence as of the date of enactment of this Act for the exercise of valid existing rights. Such routes may be maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the wilderness areas than existed as of the date of enactment of this title.''

AMENDMENT NO. 3582

On page 152, line 12 of the substitute, delete ''Title.'' and insert in lieu thereof, ''title, so long as such activities have no increased adverse impacts on the resources and values of the wilderness areas than existed as of the date of enactment of this title.''.

AMENDMENT NO. 3583

Strike Section 2008 of the Murkowski substitute and insert the following:

''SECTION 2008. WILDERNESS RELEASE.

''(a) RELEASE.—Except for the areas identified in subsection (b), the Congress hereby finds and directs that all public lands in Utah, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), which have not been designated as wilderness by this Act or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of FLPMA (43 U.S.C. 1782) and are no longer subject to the requirement of section 603(c) of FLPMA pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness. Such lands shall be managed in accordance with FLPMA and land management plans prepared pursuant thereto.

''(b) CONTINUING WILDERNESS STUDY AREAS.—The following wilderness study areas which are under study status by States adjacent to the State of Utah shall continue to be subject to the provisions of section 603(c) of FLPMA (43 U.S.C. 1782(c)):

(1) Bull Canyon (UT–080–419/CO–010–001);

(2) Wrigley Mesa/Jones Canyon/Black Ridge Canyon West (UT–060–116/UT–060–117/CO–070–113A);

(3) Squaw/Papoose Canyon (UT–060–227/CO–030–265A); and

(4) Cross Canyon (UT–060–229/CO–030–265).

''(c) FURTHER DESIGNATIONS.—Public lands in the State of Utah which are not designated as wilderness by this or previous Acts of Congress or retained in wilderness study status by this Act shall not be managed solely for the purpose of protecting their status for potential inclusion in the National Wilderness Preservation System: *Provided, however,* That this subsection shall not be construed to preclude the Secretary from managing public lands in the State of Utah (in accordance with FLPMA and applicable land use plans) for the purpose of protecting their natural, scenic, wildlife, riparian, primitive or recreational values, even if such management would protect an area's wilderness characteristics.''

FAIRCLOTH AMENDMENT NO. 3584

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the substitute amendment add the following:

TITLE —LABOR

SEC. 1. NULLIFICATION OF ORDER.

An executive order, or other rule or order, that—

(1) prohibits Federal contracts between the United States and a contractor;

(2) requires the debarment of a contractor from an award of a Federal contract; or

(3) imposes other sanction on a contractor, on the basis that such contractor or organization unit thereof has permanently replaced lawfully striking employees of such contractor shall have no force or effect.

FEINGOLD AMENDMENTS NOS. 3585–3587

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

AMENDMENT NO. 3585

On page 147, strike lines 2 through 14 and insert the following:

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in those provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

AMENDMENT NO. 3586

Beginning on page 153, strike line 18, and all that follows through page 155, line 2.

AMENDMENT NO. 3587

Beginning on page 156, strike line 1 and all that follows through page 157, line 4, and insert the following:

SEC. 2008. WILDERNESS STUDY AREA STATUS.

Wilderness study areas administered by the Bureau of Land Management in the State of Utah shall be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

DOLE (AND OTHERS) AMENDMENT NO. 3588

(Ordered to lie on the table.)

Mr. DOLE (for himself, Mr. COVERDELL, and Mr. FORD) submitted an amendment intended to be proposed by them to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the appropriate place in the amendment, insert the following:

TITLE —NICODEMUS NATIONAL HISTORIC SITE

SEC. 01. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the town of Nicodemus, in Kansas, has national significance as the only remaining western town established by African-Americans during the Reconstruction period followings the Civil War;

(2) the town of Nicodemus is symbolic of the pioneer spirit of African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

(3) the town of Nicodemus continues to be a viable African-American community.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(2) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

SEC. 02. DEFINITIONS.

In this title:

(1) HISTORIC SITE.—The term ''historic site'' means the Nicodemus National Historic Site established by section 03.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 03. ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established the Nicodemus National Historic Site in Nicodemus, Kansas.

(b) DESCRIPTION.—

(1) IN GENERAL.—The historic site shall consist of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled ''Nicodemus National Historic Site'', numbered 80,000 and dated August 1994.

(2) MAP AND BOUNDARY DESCRIPTION.—The map referred to in paragraph (1) and an accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

SEC. 04. ADMINISTRATION OF THE HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with—

(1) this title; and

(2) the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—To further the purposes specified in section 01(b), the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(c) TECHNICAL AND PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to any eligible person described in paragraph (2) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(2) ELIGIBLE PERSONS.—The eligible persons described in this paragraph are—

(A) an owner of real property within the boundary of the historic site, as described in section 103(b); and

(B) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to subsection (b).

SEC. 05. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in land as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in section 03(b)(1), or any combination thereof.

(b) LIMITATIONS.—

(1) ACQUISTION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to subsection (a) may only be acquired by donation.

(2) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this section without the consent of the owner of the real property.

SEC. 06. GENERAL MANAGEMENT PLAN.

(1) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in subsection (b), prepare a general management plan for the historic site.

(b) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of each of the following:

(1) The Nicodemus Historical Society.

(2) The Kansas Historical Society.

(3) Appropriate political subdivisions of the State of Kansas that have jurisdiction over all or a portion of the historic site.

(c) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this title.

COCHRAN AMENDMENT NO. 3589

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the appropriate place in the amendment, insert the following:

TITLE —NATCHEZ NATIONAL HISTORICAL PARK

SEC. 01. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3 of the Act of October 8, 1988, entitled ''An Act to create a national park at Natchez, Mississippi'' (16 U.S.C. 410oo et seq.), is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE CITY OF NATCHEZ.—

''(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary may enter into an agreement with the city of Natchez under which the Secretary agrees to pay not to exceed $3,000,000 toward the planning and construction by the city of Natchez of a structure to be used—

''(A) by the Secretary as an administrative headquarters, administrative stie, and visitors' center for Natchez National Historical Park; and

''(B) by the city as an intermodal transportation center.

''(2) Use for satisfaction of matching requirements.—The amount of payment under paragraph (1) may be available for matching Federal grants authorized under any other law notwithstanding any limitations in any such law.

''(3) AGREEMENT.—Prior to the execution of an agreement under paragraph (1), the Secretary shall enter into a contract, lease, cooperative agreement, or other appropriate form of agreement with the city of Natchez providing for the use and occupancy of a portion of the structure constructed under paragraph (1) (including appropriate use of the land on which it is situated), at no cost to the Secretary (except maintenance, utility, and other operational costs), for a period of 50 years, with an option for renewal by the Secretary for an additional 50 years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this subsection.''.

BRADLEY AMENDMENTS NOS. 3590–3649

(Ordered to lie on the table.)

Mr. BRADLEY submitted 60 amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

AMENDMENT NO. 3590

On page 147, strike lines 2 through 14 and insert the following:

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in those provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

AMENDMENT NO. 3591

On page 156, strike lines 2 through 16 and insert the following:

(a) FINDING.—Congress finds that all public lands in Utah administered by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) not designated as wilderness by this title, or a previous Act of Congress, have been studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The lands described in subsection (a) shall not be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) that wilderness study areas be managed in a manner that does not impair the suitability of the areas for preservation as wilderness.

AMENDMENT NO. 3592

On page 152, between lines 21 and 22, insert the following:

(f) BENEFICIAL USES.—Notwithstanding any provision of the laws of the State of Utah otherwise applicable to the granting and exercise of water rights, the purposes for which wilderness areas in Utah are designated under this title, as set forth in this title and the Wilderness Act (16 U.S.C. 1131 et seq.), shall be considered to be beneficial uses.

AMENDMENT NO. 3593

On page 148, strike lines 7 through 13 and insert the following:

(d) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to wildlife and fish on the public lands located in that State.

AMENDMENT NO. 3594

Beginning on page 159, strike line 2 and all that follows through page 160, line 11, and insert the following:

(2) FEDERAL LANDS.—The Federal lands referred to in this section are lands in Utah that are identified for disposal or exchange by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) EQUAL VALUE.—

(1) APPRAISALS.—Prior to the exchange of the lands identified in subsection (c), the Secretary shall ensure that appraisals of the lands are prepared.

(2) REQUIREMENT OF EQUAL VALUE.—To the extent practicable, any lands exchanged under this section shall be exchanged for lands of equal value. If the lands exchanged between the United States and the State of Utah, as authorized by this section, are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

AMENDMENT NO. 3595

On page 150, at the end of line 14, insert the following: ''The United States shall not be liable for the condition of, or the operation, maintenance, repair, or replacement of, any access route allowed under this subsection.''.

AMENDMENT NO. 3596

On page 152, between lines 21 and 22, insert the following:

(f) REQUIREMENT ON SECRETARY.—The Secretary shall protect watersheds within wilderness areas designated by this title that are located upstream of communities to maintain safe drinking water standards.

AMENDMENT NO. 3597

Beginning on page 163, strike line 21 and all that follows through page 164, line 12.

AMENDMENT NO. 3598

On page 163, strike lines 3 through 8.

AMENDMENT NO. 3599

Beginning on page 147, strike line 18 and all that follows through line 6 on page 148 and insert the following:

(c) LIVESTOCK GRAZING.—

(1) IN GENERAL.—Grazing of livestock in areas designated as wilderness by this title, where established prior to the date of enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in H.R. Rep. No. 617 (96th Cong., Sess. 19).

(2) REVIEW OF POLICIES, PRACTICES, AND REGULATIONS.—The Secretary shall review all policies, practices, and regulations of the Bureau of Land Management regarding livestock grazing in wilderness areas administered by the Bureau of Land Management in the State of Utah ensure that the policies, practices, and regulations fully conform with the implement the intent of Congress regarding grazing in those areas, as that intent is expressed in this title.

AMENDMENT NO. 3600

On page 158, line 3, strike ''The exchange'' and all that follows through line 9.

AMENDMENT NO. 3601

Beginning on page 159, strike line 6 and all that follows through page 160, line 11, and insert the following:

(d) LAND EXCHANGES FOR EQUAL VALUE.—

(1) REQUIREMENT.—The lands exchanged pursuant to this section shall be of approximately equal value, as determined by the Secretary utilizing nationally recognized appraisal standards. If the values are not approximately equal, the Secretary and the State of Utah shall either agree to modify the lands to be exchanged or shall provide for a cash equalization payment to equalize the values. Any cash equalization payment shall not exceed 25 percent of the value of the lands to be conveyed.

(2) DISPUTE RESOLUTION.—If the Secretary and the State of Utah are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

AMENDMENT NO. 3602

On page 148, strike lines 14 through 20 and insert the following:

(e) PROHIBITION OF BUFFER ZONES.—Congress does not intend that designation of an area as wilderness by this title will lead to the creation of protective perimeters or buffer zones around the area. That nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude such activities or uses up to the boundary of the wilderness area.

AMENDMENT NO. 3603

On page 149, strike lines 6 through 16.

AMENDMENT NO. 3604

Beginning on page 149, strike line 17 and all that follows through line 14 on page 150.

AMENDMENT NO. 3605

On page 150, line 6, strike ''or customarily or'' and insert '', customary, and''.

AMENDMENT NO. 3606

On page 152, strike lines 13 through 21.

AMENDMENT NO. 3607

Beginning on page 151, strike line 9 and all that follows through page 152, line 21, and insert the following:

SEC. 4. STATE WATER ALLOCATION AUTHORITY.

Nothing in this title constitutes an express or implied claim or denial on the part of the Federal Government of any exemption from the water laws of the State of Utah.

AMENDMENT NO. 3608

Beginning on page 151, strike line 9 and all that follows through page 152, line 21, and insert the following:

SEC. 4. WATER RIGHTS.

(a) RESERVATION.—

(1) IN GENERAL.—With respect to each wilderness area designated by this title, Congress reserves a quantity of water sufficient to fulfill the purposes of this title.

(2) PRIORITY DATE.—The priority date of the water rights reserved under paragraph (1) shall be the date of enactment of this Act.

(b) PROTECTION OF RIGHTS.—

(1) IN GENERAL.—The Secretary and all other officers of the United States shall take such steps as are necessary to protect the rights reserved by subsection (a).

(2) FILING OF CLAIM.—The requirement imposed by paragraph (1) shall include the filing by the Secretary of a claim for the quantification of the water rights reserved by subsection (a) in any present or future appropriate stream adjudication in the courts of the State of Utah—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, chapter 651; 43 U.S.C. 666) (commonly known as the ''McCarran Amendment'').

(c) NO RELINQUISHMENT OR REDUCTION.—Nothing in this title relinquishes or reduces any water rights reserved or appropriated by the United States in the State of Utah on or before the date of enactment of this Act.

(d) NO PRECEDENT.—

(1) SPECIFIC TO STATE OF UTAH.—The Federal water rights reserved by this title are specific to the wilderness areas located in the State of Utah designated by this title.

(2) NO EFFECT ON OTHER LAW.—Nothing in this title relating to reserved federal water rights—

(A) establishes a precedent with regard to any future designation of wilderness; or

(B) constitutes an interpretation of any other Act or any designation of wilderness made under any other Act.

AMENDMENT NO. 3609

On page 153, strike lines 7 through 17 and insert the following:

SEC. 2005. CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES.

The Secretary shall provide for the protection and interpretation of cultural, archaeological, and paleontological resources located within areas designated as wilderness by this title.

AMENDMENT NO. 3610

Beginning on page 153, strike line 18 and all that follows through page 155, line 2, and insert the following:

SEC. 2006. MILITARY ACTIVITIES.

Nothing in this title precludes low-level overfights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this title.

AMENDMENT NO. 3611

Beginning on page 162, strike line 16 and all that follows through page 163, line 3, and insert the following:

''(3) PROVISIONS RELATING TO FEDERAL LANDS.—

''(A) ADJUSTMENT OF VALUE TO REFLECT REVENUE SHARING RIGHTS.—The value of Federal lands transferred to the''.

AMENDMENT NO. 3612

On page 168, strike lines 6 through 22 and insert the following:

(c) EQUAL VALUE.—Prior to the exchange of lands identified in subsection (b), appraisals of the lands shall be prepared. Any exchange of lands shall be for lands of equal value. If the lands exchanged between the United States and the State of Utah, as authorized by this section, are not of equal value, the

values shall be equalized in accordance with section 206((b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

AMENDMENT NO. 3613

Beginning on page 153, strike line 18, and all that follows through page 155, line 2.

AMENDMENT NO. 3614

Strike title 1.

AMENDMENT NO. 3615

Strike title 2.

AMENDMENT NO. 3616

Strike title 3.

AMENDMENT NO. 3617

Strike title 4.

AMENDMENT NO. 3618

Strike title 5.

AMENDMENT NO. 3619

Strike title 6.

AMENDMENT NO. 3620

Strike title 7.

AMENDMENT NO. 3621

Strike title 8.

AMENDMENT NO. 3622

Strike title 9.

AMENDMENT NO. 3623

Strike title 10.

AMENDMENT NO. 3624

Strike title 11.

AMENDMENT NO. 3625

Strike title 12.

AMENDMENT NO. 3626

Strike title 13.

AMENDMENT NO. 3627

Strike title 14.

AMENDMENT NO. 3628

Strike title 15.

AMENDMENT NO. 3629

Strike title 16.

AMENDMENT NO. 3630

Strike title 17.

AMENDMENT NO. 3631

Strike title 18.

AMENDMENT NO. 3632

Strike title 19.

AMENDMENT NO. 3633

Strike title 20.

AMENDMENT NO. 3634

Strike title 21.

AMENDMENT NO. 3635

Strike title 22.

AMENDMENT NO. 3636

Strike title 23.

AMENDMENT NO. 3637

Strike title 24.

AMENDMENT NO. 3638

Strike title 25.

AMENDMENT NO. 3639

Strike title 26.

AMENDMENT NO. 3640

Strike title 27.

AMENDMENT NO. 3641

Strike title 28.

AMENDMENT NO. 3642

Strike title 29.

AMENDMENT NO. 3643

Strike title 30.

AMENDMENT NO. 3644

Strike title 31.

AMENDMENT NO. 3645

Strike title 32.

AMENDMENT NO. 3646

Strike title 33.

AMENDMENT NO. 3647

Beginning on page 156, strike line 1 and all that follows through page 157, line 4, and insert the following:

SEC. 2008. WILDERNESS STUDY AREA STATUS.

Wilderness study areas administered by the Bureau of Land Management in the State of Utah shall be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

AMENDMENT NO. 3648

On page 156, line 9, strike ''by this Title''.

AMENDMENT NO. 3649

On page 166, line 22, strike ''the Sand Hollow'' and all that follows through page 167, line 1, and insert ''lands identified for disposal or exchange by the Secretary pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.),''.

NUNN AMENDMENT NO. 3650

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendment, add the following:

TITLE —MISCELLANEOUS

SEC. . ASSISTANCE FOR HIGHWAY RELOCATION IN GEORGIA.

Section 1(c) of the Act entitled ''An Act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia'', approved December 24, 1987 (Public Law 100–211; 101 Stat. 1442), is amended by striking ''$30,000,000'' and inserting ''$51,900,000''.

HUTCHISON AMENDMENT NO. 3651

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

Add at the end the following:

TITLE XXXIV—LOS CAMINOS DEL RIO NATIONAL HERITAGE AREA

SEC. 3401. SHORT TITLE.

This title may be cited as the ''Los Caminos del Rio National Heritage Area Act of 1996''.

SEC. 3402. FINDINGS.

Congress finds that—

(1) along the Lower Rio Grande on the border between Texas and Mexico, from Laredo, Texas, to the Gulf of Mexico, a distinctive heritage is exhibited through resources of immense economic, natural, scenic, historical, cultural, and recreational value to the citizens of the United States and the United Mexican States;

(2) significant historical themes and resources of local, State, national, and international importance characterize the river communities and counties along the Lower Rio Grande, representing—

(A) early 16th- and 17th-century Spanish and French explorations;

(B) 18th-century river settlements founded by José de Escandón under the Spanish Crown;

(C) 18th-century ranches that gave birth to the American cowboy;

(D) Texas independence and establishment of the Republic of the Rio Grande in 1840;

(E) the first battle of the Mexican-American War at Palo Alto in 1846;

(F) the last land battle of the American Civil War, fought near the mouth of the Rio Grande in 1865;

(G) a thriving steamboat trade in the late 19th century; and

(H) the development of the Rio Grande Valley as an agricultural empire;

(3) the Lower Rio Grande is 1 of the most complex ecological systems in the United States, with 10 habitat types that host a remarkable variety of species, including 600 species of vertebrates and 11,000 species of plants;

(4) many local and regional governments, Federal and State agencies, businesses, private organizations, and citizens in the United States and Mexico have expressed a desire to work cooperatively to preserve and enhance the most significant components of the natural and cultural heritage throughout the region, while providing for sustainable growth and development; and

(5) it is in the best interest of the citizens of the United States that the Federal Government lend aid and assistance to the State of Texas and its political subdivisions, Los Caminos del Rio of Texas, Incorporated, and other agencies and organizations in developing a management plan to ensure the development, preservation, and restoration of the historical, cultural, natural, scenic, and recreational resources of the Lower Rio Grande region of Texas.

SEC. 3403. PURPOSES.

The purposes of this title are—

(1) to recognize the special importance of the Lower Rio Grande region as a living historical legacy of the United States and Mexico containing a wealth of cultural, historical, and heritage resources important to the development of both countries; and

(2) to provide a new conceptual framework and administrative structure for assisting the State of Texas and its political subdivisions, Federal agencies, and other organizations, and private property owners, within the United States and Mexico, in the development and implementation of integrated heritage and economic resource policies and programs that will—

(A) establish stronger, clearer connections between Federal, State, and local agencies with programs for cultural conservation, international relations, transportation, economic development, and natural systems;

(B) provide technical assistance to heritage area communities, organizations, and private property owners for historic preservation, heritage education, interpretation, tourism development, environmental restoration and community development;

(C) cultivate a consensus vision for the heritage area, based on public dialogue, that advocates intergenerational responsibility and sustainable growth in a manner that is consistent with the other purposes of the heritage area;

(D) promote international understanding and cooperation between Mexico and the United States;

(E) enhance the economic base of heritage area communities through heritage tourism, conservation, and development actions as a means of creating an entrepreneurial climate by expanding job opportunities, supporting businesses, creating capital, and increasing local tax bases;

(F) elevate cultural pride and local understanding for heritage resources through the development and management of regional interpretation and educational programs that connect people with resources, activities, and organizations; and

(G) create partnerships between public and private entities and private property owners to finance projects and initiatives throughout the Lower Rio Grande through which limited Federal, State, and local capital contributions for planning and infrastructure investments will stimulate private sector contributions.

SEC. 3404. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''heritage area'' means the Los Caminos del Rio National Heritage Area, as determined eligible for designation under section 3405 and established by section 3406.

(2) HERITAGE PARTNERSHIP.—The term ''heritage partnership'' means the public-private administrative entity established for the heritage area under section 3407.

(3) HERITAGE STUDY.—The term ''heritage study'' means the report entitled ''Los Caminos del Rio Heritage Area Study'', prepared by the task force, which contains—

(A) an inventory of natural, historical, cultural, and recreational resources along the heritage area and their relative value and significance;

(B) recommendations for the creation of a partnership that will coordinate activities within the heritage area; and

(C) strategies and proposed actions to protect and enhance the most significant and meaningful components of the natural and cultural heritage of the heritage area while providing for sustainable growth and development and protection of the rights of owners of private property in the heritage area.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 3408.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TASK FORCE.—The term ''task force'' means the State task force for the Los Caminos del Rio Heritage Project appointed by the Governor of the State of Texas, which is—

(A) composed of representatives of the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department; and

(B) charged with working in coordination with public- and private-sector efforts to determine efficient methods to accomplish the development of the Los Caminos del Rio Heritage Project.

SEC. 3405. CRITERIA FOR DESIGNATION.

An area shall be eligible for designation as a heritage area under this title only if the area meets each of the following criteria:

(1) ASSEMBLAGE OF RESOURCES.—The area is a cohesive assemblage of natural, historic, cultural, or recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use; and

(B) are best managed through partnerships between public and private entities.

(2) TRADITIONS, CUSTOMS, BELIEFS, OR FOLKLIFE.—The area reflects traditions, customs, beliefs, or folklife, or any combination thereof, that are a valuable part of the story of the United States.

(3) CONSERVATION OF NATURAL, CULTURAL, OR HISTORIC FEATURES.—The area provides outstanding opportunities to conserve natural, cultural, or historic features, or any combination thereof.

(4) RECREATIONAL AND EDUCATIONAL OPPORTUNITIES.—The area provides outstanding recreational and educational opportunities.

(5) THEMES AND INTEGRITY OF RESOURCES.—The area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) SUPPORT.—Residents, owners of private property included in the proposed area, nonprofit organizations, other private entities, and governments throughout the proposed area—

(A) demonstrate support for designation of the area and for management of the area appropriate to the designation; and

(B) are willing to commit to the implementation of the compact for the area as described in section 3407(e).

SEC. 3406. ESTABLISHMENT OF LOS CAMINOS DEL RIO NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—Subject to section 3405, the Secretary shall establish in the State of Texas the Los Caminos del Rio National Heritage Area.

(b) BOUNDARY.—Subject to the agreement of owners of private property included in the proposed area, the heritage area shall only be comprised of Cameron County, Hildalgo County, Starr County, Webb County, and Zapata County, Texas, as depicted on the map entitled ''Los Caminos del Rio National Heritage Area'', which shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and the Texas Historical Commission in Austin, Texas.

(c) PUBLICATION OF LEGAL DESCRIPTION AND MAP.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a legal description and map of the proposed boundaries of the heritage area and the date on which the boundaries will become final.

(d) AGREEMENT OF PRIVATE PROPERTY OWNERS.—

(1) NOTIFICATION.—As soon as practicable after the date of enactment of this Act, the Secretary shall provide the owner of any private property included in the proposed boundaries of the heritage area—

(A) notification that the property is proposed for inclusion in the heritage area; and

(B) information about the heritage area that will allow the owner to make an informed decision as to whether to include the owner's property in the heritage area.

(2) WRITTEN AGREEMENT.—The Secretary shall attempt to obtain a written agreement from the owner of any private property included in the proposed boundaries of the heritage area that the property may be included in the heritage area.

(3) FINALIZATION DATE.—Not later than the date published under subsection (c) as the date on which the boundaries will become final, the Secretary shall declare the boundaries of the heritage area final.

(4) FINAL BOUNDARIES.—The final boundaries of the heritage area may not include any private property for which the Secretary did not obtain agreement from the owner of the property under paragraph (2).

SEC. 3407. HERITAGE PARTNERSHIP.

(a) PARTICIPATION BY THE SECRETARY.—The Secretary shall participate in an administrative entity to be known as the ''heritage partnership'' (which shall not constitute a partnership in a legal sense) that includes representatives of—

(1) Los Caminos del Rio of Texas, Incorporated;

(2) the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department;

(3) residents of the heritage area and owners of private property included in the area;

(4) public and private organizations dedicated to cultural conservation, community development, tourism, education, private property rights, business, interpretation, or the environment;

(5) the National Park Service and United States Fish and Wildlife Service; and

(6) pertinent entities in Mexico as ex officio members.

(b) PURPOSE.—The heritage partnership shall unite the task force, participating Federal agencies, Los Caminos del Rio of Texas, Incorporated, and other heritage partners in a single organization to effectively blend government technical expertise with private sector resourcefulness and understanding of local issues and values and provide essential coordination and leadership for the heritage area.

(c) ESTABLISHMENT.—The executive committee of the board of directors for Los Caminos del Rio of Texas, Incorporated, and the executive directors representing the task force, including the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department, or their designees, shall facilitate the establishment of the heritage partnership.

(d) ACTIVITIES.—

(1) COORDINATION.—The heritage partnership shall provide overall coordination of the various entities and funding sources relevant to the purposes of the heritage area.

(2) MISSION.—The primary mission of the heritage partnership shall be to—

(A) facilitate development and implementation of a management plan;

(B) provide technical assistance and leverage financial assistance for heritage area communities and resource areas;

(C) coordinate existing and potential activities and programs that encourage positive development of the region; and

(D) become a self-sustaining entity.

(e) COMPACT.—

(1) DEVELOPMENT.—The members of the heritage partnership shall develop a compact that identifies the initial partners to be involved in developing and implementing the management plan and a statement of the financial commitment of the partners.

(2) PROHIBITION ON LAND USE RESTRICTIONS.—The compact may not require the enactment or modification of land use restrictions.

(f) PUBLIC MEETINGS.—The heritage partnership shall conduct public meetings at least quarterly regarding the implementation of the management plan for the heritage area.

(g) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The heritage partnership may not use Federal funds received under this title to acquire real property or an interest in real property.

(h) DURATION OF ELIGIBILITY FOR ASSISTANCE.—The heritage partnership shall be eligible to receive assistance from funds appropriated under this title for a 13-year period beginning on the date on which the Secretary approves a compact under this section.

SEC. 3408. HERITAGE AREA MANAGEMENT PLAN.

(a) PREPARATION.—Subject to sections 3412 and 3414, the heritage partnership, in conjunction with private landowners within the heritage area, local governments, Federal and State agencies, and the public, shall develop a management plan to ensure proper management of significant cultural and heritage resources within the heritage area in a manner that is compatible with, and supportive of, natural, cultural, scenic, educational, recreational, and economic values of the resources and takes into account the existing uses of land within the area and any development already planned or in progress.

(b) COMPONENTS.—Subject to sections 3412 and 3414, the management plan shall include—

(1) recommended policies and techniques for resource management, including development of intergovernmental cooperative agreements to protect historical, cultural, recreational, scenic, and heritage resources of the heritage area in a manner that is consistent with, and supportive of, compatible economic revitalization efforts;

(2) goals, criteria, and standards applicable to the preservation and use of important cultural and heritage resources of the heritage area;

(3) a regional heritage education and interpretive plan to address the cultural and natural history of the heritage area, including actions to enhance visitor use and understanding and promote protection and awareness of the heritage area resources in schools located in the heritage area;

(4) an inventory that identifies properties in the heritage area that should be preserved, restored, managed, developed, or maintained, because of their natural, cultural, historical, or scenic significance, with recognition of the rights of private landowners and traditional land users;

(5) an implementation program for the plan that includes actions and responsibilities of the heritage partnership, local governments, and Federal and State agencies, as agreed on by the parties and private landowners within the heritage area; and

(6) a coordination and consistency component that describes the ways in which private, local, State, and Federal programs will be coordinated to promote the purposes of this title and protect the interests of private landowners within the heritage area.

(c) PRIVATE PROPERTY OWNERS NOT INCLUDED IN THE HERITAGE AREA.—The inventory under subsection (b)(4) may not include any reference to private property that was not included in the final boundaries of the heritage area under section 3406(d)(4).

SEC. 3409. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The heritage area designation of an area under this title shall continue unless—

(1) the Secretary determines that—

(A) the heritage area no longer meets the criteria referred to in section 3405;

(B) the use, condition, or development of the area is inconsistent with the criteria referred to in section 3405, the compact for the area, or the management plan for the area; or

(C) as demonstrated by a request from the Governor of the State of Texas or a petition reflecting the interest of residents or owners of land in the area, the heritage area is no longer supported by the residents or owners of land in the area; and

(2) after making a determination referred to in paragraph (1), the Secretary submits to Congress notification that the heritage area designation of the area should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding a heritage area, the Secretary or a designee shall hold a public hearing within the area.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—The withdrawal of the heritage area designation of an area shall become final 90 legislative days after the Secretary submits to Congress the notification referred to in subsection (a)(2) regarding the area.

(d) RESTRICTIONS ON REDESIGNATION.—If the heritage area designation of any area under this title is withdrawn, the area may not be redesignated as a heritage area before the expiration of the 10-year period beginning on the date of the withdrawal. In the case of any heritage area that is redesignated, the length of time the area shall be eligible for Federal funds under this title shall be the excess (if any) of 15 years over the amount of time for which the area was previously eligible for Federal funds under this title.

SEC. 3410. DUTIES OF THE SECRETARY OF THE INTERIOR.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the heritage partnership, the Secretary shall provide technical and financial assistance to the heritage partnership in the preparation and implementation of any plan or research recommended in the heritage study or management plan.

(2) LAND USE RESTRICTIONS.—The Secretary shall not, as a condition to the award of technical and financial assistance under paragraph (1), require any recipient of assistance to enact or modify any land use restriction.

(b) COORDINATION WITH MEXICO.—The Secretary may work in cooperation with the government of Mexico (including providing technical assistance) to coordinate planning, interpretation, and implementation activities as recommended in the heritage study or management plan.

SEC. 3411. DUTIES OF OTHER FEDERAL ENTITIES.

To avoid any decision or action by any department, agency, or instrumentality of the United States that could unfavorably affect or alter any significant resource of the heritage area having substantial natural, scenic, historical, cultural, or recreational value, the head of the department, agency, or instrumentality shall—

(1) notify the Secretary, and before taking final action with respect to implementing any such decision or action, allow the Secretary 30 days in which to present the Secretary's views on the matter;

(2) cooperate with the Secretary and the heritage partnership in carrying out their duties under this title and, to the maximum extent practicable, coordinate activities of the department, agency, or instrumentality that affect the heritage area with the carrying out of those duties; and

(3) cooperate with the heritage partnership, to the greatest extent practicable, in supporting the purposes of the heritage area.

SEC. 3412. NO EFFECT ON LAND USE REGULATION.

(a) NO EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land as provided for by law.

(b) NO ZONING OR LAND USE POWERS IN THE HERITAGE PARTNERSHIP.—Nothing in this title grants powers of zoning or land use to the heritage partnership.

SEC. 3413. FISHING AND HUNTING SAVINGS CLAUSE.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—Establishment of the heritage area does not diminish the authority of the State of Texas to manage fish and wildlife inside or outside the heritage area.

(b) NO CONDITIONING OF APPROVAL AND ASSISTANCE.—Neither the Secretary nor any other Federal agency may—

(1) make any limitation on agriculture, hunting, fishing, or trapping a condition for the approval of a compact or the determination of eligibility for assistance under this title; or

(2) make any such limitation a condition for the receipt, in connection with the heritage area, of any other form of assistance.

SEC. 3414. PUBLIC PROPERTY PROTECTION.

(a) LIMITATION ON INCLUSION OF PUBLIC PROPERTY IN HERITAGE AREAS.—

(1) IN GENERAL.—No property owned by a unit of local government shall be included in the heritage area unless the local government agrees that the property may be included and notifies the Secretary of the agreement in writing.

(2) REMOVAL.—If at any time after inclusion of property in the heritage area owned by a unit of local government the local government that submitted a notification under paragraph (1) requests to be removed from the heritage area, the members of the heritage partnership shall revise the compact to exclude the property from the heritage area.

(b) PROHIBITION OF ASSISTANCE IF HERITAGE PARTNERSHIP EXERCISES ZONING OR LAND USE POWERS.—The Secretary may not provide grants or technical assistance under this title with respect to any heritage area if the heritage partnership for such area possesses or exercises any zoning or land use regulation powers.

(c) PRIVATE PROPERTY.—

(1) IN GENERAL.—Nothing in this title—

(A) requires an owner of private property to participate in or be associated with the heritage area or to permit public access to the private property; or

(B) modifies any provision of State law with regard to public access to or use of private land.

(2) LIMITATION ON INCLUSION IN HERITAGE AREAS.—No privately owned property shall be included in the heritage area unless the owner of the property agrees to include the property under section 3406(d).

(3) CONSENT OF OWNERS.—A Federal employee may not enter or otherwise take an action on private property to carry out this title without the written consent of the owner of the property.

(4) ACQUISITION OF PROPERTY.—A heritage partnership for the heritage area may not acquire real or personal property, or any interest in the property, without the written consent of the owner of the property.

(5) PROPERTY VALUES.—A Federal agency or employee may not take an action under this title that would diminish the value of private property.

(6) REMOVAL.—

(A) IN GENERAL.—If at any time after inclusion of privately owned property in the heritage area the owner of the property requests to be removed from the heritage area, the members of the heritage partnership shall revise the compact to exclude the property from the heritage area.

(B) FINALIZATION.—Exclusion of private property under subparagraph (A) shall be final on the mailing to the Secretary of a written request by the owner to be removed from the heritage area.

(d) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—No provision of this title shall be construed to modify any authority of Federal, State, or local government to regulate land use.

(e) NOTIFICATION ON MAPS.—All maps and brochures prepared under this title shall specify any lands within the heritage areas that are private lands.

SEC. 3415. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.

This title does not—

(1) require the imposition of any environmental, occupational, safety, or other regulation, standard, or permit process that is different from those that would be applicable had the heritage area not been established;

(2) require the imposition of any Federal or State water use designation or water quality standard on uses of, or discharges to, waters of a State or waters of the United States, within or adjacent to a heritage area, that is different from those that would be applicable had the heritage area not been established;

(3) affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers;

(4) authorize or imply the reservation or appropriation of water or water rights; or

(5) abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for the permitting of facilities within or adjacent to the heritage area.

SEC. 3416. MULTIPLE USE SAVINGS CLAUSE.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—This title does not diminish the authority of the State of Texas to manage fish and wildlife, including the regulation of fishing and hunting within the heritage area.

(b) NO CONDITIONING OF COMPACT AND ASSISTANCE.—The Secretary may not require limitations on any multiple use on Federal land (including oil and gas, exploration and production, timbering, grazing, mining, irrigation, recreation, fishing, hunting, or trapping) as a condition for approval of a compact under section 3407 or the provision of technical or financial assistance under section 3410.

SEC. 3417. REPORT.

On or before the last day of the 5th fiscal year beginning after the date of enactment of this Act and of each 5th year thereafter, the Secretary shall submit to Congress a report on the status and accomplishments of the heritage area.

SEC. 3418. AUTHORIZATION OF APPROPRIATIONS.

(a) HERITAGE PARTNERSHIP.—There are authorized to be appropriated to the heritage partnership to carry out its duties under this title such sums as are necessary for each fiscal year.

(b) LIMITATION.—Assistance under this title for a management plan may not exceed 75 percent of the cost for such plan.

(c) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this title.

SEC. 3419. EXPIRATION OF AUTHORITIES.

The authorities contained in this title shall expire on September 30 of the 15th fiscal year beginning after the date of enactment of this Act.

BINGAMAN AMENDMENT NO. 3652

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

Purpose: To modify the boundaries of the White Sands National Monument and the White Sands Missile Range, New Mexico, to modify the boundary of the Bandelier National Monument, New Mexico, and for other purposes.

At the appropriate place, add the following:

TITLE —

SECTION 1. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White sands Missile Range.

(b) DEFINITION.—In this section:

(1) MISSILE RANGE.—The term ''missile range'' means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term ''monument'' means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled ''White Sands National Monument, Boundary Proposal'', numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for any non-Federal land within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency or to the State or a political subdivision of the State, without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. 2. BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for any non-Federal land within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency or to the State or a political subdivision of the State, without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. 2. BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress find that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprising approximately 4.47 acres depicted on the map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

DOLE AMENDMENT NO. 3653

Mr. DOLE proposed an amendment to the motion to commit to the Committee on Finance the bill H.R. 1296, supra; as follows:

Strike the instructions in the pending motion and insert in lieu thereof ''To report back by April 21, 1996 amendments to reform welfare and Medicaid effective 1 day after the effective date of the bill.''

DOLE AMENDMENT NO. 3654

Mr. DOLE proposed an amendment to amendment No. 3653 proposed by him

to the motion to Commit to the committee on Finance the bill H.R. 1296, supra; as follows:

Strike all after the first word in the amendment to the instructions to the pending motion and insert in lieu thereof ''Report back by April 21, 1996 amendments to reform welfare and Medicaid effective 2 days after the effective date of the bill.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 11 a.m. on Tuesday, March 26, 1996, in open session, to receive testimony on atomic energy defense activities under the purview of the Acting Under Secretary, Department of Energy.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. 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 Tuesday, March 26, 1996, to conduct a nominations hearing on the following nominees: the Honorable Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System; the Honorable Alice Rivlin, of Pennsylvania, to be a Governor and serve as Vice Chairman of the Board of Governors of the Federal Reserve System; and Laurence Meyer, of Missouri, to be a Governor of the Board of Governors of the Federal Reserve System. Witnesses will include Ralph Nader, consumer advocate.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, March 26, 1996 session of the Senate for the purpose of conducting a hearing on the fiscal year 1997 NASA budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 26, 1996, at 10 a.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 26, 1996, at 9:30 a.m. for a hearing on the IRS oversight.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 26, 1996, at 2 p.m. in SH–219 to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate at 9:30 a.m., Tuesday, March 26, 1996, for a hearing on ''Filling the Gap: Can Private Institutions Do It?''.

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

SUBCOMMITTEE ON SEAPOWER

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet on Tuesday, March 26, 1996, at 2:30 p.m., in open session, to receive testimony on the Department of the Navy's Marine Corps programs in review of the Defense authorization request for fiscal year 1997 and the future years defense program.

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

CONGRATULATING THE AMERICAN LEGION POST NO. 88 IN LOUDON, NH ON THEIR 50TH ANNIVERSARY

Mr. SMITH. Mr. President, I rise today to pay tribute to the American Legion Post No. 88 in Loudon, NH on their 50th anniversary.

On January 18, 1946, the American Legion Post No. 88 applied for their first charter. Exactly a month later, the members of Post No. 88 held their first meeting and began planning activities for the community. The original Post No. 88 application had 15 names including H.L. Annis, C.H. Derby, C.B. Hall, S.B. Hall, W.G. Harrison, Laura A. Hayward, R.C. Lovering, W.L. Manchester, G.P. Marcotte, H. McCoy, P.E. Morrill, P.W. Ordway, L.C. Palmer, D.P. Reardon and D.B. Stuart. W.L. Manchester was first the Commander of Post No. 88. This milestone of 50 years is a significant accomplishment for all the post members.

The members of Post No. 88 have become an integral part of the Loudon community and donate hundreds of hours of service to their community each year. So many veterans, children and needy families have been touched by the assistance these legionnaires provide through their volunteer work. They visit fellow veterans in local hospitals, coordinate youth programs and are involved with numerous Boy Scout and 4–H groups who use the post headquarters for meetings. Post No. 88 also participates in the nationwide legion efforts which include: sponsoring students for both Boys and Girls State, sponsoring poster contests that focus on patriotism in local schools, writing and mailing letters to American troops in Bosnia, recycling, collecting eyeglasses for the needy, helping the elderly with housing, and making quilts for at-risk children. All the members of Post No. 88 deserve a special word of appreciation for serving the Loudon and Concord communities so diligently. Many people have greatly benefited from their goodwill and charity.

Fifty years ago, Post No. 88 opened its doors to the town of Loudon. Just last month, exactly 50 years later, a special anniversary program for Post No. 88 was held in the original building on South Village Road. In fact, one of charter members of the auxiliary unit, Marion Stuart, attended the ceremony.

We are truly fortunate to have such a caring group of individuals at the American Legion Post No. 88. For half a century, these members have exemplified goodwill and concern for their needy neighbors and their efforts will no doubt continue for the next 50 years. As a veteran, I congratulate Post No. 88 on their steadfast service to Loudon and Concord. New Hampshire is truly indebted to the Loudon American Legion Post No. 88.

NATIONAL DOMESTIC VIOLENCE HOTLINE

● Mr. WELLSTONE. Mr. President, 2 weeks ago, I came to the floor to announce the realization of another component of our initiative to prevent violence against women—the national domestic violence hotline. At that time, I indicated that I would come to the floor every day for 2 weeks, whenever my colleagues would be kind enough to give me about 30 seconds of time, to read off the 800 number of the hotline.

The toll-free number, 1–800–799–SAFE, will provide immediate crisis counseling, and local shelter referrals to women across the country, 24 hours a day. There is also a TDD number for the hearing impaired, 1–800–787–3224.

Mr. President, roughly 1 million women are victims of domestic violence each year and battering may be the single most common cause of injury to women—more common than auto accidents, muggings, or rapes by a stranger. According to the FBI, one of every two women in America will be beaten at least once in the course of an intimate relationship. The FBI also speculates that battering is the most under-reported crime in the country. It is estimated that the new hotline will receive close to 10,000 calls a day.

I hope that the new national domestic violence hotline will help women and families find the support, assistance, and services they need to get out of homes where there is violence and abuse.

Mr. President, once again, the toll-free number is 1–800–787–3224, for the hearing impaired.●

COMMEMORATING GREEK INDEPENDENCE DAY

• Mr. BRADLEY. Mr. President, I rise today to commemorate Greek Independence Day—a national day of celebration of Greek and American democracy. Yesterday marked the 175th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

A historic bond exists between Greece and America, forged by our shared democratic heritage. America is truly indebted to the ancient Greeks for giving the world the first example of direct democracy. The philosophical and democratic influences of the ancient Greeks provides the inspiration for our democratic Government to flourish. It is therefore fitting that Members of this Chamber join in paying tribute to the long struggle for freedom that Greece endured.

On March 25, 1821, when Germanos, the archbishop of Patros, proclaimed Greek independence, another link between Greece and the United States was forged. The American revolution served as a model for the Greek struggle for freedom and when the Declaration of Independence, translated into Greek, served as the declaration of the end of the Greek struggle, a circle was completed.

The interconnection between Greek and American democracies lies not only in the philosophical underpinnings of our Government, but in many areas of American life. Percy Bysshe Shelley once said, ''We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.'' The tremendous influence that Greece has had on American life continues today through the activities of the vibrant Greek community in America. In every field—politics, entertainment, business and education—Greek-Americans continue to contribute to American life.

In particular, I wish to pay tribute to the Greek-American community in New Jersey. Groups that are leaders in the New Jersey Greek Community include: the Greek American Chamber of Commerce of New Jersey, the Greek American Voters League of New Jersey, the Hellenic American Bar Association of New Jersey, the Pan Gregorian Enterprises & Foundation, P.G.E.I. of America Charitables Foundation, Inc., the Council Generals of Greek Cypriot, the Order of AHEPA and the Joint Public Policy Committee of Hellenic American Women. On behalf of these organizations, the Greek community in New Jersey and all Americans of Greek descent, I am honored to pay tribute, on behalf of the Nation, to the Greek community during the celebration of their independence day.•

CONGRATULATING THE LONDONDERRY HIGH SCHOOL MARCHING BAND FOR BEING SELECTED TO PARTICIPATE IN THE ROSE PARADE

• Mr. SMITH. Mr. President, I rise today to congratulate the students of the Londonderry High School Marching Band and Colorguard who will be representing the State of New Hampshire in the 1997 Rose Parade next January. All the band members including Andrew Soucy, the band's director, deserve special commendation for their hard work and achievement.

Being selected for the Tournament of Roses Parade is quite an honor for a high school band. The Lancer Marching Band has a proud tradition of representing the Granite State in parades across the country. They have also performed in Washington, DC, for the St. Patrick's Day Parade, at Foxboro Stadium for the New England Patriots football team, and this will be the second time the Londonderry Lancers will appear in the Pasadena Tournament of Roses Parade. The Lancers should be very proud of their efforts because only the very best bands in the country are asked to participate in this nationally recognized New Years Day parade.

The young men and women of the Lancer Band and Colorguard demonstrate the hard work and dedication that is characteristic of the Granite State students. As special participants in the Tournament of Roses Parade, these students have proven that determination and teamwork are the hallmark of success both as musicians and students. We are honored to have the Lancer Band and Colorguard representing New Hampshire with their outstanding musical performances.

Mr. President, I want to express my thanks to both the students and faculty at Londonderry High School for their commitment to excellence. Congratulations again on such a magnificent accomplishment.•

SHERMAN JUNIOR HIGH SCHOOL, A 1996 NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE

• Mr. ROCKEFELLER Mr. President, I want to take this opportunity to recognize Sherman Junior High School of Seth, WV. This institution was recently selected as a 1996 National Blue Ribbon School of Excellence by the U.S. Department of Education. It was 1 of 6 secondary schools in my State to garner this prestigious award, and 1 of only 216 public schools from throughout the United States to get this recognition.

Sherman Junior High School's motto is ''We believe, we achieve, we succeed.'' It is thoughtful, provocative and obviously works. For if believing in yourself defines your ability to succeed, let me share with everyone a little taste of the tremendous feats this school has accomplished.

Sherman Junior High School is nestled in a remote southern portion of my State in Boone County, a rural Appalachia county in our legendary coal fields. The geography of this region is challenging. The coal industry dominates the local economy and has a history of sporadic employment which affects the families and the community greatly, including school enrollment and student attendance.

There are more than 200 students enrolled in Sherman Junior High School and most of them have to be bused over narrow, rough roads within a 20-mile radius of the school. Many ride these buses for almost an hour each way, and more than half of the students qualify for free or reduced lunches. Because these students live in a rural, isolated area, the school is their primary center for most activities ranging from cultural events to sports which are crucial activities to help young people make the transition into adulthood.

Under the leadership and support of Principal John Hudson, the creative staff of Sherman Junior High shared their facilities with the local high school, but maintained their autonomy with a separate administration and faculty. This gives the students a sense of community, while also having access to more facilities and high school programs for students ready to accept more challenging programs. For example, many junior high students have an opportunity to learn basic computer and word processing skills. They can also take advanced academic classes, like a foreign language. Having enhanced opportunities obviously makes a difference in the lives of these young people, because almost 70 percent of the students of Sherman Junior High School score above the 50 percentile on their annual CTBS tests.

This is a time when public education faces many challenges—dwindling resources, intense public debates over the proper role of public education, and integrating new technologies into schoolrooms and teaching. Sherman Junior High is a school that is facing such challenges. The enthusiastic and caring teachers and administrators are committed to providing our students with the quality education. As a National Blue Ribbon School, Sherman Junior High is a role model on how teachers, administrators, parents, and students can come together and create an educational environment that helps young people excel. Every member of Sherman Junior High School should be proud of the accomplishments achieved. It is my pleasure to publicly congratulate this school for its community spirit and academic success. I know this school will keep up the good work, and continue to represent West Virginia proudly.•

MINIMUM WAGE

Mr. BIDEN. Mr. President, I come to this debate on the minimum wage from a different perspective than some of my colleagues here today. In January of this year, my State of Delaware decided to raise the minimum wage, after

a debate a lot like the one we are hearing today.

We like to think that Delaware is a special place, Mr. President, and in many ways it is. But it is also a lot like the rest of the country. We have big businesses and small, we have world-class high-technology businesses in chemicals and pharmaceuticals, a cutting-edge financial service sector and—a lot of my colleagues are surprised when I tell them this—a major agricultural sector.

With that kind of diversity, I think Delaware has something to teach the rest of the country. We are, after all, the first State to ratify the Constitution, so we think our example is worth following.

The proposal we adopted in Delaware is much like the one before the Senate today. The proposal before us today would call for a two-step increase in the minimum wage, from the current $4.25 an hour to $5.15. In Delaware, we also chose a two-step increase, from $4.25 to $5.00.

In my State, that increase will directly affect over 30,000 Delawareans and their families, 9.5 percent of the work force, just a little below the national average of 11.5 percent who currently work for the minimum wage.

So Delaware is like the rest of the country, Mr. President, just a little bit ahead of everybody else when it comes to addressing the problem of stagnant family incomes in general and the shrinking value of the minimum wage in particular.

And that is what I would like to talk about today, Mr. President—the puzzle of why, in a growing economy, with rising productivity and rising profits, a full-time job for hard-working adults has failed to provide a rising standard of living.

The minimum wage itself provides one important illustration of this disturbing trend. Since 1991, the last time we raised the minimum wage—with a bipartisan majority, Mr. President, and signed into law by President Bush—the real spending power of the minimum wage has dropped nearly 50 cents.

If we fail to raise the minimum wage, it will drop to a 40-year low when this year is over. Right now, you can put in a full 40-hour workweek, 52 weeks a year, and take home just $8,840, just three-quarters of the poverty level for a family of three.

For those families, with a full-time worker, the current minimum wage is not even the minimum they need to stay out of poverty. That is something we cannot forget as we search for ways to convince more people to stay off of welfare and to turn away from crime.

There are, unfortunately, other examples of the declining rewards of hard work for so many American families.

It is not just those wage earners who are working to keep themselves and their families out of poverty who have seen their incomes stuck, who are running as fast as they can just to keep from falling further behind.

Mr. President, the median wage—the real middle income statistically speaking—is actually 5 percent less this year than it was in 1979. This is happening in an economy that has been growing at about 2.5 percent over the same time.

Where has all that growth been going? Who has gained from the growth in the economy? Between 1977 and 1992, the lowest 20 percent of American families saw their incomes drop 17 percent. But the top 20 percent enjoyed a 28-percent increase, and the top 1 percent saw their incomes shoot up 91 percent—virtually doubling.

So there has been growth, Mr. President, but the distribution of that growth among working families has been increasingly unequal.

Now, I for one do not think that human nature has changed all that much in the last 20 to 25 years. I do not think the richest 1 percent are suddenly twice as smart as they used to be, or that workers at the other end of the scale decided to become less productive.

Something else is going on, Mr. President, something more fundamental and far reaching than a simple business cycle, perhaps something we have seen only a couple of times before in our Nation's economic history. There is a lot of evidence that the economy no longer functions the way it used to, that it no longer provides the stable, middle-income jobs that built America's middle class after World War II.

As someone who has put his faith in the free enterprise system, Mr. President, I am inclined to see these changes as part of the way this system works—changing markets, changing products, changing skills have always been a key feature of the American economy.

But while Americans have a strong tolerance—even an appetite—for the dynamic shifts that characterize our economic system, they have an equally strong sense of fairness. Americans expect that hard work will be rewarded—not with riches, maybe, but certainly with a little security and a little comfort.

For far too many Americans, Mr. President, our system is providing far too much of those dynamic changes and far too little fairness.

I don't want my colleagues to forget that the absolute, bedrock requirement of our democratic system is the belief by the majority of our people that they are being treated fairly. Because this is not just a free enterprise economy, Mr. President, that we have here in America. We are blessed to have a system of popular government that provides and protects the property rights that are the foundation of our economy.

Take away that sense of fairness, take away the sense that at the end of the day, there is some justice in the way our capitalist democracy works, and people can start looking at other systems, other answers. The unhappy history of this century provides too many examples for us to blithely dismiss this problem.

It is not too much to say that the real bottom line that we have to keep our eyes on is on the balance sheet of fairness. No amount of national wealth can buy that sense of fairness, no list of statistics can substitute for it.

As an optimist, Mr. President, I do not believe we are facing an insurmountable crisis. In fact, by my reading, a large part of our history has been a pretty successful search for ways to balance the changing demands of a dynamic economy with the unchanging demand for some basic fairness, for some simple justice, in the way we reward work.

We can make work pay, and make work a realistic alternative to the wasteful choices of welfare or crime, that will surely cost us more than the modest minimum wage bill before us today.

So I urge my colleagues to follow the lead of my State of Delaware. Restore some of the historical value of the minimum wage, some of the justice that is the real bottom line in America.

EDMUND SIXTUS MUSKIE

Mr. PELL. Mr. President, I join my colleagues in paying respect to the memory of former Senator Edmund Muskie. He was a very productive Member of this body and he made great contributions to its deliberations and to the welfare of our Nation. I admired him very much.

I first came to know Ed Muskie when he was Governor of Maine and a delegate to our party's national conventions. I always found him to be a person of great common sense and practicality, traits that reflected his years of experience in the Maine State Legislature and before that as a city official in Waterville.

He was always a highly effective advocate for the interests of New England, and in that role as in other aspects of his wide ranging Senate career, he was capable of displaying his sense of righteous indignation in the interests of producing results.

Perhaps his greatest and most lasting contribution was his work in securing enactment of the Congressional Budget Act of 1974, and his subsequent service as the first chairman of the Senate Budget Committee. Here his practical vision saw the need for a consolidated legislative budget that coordinated and reconciled legislative appropriations with executive spending.

Ed Muskie's Senate career came to a sudden and surprising conclusion with his elevation to the office of Secretary of State in the Carter administration at the height of the Iraq crisis in 1980. It was a measure of Senator Muskie's statute in the Senate and in the Nation that President Carter turned to him at a time when circumstances called for a steady and authoritative hand.

It was a fitting climax to a career of exceptionally distinguished public service.

I join my colleagues in honoring the memory of Edmund Muskie and I extend my sympathy to his wife Jane, family and many associates in Maine and across the country.

ED MUSKIE: A TRIBUTE

Mr. HOLLINGS. Mr. President, I would like to take a moment to pay tribute to a colleague and friend of mine who has just recently passed away. To those of us who were here during the sixties and seventies, Edmund Muskie was more than a fellow legislator, he was a model of what a Senator should be. He was well liked and respected by all, and he listened to his constituents closely, and he effected change on their behalf.

To put it simply, Ed Muskie was the best. Today, with all the talk about the Government being too big, and all the public scorn for the establishment, it is easy to lose sight of the optimism that used to be a driving force of politics. Senator Muskie embodied that optimism; He looked upon government as an opportunity, as a solution to problems. Characteristically, he acted on these beliefs to get things done. He led the demand for fiscal responsibility. As the first chairman of the Senate Budget Committee in 1974, he virtually created the budget process. He will also be remembered as a great environmental legislator. The Clean Water Act, the Clean Air Act: these were not a part of Muskie's political agenda due to pressure from lobbyists or special interest groups. They were things that he believed were necessary, and so he made them happen.

I knew Ed Muskie long before I came to the Senate, and he always felt things keenly. I used to joke with him about what I called his righteous indignation, but I always respected the moral conviction and strength that lay behind it. Senator Muskie detested the influence of lobbies and partisanship, and what they were doing to politics. He was in government to do a good job, not to play games. He was—and in this city, this is a great compliment—a man who got things done. The principles that he lived by came through in his work, whether as a Senator, a Secretary of State or as a lawyer and statesman. He knew the importance of character and of listening to the voter.

In 1970, Senator Muskie gave a memorable speech in which he said: ''There are only two kinds of politics. They are not radical and reactionary, or conservative and liberal, or even Democratic and Republican. They are only the politics of fear and the politics of trust.'' As we head into another election year and another century, these are words to remember. Ed Muskie was a champion of the politics of trust. We will remember him fondly.

EDMUND SIXTUS MUSKIE

Mr. BIDEN. Mr. President, few who ever served in this body have been as universally mourned as those of us from both sides of the aisle who knew him will mourn our former colleague, Ed Muskie, who died here in Washington early this morning.

The reports already circulating on the news wire services and the obituaries that will appear in tomorrow's newspapers, all will make much, and rightly so, out of his long and distinguished service as a public man.

Few men or women in our history have contributed so much to the Nation as Ed Muskie did as a U.S. Senator for 21 years and as Secretary of State; few have contributed as much to their native State as Ed Muskie did as a member of the Maine House of Representatives and as Governor of the State he loved so much; and few have contributed as much to one of the major political parties as Ed Muskie did to the Democratic Party, which he served as a Vice Presidential candidate in 1968 and as chairman of the Democratic Senatorial Campaign Committee.

It is fitting that, upon his death just 2 days before his 82d birthday, Americans should be reminded of his long and faithful public service and leadership—but those of us who knew and served with Ed Muskie will remember him more familiarly as a man of principle, as a powerful personality, and, most of all, as our good friend.

One thing that I learned very quickly, serving with him on the Budget Committee and the Foreign Relations Committee, was that while he exhibited the gravitas—the character and substance—that might be expected of a man whose full given name was Edmund Sixtus Muskie, he was a very human, very good-humored man—most of the time—who was most comfortable simply as Ed Muskie, and who if he was your friend was your friend for life.

It is true that his good humor would sometimes momentarily desert him—he had a temper that verged on the volcanic, and he was capable of weeping public tears over an insult to the wife whom he loved—but those moments occurred, for the most part, because Ed Muskie never believed that a career in politics obliged his head to divorce his heart; despite a powerful intellect that won him a law degree, a Phi Beta Kappa key and a long, successful career both in law and in politics, he never believed that political feelings must somehow be set aside.

He was passionate about his politics—he believed the work we do here is important to improving the lives of Americans—and he believed that what he felt was as important to achieving that end as what he thought.

But though Ed Muskie sometimes wore his heart unashamedly on his sleeve, he was also very much a Yankee, very much a man of Maine, who put great stock in getting things done, and getting them done at the right price.

By that I am not referring so much to his chairmanship of the Budget Committee—although he certainly exerted a strong hand at that helm, often to the dismay of bureaucrats throughout the land and not infrequently to Senate colleagues who failed to make a strong enough case for their favorite program—no, for him, getting things done at the right price meant achieving that meld of idealism and realism which we often say a democratic system of Government requires but which few of us ever achieve with the grace and consistency of an Ed Muskie.

The people of Maine understood that as well as we did here in the Senate, and he understood and loved them, as well.

I remember him saying one time, ''in Maine, we tend not to speak unless we think we can improve upon the silence.''

Out of his wisdom, out of his passion, out of his drive to get things done, Ed Muskie often spoke up for Maine and for America—and we need only feel the silence of his passing gather about us now to know how much he improved upon it during a long and accomplished life.

In the words of William Shakespeare, ''he was a man, take him for all in all, [we] shall not look upon his like again.''

TRIBUTE TO SENATOR MUSKIE

Mr. BAUCUS. Mr. President, this morning we were sad to learn of the passing of one of our most distinguished former colleagues, Senator Edmund Muskie of Maine.

Ed Muskie served our Nation in many ways. He was a soldier. A Governor. The first chairman of the Budget Committee. The Secretary of State. The Democratic Party's candidate for Vice President.

He also was responsible, in large part, for one of the most positive and profound legislative achievements of postwar America: the passage of the environmental laws of the 1970's, to clean up our Nation's air, water, and waste.

Remember what things were like 25 years ago. We had experienced decades of industrial growth without environmental protection. Lead in the air caused brain damage in children. Toxic waste dumps all across the country caused cancer. The Cuyahoga River even caught fire.

Something had to be done. And, as chairman of the Environmental Protection Subcommittee of the Environment and Public Works Committee, Ed Muskie saw that it was. He worked tirelessly to create bipartisan support for landmark environmental laws.

The Clean Water Act, requiring rivers and streams to be fishable and swimmable; the Clean Air Act, cutting emissions from cars and factories; the Safe Drinking Water Act; the Endangered Species Act.

These laws are not perfect. But, on the whole, they have been remarkably successful. Our air is cleaner. Lead

emissions fell nearly 90 percent. To put it another way, we took nearly five ounces of lead out of the sky for every American man, woman, and child. Emissions of sulfur dioxide, carbon monoxide, and particulates are way down, and half as many Americans live in cities with unhealthy air as in 1970.

Our water is cleaner. You can swim without getting sick and eat the fish you catch in twice as many rivers and streams. Even the Cuyahoga River has revived, to become a center for tourism in downtown Cleveland. The bald eagle is back from the brink of extinction.

Overall, because of the work of Ed Muskie and his colleagues, our children are growing up in a more healthy and beautiful America.

Mr. President, I am reminded of the Latin epitaph on the tomb of Sir Christopher Wren, the architect of St. Paul's Cathedral. It's inside the cathedral, and it says, ''If you would see his memorial, look around.''

So it is with Ed Muskie. If you wish to see his memorial, look around you: at the air in our cities; at the Potomac River, or the Cuyahoga; at a cleaner environment from Maine to Montana; at a nation that is more healthy and more beautiful because of his work.

He was a great environmental statesman, and his passing diminishes us.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, March 25, 1996, the Federal debt stood—down-to-the-penny—at $5,063,054,197,564.33. On a per capita basis, every man, woman and child in America owes $19,141.70 as his or her share of that debt.

PUBLIC RANGELANDS MANAGEMENT ACT

The text of the bill (S. 1459) to provide for uniform management of livestock grazing on Federal land, and for other purposes, as passed by the Senate on March 21, 1996, is as follows:

S. 1459

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Public Rangelands Management Act of 1996''.

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments and repeals made by this Act shall become effective on the date of enactment.

(b) APPLICABLE REGULATIONS.—

(1) Except as provided in paragraph (2), grazing of domestic livestock on lands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, shall be administered in accordance with the applicable regulations in effect for each agency as of February 1, 1995, until such time as the Secretary of Agriculture and the Secretary of the Interior promulgate new regulations in accordance with this Act.

(2) Resource Advisory Councils established by the Secretary of the Interior after August 21, 1995, may continue to operate in accordance with their charters for a period not to extend beyond February 28, 1997, and shall be subject to the provisions of this Act.

(c) NEW REGULATIONS.—With respect to title I of this Act—

(1) the Secretary of Agriculture and the Secretary of the Interior shall provide, to the maximum extent practicable, for consistent and coordinated administration of livestock grazing and management of rangelands administered by the Chief of the Forest Service and the Director of the Bureau of Land Management, as defined in section 104(11) of this Act, consistent with the laws governing the public lands and the National Forest System;

(2) the Secretary of Agriculture and the Secretary of the Interior shall, to the maximum extent practicable, coordinate the promulgation of new regulations and shall publish such regulations simultaneously.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LAND

Subtitle A—General Provisions

SEC. 101. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) multiple use, as set forth in current law, has been and continues to be a guiding principle in the management of public lands and national forests;

(2) through the cooperative and concerted efforts of the Federal rangeland livestock industry, Federal and State land management agencies, and the general public, the Federal rangelands are in the best condition they have been in during this century, and their condition continues to improve;

(3) as a further consequence of those efforts, populations of wildlife are increasing and stabilizing across vast areas of the West;

(4) grazing preferences must continue to be adequately safeguarded in order to promote the economic stability of the western livestock industry;

(5) it is in the public interest to charge a fee for livestock grazing permits and leases on Federal land that is based on a formula that—

(A) reflects a fair return to the Federal Government and the true costs to the permittee or lessee; and

(B) promotes continuing cooperative stewardship efforts;

(6) opportunities exist for improving efficiency in the administration of the range programs on Federal land by—

(A) reducing planning and analysis costs and their associated paperwork, procedural, and clerical burdens; and

(B) refocusing efforts to the direct management of the resources themselves;

(7) in order to provide meaningful review and oversight of the management of the public rangelands and the grazing allotment on those rangelands, refinement of the reporting of costs of various components of the land management program is needed;

(8) greater local input into the management of the public rangelands is in the best interests of the United States;

(9) the western livestock industry that relies on Federal land plays an important role in preserving the social, economic, and cultural base of rural communities in the Western States and further plays an integral role in the economies of the 16 contiguous Western States with Federal rangelands;

(10) maintaining the economic viability of the western livestock industry is in the best interest of the United States in order to maintain open space and fish and wildlife habitat;

(11) since the enactment of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the amendment of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) by the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Secretary of the Interior and the Secretary of Agriculture have been charged with coordinating land use inventory, planning and management programs on Bureau of Land Management and National Forest System lands with each other, other Federal departments and agencies, Indian tribes, and State and local governments within which the lands are located, but to date such coordination has not existed to the extent allowed by law; and

(12) it shall not be the policy of the United States to increase or reduce total livestock numbers on Federal land except as is necessary to provide for proper management of resources, based on local conditions, and as provided by existing law related to the management of Federal land and this title.

(b) REPEAL OF EARLIER FINDINGS.—Section 2(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901(a)) is amended—

(1) by striking paragraphs (1), (2), (3), and (4);

(2) by redesignating paragraphs (5) and (6) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by adding ''and'' at the end; and

(4) in paragraph (2) (as so redesignated)—

(A) by striking ''harrassment'' and inserting ''harassment''; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 102. APPLICATION OF ACT.

(a) This Act applies to—

(1) the management of grazing on Federal land by the Secretary of the Interior under—

(A) the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.);

(B) the Act of August 28, 1937 (commonly known as the ''Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937'') (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.);

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.);

(2) the management of grazing on Federal land by the Secretary of Agriculture under—

(A) the 12th undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS.'' under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR.'' in the first section of the Act of June 4, 1897 (commonly known as the ''Organic Administration Act of 1897'') (30 Stat. 11, 35, chapter 2; 16 U.S.C. 551);

(B) the Act of April 24, 1950 (commonly known as the ''Granger-Thye Act of 1950'') (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 580l);

(C) the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.);

(D) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(E) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);

(F) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(G) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); and

(3) management of grazing by the Secretary on behalf of the head of another department or agency under a memorandum of understanding.

(b) Nothing in this title shall affect grazing in any unit of the National Park System, National Wildlife Refuge System or on any lands that are not Federal lands as defined in this title.

(c) Nothing in this title shall limit or preclude the use of and access to Federal land for hunting, fishing, recreational, watershed

management or other appropriate multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

(d) Nothing in this title shall affect valid existing rights. Section 1323(a) and 1323(b) of Public Law 96–487 shall continue to apply to nonfederally owned lands.

SEC. 103. OBJECTIVE.

The objective of this title is to—

(1) promote healthy, sustained rangeland;

(2) provide direction for the administration of livestock grazing on Federal land;

(3) enhance productivity of Federal land by conservation of forage resources, reduction of soil erosion, and proper management of other resources such as control of noxious species invasion;

(4) provide stability to the livestock industry that utilizes the public rangeland;

(5) emphasize scientific monitoring of trends and condition to support sound rangeland management;

(6) maintain and improve the condition of riparian areas which are critical to wildlife habitat and water quality; and

(7) maintain and improve the condition of Federal land for multiple-use purposes, including but not limited to wildlife and habitat, consistent with land use plans and other objectives of this section.

SEC. 104. DEFINITIONS.

IN GENERAL.—In this title:

(1) ACTIVE USE.—The term ''active use'' means the amount of authorized livestock grazing use made at any time.

(2) ACTUAL USE.—The term ''actual use'' means the number and kinds or classes of livestock, and the length of time that livestock graze on, an allotment.

(3) AFFECTED INTEREST.—The term ''affected interest'' means an individual or organization that has expressed in writing to the Secretary concern for the management of livestock grazing on a specific allotment, for the purpose of receiving notice of and the opportunity for comment and informal consultation on proposed decisions of the Secretary affecting the allotment.

(4) ALLOTMENT.—The term ''allotment'' means an area of designated Federal land that includes management for grazing of livestock.

(5) ALLOTMENT MANAGEMENT PLAN.—The term ''allotment management plan'' has the same meaning as defined in section 103(k) of Public Law 94–579 (43 U.S.C. 1702(k)).

(6) AUTHORIZED OFFICER.—The term ''authorized officer'' means a person authorized by the Secretary to administer this title, the Acts cited in section 102, and regulations issued under this title and those Acts.

(7) BASE PROPERTY.—The term ''base property'' means—

(A) private land that has the capability of producing crops or forage that can be used to support authorized livestock for a specified period of the year; or

(B) water that is suitable for consumption by livestock and is available to and accessible by authorized livestock when the land is used for livestock grazing.

(8) CANCEL; CANCELLATION.—The terms ''cancel'' and ''cancellation'' refer to a permanent termination, in whole or in part, of—

(A) a grazing permit or lease and grazing preference; or

(B) other grazing authorization.

(9) CONSULTATION, COOPERATION, AND COORDINATION.—The term ''consultation, cooperation, and coordination'' means, for the purposes of this title and section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), engagement in good faith efforts to reach consensus.

(10) COORDINATED RESOURCE MANAGEMENT.—The term ''coordinated resource management''—

(A) means the planning and implementation of management activities in a specified geographic area that require the coordination and cooperation of the Bureau of Land Management or the Forest Service with affected State agencies, private land owners, and Federal land users; and

(B) may include, but is not limited to practices that provide for conservation, resource protection, resource enhancement or integrated management of multiple-use resources.

(11) FEDERAL LAND.—The term ''Federal land''—

(A) means land outside the State of Alaska that is owned by the United States and administered by—

(i) the Secretary of the Interior, acting through the Director of the Bureau of Land Management; or

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service in the 16 contiguous Western States; but

(B) does not include—

(i) land held in trust for the benefit of Indians; or

(ii) the National Grasslands as defined in section 203.

(12) GRAZING PERMIT OR LEASE.—The term ''grazing permit or lease'' means a document authorizing use of the Federal land—

(A) within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b), for the purpose of grazing livestock;

(B) outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1275, chapter 865; 43 U.S.C. 315m), for the purpose of grazing livestock; or

(C) in a national forest under section 19 of the Act of April 24, 1950 (commonly known as the ''Granger-Thye Act of 1950'') (64 Stat. 88, chapter 97; 16 U.S.C. 5801), for the purposes of grazing livestock.

(13) GRAZING PREFERENCE.—The term ''grazing preference'' means the number of animal unit months of livestock grazing on Federal land as adjudicated or apportioned and attached to base property owned or controlled by a permittee or lessee.

(14) LAND BASE PROPERTY.—The term ''land base property'' means base property described in paragraph (7)(A).

(15) LAND USE PLAN.—The term ''land use plan'' means—

(A) with respect to Federal land administered by the Bureau of Land Management, one of the following developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)—

(i) a resource management plan; or

(ii) a management framework plan that is in effect pending completion of a resource management plan; and

(B) with respect to Federal land administered by the Forest Service, a land and resource management plan developed in accordance with section 6 of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1604).

(16) LIVESTOCK CARRYING CAPACITY.—The term ''livestock carrying capacity'' means the maximum sustainable stocking rate that is possible without inducing long-term damage to vegetation or related resources.

(17) MONITORING.—The term ''monitoring'' means the orderly collection of data using scientifically-based techniques to determine trend and condition of rangeland resources. Data may include historical information, but must be sufficiently reliable to evaluate—

(A) effects of ecological changes and management actions; and

(B) effectiveness of actions in meeting management objectives.

(18) RANGE IMPROVEMENT.—The term ''range improvement''—

(A) means an authorized activity or program on or relating to rangeland that is designed to—

(i) improve production of forage;

(ii) change vegetative composition;

(iii) control patterns of use;

(iv) provide water;

(v) stabilize soil and water conditions; or

(vi) provide habitat for livestock, wild horses and burros, and wildlife; and

(B) includes structures, treatment projects, and use of mechanical means to accomplish the goals described in subparagraph (A).

(19) RANGELAND STUDY.—The term ''rangeland study'' means a documented study or analysis of data obtained on actual use, utilization, climatic conditions, other special events, production trend, and resource condition and trend to determine whether management objectives are being met, that—

(A) relies on the examination of physical measurements of range attributes and not on cursory visual scanning of land, unless the condition to be assessed is patently obvious and requires no physical measurements;

(B) utilizes a scientifically based and verifiable methodology; and

(C) is accepted by an authorized officer.

(20) SECRETARY; SECRETARIES.—The terms ''Secretary'' or ''Secretaries'' mean—

(A) the Secretary of the Interior, in reference to livestock grazing on Federal land administered by the Director of the Bureau of Land Management; and

(B) the Secretary of Agriculture, in reference to livestock grazing on Federal land administered by the Chief of the Forest Service or the National Grasslands referred to in title II.

(21) SUBLEASE.—The term ''sublease'' means an agreement by a permittee or lessee that—

(A) allows a person other than the permittee or lessee to graze livestock on Federal land without controlling the base property supporting the grazing permit or lease; or

(B) allows grazing on Federal land by livestock not owned or controlled by the permittee or lessee.

(22) SUSPEND; SUSPENSION.—The terms ''suspend'' and ''suspension'' refer to a temporary withholding, in whole or in part, of a grazing preference from active use, ordered by the Secretary or done voluntarily by a permittee or lessee.

(23) UTILIZATION.—The term ''utilization'' means the percentage of a year's forage production consumed or destroyed by herbivores.

(24) WATER BASE PROPERTY.—The term ''water base property'' means base property described in paragraph (7)(B).

SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.

(a) STANDARDS AND GUIDELINES.—The Secretary shall establish standards and guidelines for addressing resource condition and trend on a State or regional level in consultation with the Resource Advisory Councils established in section 161, State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State. Standards and guidelines developed pursuant to this subsection shall be consistent with the objectives provided in section 103 and incorporated, by operation of law, into the applicable land use plan to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) COORDINATED RESOURCE MANAGEMENT.—The Secretary shall, where appropriate, authorize and encourage the use of coordinated resource management practices. Coordinated resource management practices shall be—

(1) scientifically based;
(2) consistent with goals and management objectives of the applicable land use plan;
(3) for the purposes of promoting good stewardship and conservation of multiple-use rangeland resources; and
(4) authorized under a cooperative agreement with a permittee or lessee, or an organized group of permittees or lessees in a specified geographic area. Notwithstanding the mandatory qualifications required to obtain a grazing permit or lease by this or any other Act, such agreement may include other individuals, organizations, or Federal land users.

(c) COORDINATION OF FEDERAL AGENCIES.—Where coordinated resource management involves private land, State land, and Federal land managed by the Bureau of Land Management or the Forest Service, the Secretaries are hereby authorized and directed to enter into cooperative agreements to coordinate the associated activities of—
(1) the Bureau of Land Management;
(2) the Forest Service;
(3) the Natural Resources Conservation Service; and
(4) State Grazing Districts established under State law.

(d) RULE OF CONSTRUCTION.—Nothing in this title or any other law implies that a minimum national standard or guideline is necessary.

SEC. 106. LAND USE PLANS.

(a) PRINCIPLE OF MULTIPLE USE AND SUSTAINED YIELD.—An authorized officer shall manage livestock grazing on Federal land under the principles of multiple use and sustained yield and in accordance with applicable land use plans.

(b) CONTENTS OF LAND USE PLAN.—With respect to grazing administration, a land use plan shall—
(1) consider the impacts of all multiple uses, including livestock and wildlife grazing, on the environment and condition of public rangelands, and the contributions of these uses to the management, maintenance and improvement of such rangelands;
(2) establish available animal unit months for grazing use, related levels of allowable grazing use, resource condition goals, and management objectives for the Federal land covered by the plan; and
(3) set forth programs and general management practices needed to achieve the purposes of this title.

(c) APPLICATION OF NEPA.—Land use plans and amendments thereto shall be developed in conformance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) CONFORMANCE WITH LAND USE PLAN.—Livestock grazing activities, management actions and decisions approved by the authorized officer, including the issuance, renewal, or transfer of grazing permits or leases, shall not constitute major Federal actions requiring consideration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in addition to that which is necessary to support the land use plan, and amendments thereto.

(e) Nothing in this section is intended to override the planning and public involvement processes of any other Federal law pertaining to Federal lands.

SEC. 107. REVIEW OF RESOURCE CONDITION.

(a) Upon the issuance, renewal, or transfer of a grazing permit or lease, and at least once every six (6) years, the Secretary shall review all available monitoring data for the affected allotment. If the Secretary's review indicates that the resource condition is not meeting management objectives, then the Secretary shall prepare a brief summary report which—
(1) evaluates the monitoring data;
(2) identifies the unsatisfactory resource conditions and the use or management activities contributing to such conditions; and
(3) makes recommendations for any modifications to management activities, or permit or lease terms and conditions necessary to meet management objectives.

(b) The Secretary shall make copies of the summary report available to the permittee or lessee, and affected interests, and shall allow for a 30-day comment period to coincide with the 30-day time period provided in section 155. At the end of such comment period, the Secretary shall review all comments, and as the Secretary deems necessary, modify management activities, and pursuant to section 134, the permit or lease terms and conditions.

(c) If the Secretary determines that available monitoring data are insufficient to make recommendations pursuant to subsection (a)(3), the Secretary shall establish a reasonable schedule to gather sufficient data pursuant to section 123. Insufficient monitoring data shall not be grounds for the Secretary to refuse to issue, renew or transfer a grazing permit or lease, or to terminate or modify the terms and conditions of an existing grazing permit or lease.

Subtitle B—Qualifications and Grazing Preferences

SEC. 111. SPECIFYING GRAZING PREFERENCE.

(a) IN GENERAL.—A grazing permit or lease shall specify—
(1) a historical grazing preference;
(2) active use, based on the amount of forage available for livestock grazing established in the land use plan;
(3) suspended use; and
(4) voluntary and temporary nonuse.

(b) ATTACHMENT OF GRAZING PREFERENCE.—A grazing preference identified in a grazing permit or lease shall attach to the base property supporting the grazing permit or lease.

(c) ATTACHMENT OF ANIMAL UNIT MONTHS.—The animal unit months of a grazing preference shall attach to—
(1) the acreage of land base property on a pro rata basis; or
(2) water base property on the basis of livestock forage production within the service area of the water.

Subtitle C—Grazing Management

SEC. 121. ALLOTMENT MANAGEMENT PLANS.

If the Secretary elects to develop or revise an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation, and coordination with the lessees, permittees, and landowners involved, the grazing advisory councils established pursuant to section 162, and any State or States having lands within the area to be covered by such allotment management plan. The Secretary shall provide for public participation in the development or revision of an allotment management plan as provided in section 155.

SEC. 122. RANGE IMPROVEMENTS.

(a) RANGE IMPROVEMENT COOPERATIVE AGREEMENTS.—
(1) IN GENERAL.—The Secretary may enter into a cooperative agreement with a permittee or lessee for the construction, installation, modification, removal, or use of a permanent range improvement or development of a rangeland to achieve a management or resource condition objective.
(2) COST-SHARING.—A range improvement cooperative agreement shall specify how the costs or labor, or both, shall be shared between the United States and the other parties to the agreement.
(3) TITLE.—
(A) IN GENERAL.—Subject to valid existing rights, title to an authorized structural range improvement under a range improvement cooperative agreement shall be shared by the cooperator(s) and the United States in proportion to the value of the contributions (funding, material, and labor) toward the initial cost of construction.
(B) VALUE OF FEDERAL LAND.—For the purpose of subparagraph (A), only a contribution to the construction, installation, or modification of a permanent rangeland improvement itself, and not the value of Federal land on which the improvement is placed, shall be taken into account.
(4) NONSTRUCTURAL RANGE IMPROVEMENTS.—A range improvement cooperative agreement shall ensure that the respective parties enjoy the benefits of any nonstructural range improvement, such as seeding, spraying, and chaining, in proportion to each party's contribution to the improvement.
(5) INCENTIVES.—A range improvement cooperative agreement shall contain terms and conditions that are designed to provide a permittee or lessee an incentive for investing in range improvements.

(b) RANGE IMPROVEMENT PERMITS.—
(1) APPLICATION.—A permittee or lessee may apply for a range improvement permit to construct, install, modify, maintain, or use a range improvement that is needed to achieve management objectives within the permittee's or lessee's allotment.
(2) FUNDING.—A permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance of a range improvement covered by a range improvement permit.
(3) AUTHORIZED OFFICER TO ISSUE.—A range improvement permit shall be issued at the discretion of the authorized officer.
(4) TITLE.—Title to an authorized permanent range improvement under a range improvement permit shall be in the name of the permittee or lessee.
(5) CONTROL.—The use by livestock of stock ponds or wells authorized by a range improvement permit shall be controlled by the permittee or lessee holding a range improvement permit.

(c) ASSIGNMENT OF RANGE IMPROVEMENTS.—An authorized officer shall not approve the transfer of a grazing preference, or approve use by the transferee of existing range improvements unless the transferee has agreed to compensate the transferor for the transferor's interest in the authorized permanent improvements within the allotment as of the date of the transfer.

SEC. 123. MONITORING AND INSPECTION.

(a) MONITORING.—Monitoring of resource condition and trend of Federal land on an allotment shall be performed by qualified persons approved by the Secretary, including but not limited to Federal, State, or local government personnel, consultants, and grazing permittees or lessees.

(b) INSPECTION.—Inspection of a grazing allotment shall be performed by qualified Federal, State or local agency personnel, or qualified consultants retained by the United States.

(c) MONITORING CRITERIA AND PROTOCOLS.—Rangeland monitoring shall be conducted according to regional or State criteria and protocols that are scientifically based. Criteria and protocols shall be developed by the Secretary in consultation with the Resource Advisory Councils established in section 161, State departments of agriculture and other appropriate State agencies, and academic institutions in each interested State.

(d) OVERSIGHT.—The authorized officer shall provide sufficient oversight to ensure that all monitoring is conducted in accordance with criteria and protocols established pursuant to subsection (c).

(e) NOTICE.—In conducting monitoring activities, the Secretary shall provide reasonable notice of such activities to permittees or lessees, including prior notice to the extent practicable of not less than 48 hours. Prior notice shall not be required for the purposes of inspections, if the authorized officer has substantial grounds to believe that a violation of this or any other Act is occurring on the allotment.

SEC. 124. WATER RIGHTS.

(a) IN GENERAL.—No water rights on Federal land shall be acquired, perfected, owned, controlled, maintained, administered, or transferred in connection with livestock grazing management other than in accordance with State law concerning the use and appropriation of water within the State.

(b) STATE LAW.—In managing livestock grazing on Federal land, the Secretary shall follow State law with regard to water right ownership and appropriation.

(c) AUTHORIZED USE OR TRANSPORT.—The Secretary cannot require permittees or lessees to transfer or relinquish all or a portion of their water right to another party, including but not limited to the United States, as a condition to granting a grazing permit or lease, range improvement cooperative agreement or range improvement permit.

(d) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to create an expressed or implied reservation of water rights in the United States.

(e) VALID EXISTING RIGHTS.—Nothing in this Act shall affect valid existing water rights.

Subtitle D—Authorization of Grazing Use

SEC. 131. GRAZING PERMITS OR LEASES.

(a) TERMS.—A grazing permit or lease shall be issued for a term of 12 years unless—

(1) the land is pending disposal;

(2) the land will be devoted to a public purpose that precludes grazing prior to the end of 12 years; or

(3) the Secretary determines that it would be in the best interest of sound land management to specify a shorter term, if the decision to specify a shorter term is supported by appropriate and accepted resource analysis and evaluation, and a shorter term is determined to be necessary, based upon monitoring information, to achieve resource condition goals and management objectives.

(b) RENEWAL.—A permittee or lessee holding a grazing permit or lease shall be given first priority at the end of the term for renewal of the grazing permit or lease if—

(1) the land for which the grazing permit or lease is issued remains available for domestic livestock grazing;

(2) the permittee or lessee is in compliance with this title and the terms and conditions of the grazing permit or lease; and

(3) the permittee or lessee accepts the terms and conditions included by the authorized officer in the new grazing permit or lease.

SEC. 132. SUBLEASING.

(a) IN GENERAL.—The Secretary shall only authorize subleasing of a Federal grazing permit or lease, in whole or in part—

(1) if the permittee or lessee is unable to make full grazing use due to ill health or death; or

(2) under a cooperative agreement with a grazing permittee or lessee (or group of grazing permittees or lessees), pursuant to section 105(b).

(b) CONSIDERATIONS.—

(1) Livestock owned by a spouse, child, or grandchild of a permittee or lessee shall be considered as owned by the permittee or lessee for the sole purposes of this title.

(2) Leasing or subleasing of base property, in whole or in part, shall not be considered as subleasing of a Federal grazing permit or lease: *Provided*, That the grazing preference associated with such base property is transferred to the person controlling the leased or subleased base property.

SEC. 133. OWNERSHIP AND IDENTIFICATION OF LIVESTOCK.

(a) IN GENERAL.—A permittee or lessee shall own or control and be responsible for the management of the livestock that graze the Federal land under a grazing permit or lease.

(b) MARKING OR TAGGING.—An authorized officer shall not impose any marking or tagging requirement in addition to the requirement under State law.

SEC. 134. TERMS AND CONDITIONS.

(a) IN GENERAL.—

(1) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use (stated in animal unit months) in a grazing permit or lease.

(2) A grazing permit or lease shall be subject to such other reasonable terms or conditions as may be necessary to achieve the objectives of this title, or as contained in an approved allotment management plan.

(3) No term or condition of a grazing permit or lease shall be imposed pertaining to past practice or present willingness of an applicant, permittee or lessee to relinquish control of public access to Federal land across private land.

(4) The authorized officer shall ensure that a grazing permit or lease will be consistent with appropriate standards and guidelines developed pursuant to section 105 as are appropriate to the permit or lease.

(b) MODIFICATION.—Following careful and considered consultation, cooperation, and coordination with permittees and lessees, an authorized officer shall modify the terms and conditions of a grazing permit or lease if monitoring data show that the grazing use is not meeting the management objectives established in a land use plan or allotment management plan, and if modification of such terms and conditions is necessary to meet specific management objectives.

SEC. 135. FEES AND CHARGES.

(a) GRAZING FEES.—The fee for each animal unit month in a grazing fee year to be determined by the Secretary shall be equal to the three-year average of the total gross value of production for beef cattle for the three years preceding the grazing fee year, multiplied by the 10-year average of the United States Treasury Securities 6-month bill ''new issue'' rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (e)(1).

(b) DEFINITION OF ANIMAL UNIT MONTH.—For the purposes of billing only, the term ''animal unit month'' means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six months of age or older on the date on which the animal begins grazing on Federal land;

(2) any such animal regardless of age if the animal is weaned on the date on which the animal begins grazing on Federal land; and

(3) any such animal that will become 12 months of age during the period of use authorized under a grazing permit or lease.

(c) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal land for grazing by an animal that is less than six months of age on the date on which the animal begins grazing on Federal land and is the natural progeny of an animal on which a grazing fee is paid if the animal is removed from the Federal land before becoming 12 months of age.

(d) OTHER FEES AND CHARGES.—

(1) CROSSING PERMITS, TRANSFERS, AND BILLING NOTICES.—A service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement or supplemental billing notice except in a case in which the action is initiated by the authorized officer.

(2) AMOUNT OF FLPMA FEES AND CHARGES.—The fees and charges under section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a)) shall reflect processing costs and shall be adjusted periodically as costs change.

(3) NOTICE OF CHANGE.—Notice of a change in a service charge shall be published in the Federal Register.

(e) CRITERIA FOR ERS.—

(1) The Economic Research Service of the Department of Agriculture shall continue to compile and report the gross value of production of beef cattle, on a dollars-per-bred-cow basis for the United States, as is currently published by the Service in: ''Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops and Livestock and Dairy'' (Cow-calf production cash costs and returns).

(2) For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary of the Interior and the Secretary of Agriculture, and published in the Federal Register, on or before February 15 of each year.

SEC. 136. USE OF STATE SHARE OF GRAZING FEES.

Section 10 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (43 U.S.C. 315i) is amended—

(1) in subsection (a), by striking ''for the benefit of'' and inserting ''in a manner that will result in direct benefit to, improved access to, or more effective management of the rangeland resources in'';

(2) at the end of subsection (a), by striking '';'' and inserting '': *Provided further*, that no such moneys shall be expended for litigation purposes;'';

(3) in subsection (b), by striking ''for the benefit of'' and inserting ''in a manner that will result in direct benefit to, improved access to, or more effective management of the rangeland resources in'';

(4) at the end of subsection (b), by striking ''.'' and inserting '': *Provided further*, That no such moneys shall be expended for litigation purposes.''.

Subtitle E—Unauthorized Grazing Use

SEC. 141. NONMONETARY SETTLEMENT.

An authorized officer may approve a nonmonetary settlement of a case of a violation described in section 141 if the authorized officer determines that each of the following conditions is satisfied:

(1) NO FAULT.—Evidence shows that the unauthorized use occurred through no fault of the livestock operator.

(2) INSIGNIFICANCE.—The forage use is insignificant.

(3) NO DAMAGE.—Federal land has not been damaged.

(4) BEST INTERESTS.—Nonmonetary settlement is in the best interests of the United States.

SEC. 142. IMPOUNDMENT AND SALE.

Any impoundment and sale of unauthorized livestock on Federal land shall be conducted in accordance with State law.

Subtitle F—Procedure

SEC. 151. PROPOSED DECISIONS.

(a) SERVICE ON APPLICANTS, PERMITTEES, LESSEES, AND LIENHOLDERS.—The authorized officer shall serve, by certified mail or personal delivery, a proposed decision on any

applicant, permittee, lessee, or lienholder (or agent of record of the applicant, permittee, lessee, or lienholder) that is affected by—

(1) a proposed action on an application for a grazing permit or lease, or range improvement permit; or

(2) a proposed action relating to a term or condition of a grazing permit or lease, or a range improvement permit.

(b) NOTIFICATION OF AFFECTED INTERESTS.—The authorized officer shall send copies of a proposed decision to affected interests.

(c) CONTENTS.—A proposed decision described in subsection (a) shall—

(1) state reasons for the action, including reference to applicable law (including regulations);

(2) be based upon, and supported by rangeland studies, where appropriate; and

(3) state that any protest to the proposed decision must be filed not later than 30 days after service.

SEC. 152. PROTESTS.

An applicant, permittee, or lessee may protest a proposed decision under section 151 in writing to the authorized officer within 30 days after service of the proposed decision.

SEC. 153. FINAL DECISIONS.

(a) NO PROTEST.—In the absence of a timely filed protest, a proposed decision described in section 151(a) shall become the final decision of the authorized officer without further notice.

(b) RECONSIDERATION.—If a protest is timely filed, the authorized officer shall reconsider the proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case.

(c) SERVICE AND NOTIFICATION.—After reviewing the protest, the authorized officer shall serve a final decision on the parties to the proceeding, and notify affected interests of the final decision.

SEC. 154. APPEALS.

(a) IN GENERAL.—Any person whose interest is adversely affected by a final decision of an authorized officer, within the meaning of section 702 of title 5, United States Code, may appeal the decision within 30 days after the receipt of the decision, or within 60 days after the receipt of a proposed decision if further notice of a final decision is not required under this title, pursuant to applicable laws and regulations governing the administrative appeals process of the agency serving the decision. Being an affected interest as described in section 104(3) shall not in and of itself confer standing to appeal a final decision upon any individual or organization.

(b) SUSPENSION PENDING APPEAL.—

(1) IN GENERAL.—An appeal of a final decision shall suspend the effect of the decision pending final action on the appeal unless the decision is made effective pending appeal under paragraph (2).

(2) EFFECTIVENESS PENDING APPEAL.—The authorized officer may place a final decision in full force and effect in an emergency to stop resource deterioration or economic distress, if the authorized officer has substantial grounds to believe that resource deterioration or economic distress is imminent. Full force and effect decisions shall take effect on the date specified, regardless of an appeal.

(c) In the case of an appeal under this section, the authorized officer shall, within 30 days of receipt, forward the appeal, all documents and information submitted by the applicant, permittee, lessee, or lienholder, and any pertinent information that would be useful in the rendering of a decision on such appeal, to the appropriate authority responsible for issuing the final decision on the appeal.

SEC. 155. PUBLIC PARTICIPATION AND CONSULTATION.

(a) GENERAL PUBLIC.—The Secretary shall provide for public participation, including a reasonable opportunity to comment, on—

(1) land use plans and amendments thereto; and

(2) development of standards and guidelines to provide guidance and direction for Federal land managers in the performance of their assigned duties.

(b) AFFECTED INTERESTS.—At least 30 days prior to the issuance of a final decision, the Secretary shall notify affected interests of such proposed decision, and provide a reasonable opportunity for comment and informal consultation regarding the proposed decision within such 30-day period, for—

(1) the designation or modification of allotment boundaries;

(2) the development, revision, or termination of allotment management plans;

(3) the increase or decrease of permitted use;

(4) the issuance, renewal, or transfer of grazing permits or leases;

(5) the modification of terms and conditions of permits or leases;

(6) reports evaluating monitoring data for a permit or lease; and

(7) the issuance of temporary non-renewable use permits.

Subtitle G—Advisory Committees

SEC. 161. RESOURCE ADVISORY COUNCILS.

(a) ESTABLISHMENT.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Governors of the affected States, shall establish and operate joint Resource Advisory Councils on a State or regional level to provide advice on management issues for all lands administered by the Bureau of Land Management and the Forest Service within such State or regional area, except where the Secretaries determine that there is insufficient interest in participation on a council to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed.

(b) DUTIES.—Each Resource Advisory Council shall advise the Secretaries and appropriate State officials on—

(1) matters regarding the preparation, amendment, and implementation of land use and activity plans for public lands and resources within its area; and

(2) major management decisions while working within the broad management objectives established for the district or national forest.

(c) DISREGARD OF ADVICE.—

(1) REQUEST FOR RESPONSE.—If a Resource Advisory Council becomes concerned that its advice is being arbitrarily disregarded, the Resource Advisory Council may, by majority vote of its members, request that the Secretaries respond directly to the Resource Advisory Council's concerns within 60 days after the Secretaries receive the request.

(2) EFFECT OF RESPONSE.—The response of the Secretaries to a request under paragraph (1) shall not—

(A) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(B) be subject to appeal.

(d) MEMBERSHIP.—

(1) The Secretaries, in consultation with the Governor of the affected State or States, shall appoint the members of each Resource Advisory Council. A council shall consist of not less than nine members and not more than fifteen members.

(2) In appointing members to a Resource Advisory Council, the Secretaries shall provide for balanced and broad representation from among various groups, including but not limited to, permittees and lessees, other commercial interests, recreational users, representatives of recognized local environmental or conservation organizations, educational, professional, or academic interests, representatives of State and local government or governmental agencies, Indian tribes, and other members of the affected public.

(3) The Secretaries shall appoint at least one elected official of general purpose government serving the people of the area of each Resource Advisory Council.

(4) No person may serve concurrently on more than one Resource Advisory Council.

(5) Members of a Resource Advisory Council must reside in one of the States within the geographic jurisdiction of the council.

(e) SUBGROUPS.—A Resource Advisory Council may establish such subgroups as the council deems necessary, including but not limited to working groups, technical review teams, and rangeland resource groups.

(f) TERMS.—Resource Advisory Council members shall be appointed for two-year terms. Members may be appointed to additional terms at the discretion of the Secretaries.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Resource Advisory Councils established under this section.

(h) OTHER FLPMA ADVISORY COUNCILS.—Nothing in this section shall be construed as modifying the authority of the Secretaries to establish other advisory councils under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

(i) STATE GRAZING DISTRICTS.—Resource Advisory Councils shall coordinate and cooperate with State Grazing Districts established pursuant to State law.

SEC. 162. GRAZING ADVISORY COUNCILS.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Governor of the affected State and with affected counties, shall appoint not fewer than five nor more than nine persons to serve on a Grazing Advisory Council for each district and each national forest within the 16 contiguous Western States having jurisdiction over more than 500,000 acres of public lands subject to commercial livestock grazing. The Secretaries may establish joint Grazing Advisory Councils wherever practicable.

(b) DUTIES.—The duties of Grazing Advisory Councils established pursuant to this section shall be to provide advice to the Secretary concerning management issues directly related to the grazing of livestock on public lands, including—

(1) range improvement objectives;

(2) the expenditure of range improvement or betterment funds under the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) or the Taylor Grazing Act (43 U.S.C. 315 et seq.);

(3) developing and implementation of grazing management programs; and

(4) range management decisions and actions at the allotment level.

(c) DISREGARD OF ADVICE.—

(1) REQUEST FOR RESPONSE.—If a Grazing Advisory Council becomes concerned that its advice is being arbitrarily disregarded, the Grazing Advisory Council may, by unanimous vote of its members, request that the Secretary respond directly to the Grazing Advisory Council's concerns within 60 days after the Secretary receives the request.

(2) EFFECT OF RESPONSE.—The response of the Secretary to a request under paragraph (1) shall not—

(A) constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal; or

(B) be subject to appeal.

(d) MEMBERSHIP.—The members of a Grazing Advisory Council established pursuant to this section shall represent permittees, lessees, affected landowners, social and economic interests within the district or national forest, and elected State or county officers. All members shall have a demonstrated knowledge of grazing management and range improvement practices appropriate for the region, and shall be residents of a community within or adjacent to the district or national forest, or control a permit or lease within the same area. Members shall be appointed by the Secretary for a term of two years, and may be appointed for additional consecutive terms. The membership of Grazing Advisory Councils shall be equally divided between permittees or lessees, and other interests: *Provided*, That one elected State or county officer representing the people of an area within the district or national forest shall be appointed to create an odd number of members: *Provided further*, That permittees or lessees appointed as members of each Grazing Advisory Council shall be recommended to the Secretary by the permittees or lessees of the district or national forest through an election conducted under rules and regulations prescribed by the Secretary.

(e) FEDERAL ADVISORY COMMITTEE ACT.—Except to the extent that it is inconsistent with this subtitle, the Federal Advisory Committee Act shall apply to the Grazing Advisory Councils established pursuant to this section.

(f) STATE GRAZING DISTRICTS.—Grazing Advisory Councils shall coordinate and cooperate with State Grazing Districts established pursuant to State law.

SEC. 163. GENERAL PROVISIONS.

(a) DEFINITION OF DISTRICT.—For the purposes of this subtitle, the term ''district'' means—

(1) a grazing district administered under section 3 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315b); or

(2) other lands within a State boundary which are eligible for grazing pursuant to section 15 of the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (48 Stat. 1270, chapter 865; 43 U.S.C. 315m).

(b) TERMINATION OF SERVICE.—The Secretary may, after written notice, terminate the service of a member of an advisory committee if—

(1) the member—

(A) no longer meets the requirements under which appointed;

(B) fails or is unable to participate regularly in committee work; or

(C) has violated Federal law (including a regulation); or

(2) in the judgment of the Secretary, termination is in the public interest.

(c) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—A member of an advisory committee established under sections 161 and 162 shall not receive any compensation in connection with the performance of the member's duties as a member of the advisory committee, but shall be reimbursed for travel and per diem expenses only while on official business, as authorized by section 5703 of title 5, United States Code.

SEC. 164. CONFORMING AMENDMENT AND REPEAL.

(a) AMENDMENT.—The third sentence of section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) is amended by striking ''district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753)'' and inserting ''Resource Advisory Councils and Grazing Advisory Councils established under section 161 and section 162 of the Public Rangelands Management Act of 1996''.

(b) REPEAL.—Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

Subtitle H—Reports

SEC. 171. REPORTS.

(a) IN GENERAL.—Not later than March 1, 1997, and annually thereafter, the Secretaries shall submit to Congress a report that contains—

(1) an itemization of revenues received and costs incurred directly in connection with the management of grazing on Federal land; and

(2) recommendations for reducing administrative costs and improving the overall efficiency of Federal rangeland management.

(b) ITEMIZATION.—If the itemization of costs under subsection (a)(1) includes any costs incurred in connection with the implementation of any law other than a statute cited in section 102, the Secretaries shall indicate with specificity the costs associated with implementation of each such statute.

Title II—Management of National Grasslands

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Grasslands Management Act of 1996''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the inclusion of the National Grasslands within the National Forest System has prevented the Secretary of Agriculture from effectively administering and promoting grassland agriculture on National Grasslands as originally intended under the Bankhead-Jones Farm Tenant Act;

(2) the National Grasslands can be more effectively managed by the Secretary of Agriculture if administered as a separate entity outside of the National Forest System; and

(3) a grazing program on National Grasslands can be responsibly carried out while protecting and preserving sporting, recreational, environmental, and other multiple uses of the National Grasslands.

(b) PURPOSE.—The purpose of this title is to provide for improved management and more efficient administration of grazing activities on National Grasslands while preserving and protecting multiple uses of such lands, including but not limited to preserving sportmen's hunting and fishing and other recreational activities, and protecting wildlife habitat in accordance with applicable laws.

SEC. 203. DEFINITIONS.

As used in this title, the term—

(1) ''National Grasslands'' means those areas managed as National Grasslands by the Secretary of Agriculture under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) on the day before the date of enactment of this title; and

(2) ''Secretary'' means the Secretary of Agriculture.

SEC. 204. REMOVAL OF NATIONAL GRASSLANDS FROM NATIONAL FOREST SYSTEM.

Section 11(a) of the Forest Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1609(a)) is amended by striking the phrase ''the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012),''.

SEC. 205. MANAGEMENT OF NATIONAL GRASSLANDS.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall manage the National Grasslands as a separate entity in accordance with this title and the provisions and multiple use purposes of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012).

(b) CONSULTATION.—The Secretary shall provide timely opportunities for consultation and cooperation with interested State and local government entities, and other interested individuals and organizations in the development and implementation of land use policies and plans, and land conservation programs for the National Grasslands.

(c) GRAZING ACTIVITIES.—In furtherance of the purposes of this title, the Secretary shall administer grazing permits and implement grazing management decisions in consultation, cooperation, and coordination with local grazing associations and other grazing permit holders.

(d) REGULATIONS.—The Secretary shall promulgate regulations to manage and protect the National Grasslands, taking into account the unique characteristics of the National Grasslands and grasslands agriculture conducted under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010). Such regulations shall facilitate the efficient administration of grazing and provide protection for the environment, wildlife, wildlife habitat, and Federal lands equivalent to that on the National Grasslands on the day prior to the date of enactment of this Act.

(e) CONFORMING AMENDMENT TO BANKHEAD-JONES ACT.—Section 31 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010) is amended to read as follows:

''To accomplish the purposes of title III of this Act, the Secretary is authorized and directed to develop a separate program of land conservation and utilization for the National Grasslands, in order thereby to correct maladjustments in land use, and thus assist in promoting grassland agriculture and secure occupancy and economic stability of farms and ranches, controlling soil erosion, reforestation, preserving and protecting natural resources, protecting fish and wildlife and their habitat, developing and protecting recreational opportunities and facilities, mitigating floods, preventing impairment of dams and reservoirs, developing energy resources, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety and welfare, but not to build industrial parks or commercial enterprises.''.

(f) SPORTSMEN'S HUNTING AND FISHING, AND OTHER RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as limiting or precluding sportsmen's hunting or fishing activities on National Grasslands in accordance with applicable Federal and State laws, nor shall appropriate recreational activities be limited or precluded.

(g) VALID EXISTING RIGHTS.—

(1) IN GENERAL.—Nothing in this title shall affect valid existing rights, reservations, agreements, or authorizations. Section 1323(a) of Public Law 96–487 shall continue to apply to non-Federal land and interests therein within the boundaries of the National Grasslands.

(2) INTERIM USE AND OCCUPANCY.—

(A) Until such time as regulations concerning the use and occupancy of the National Grasslands are promulgated pursuant to this title, the Secretary shall regulate the use and occupancy of such lands in accordance with regulations applicable to such lands on May 25, 1995, to the extent practicable and consistent with the provisions of this Act.

(B) Any applications for National Grasslands use and occupancy authorizations submitted prior to the date of enactment of this Act, shall continue to be processed without interruption and without reinitiating any processing activity already completed or begun prior to such date.

SEC. 206. FEES AND CHARGES.

Fees and charges for grazing on the National Grasslands shall be determined in accordance with section 135, except that the

Secretary may adjust the amount of a grazing fee to compensate for approved conservation practices expenditures.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1296) to provide for the administration of certain Presidio properties at a minimal cost to the Federal taxpayer.

The Senate resumed consideration of the bill.

Pending: Murkowski modified amendment No. 3564, in the nature of a substitute.

AMENDMENT NO. 3564, AS MODIFIED

Mr. CAMPBELL. Mr. President, I rise today in support of my substitute amendment for the Presidio bill, offered in conjunction with the Senator from Alaska and the majority leader. Many people have been waiting a long time for this bill. I know the Senators from California and Congresswoman PELOSI have put a great deal of time and energy into this legislation, as have the staff from the Energy Committee and personal offices. In our efforts to try to reach consensus on all levels, we have managed to craft a bill that will provide enough balance and flexibility to incorporate all points of view. This bill offers a unique, creative and innovative approach to provide for the long-term protection and preservation of one of our Nation's greatest cultural, historical, and natural treasures.

When I was a college student at San Jose State University, my buddies and I would often take off for the weekend to ''the city.'' One of my favorite places back then was the Presidio, and I spent a lot of time exploring the batteries and bunkers along the coast. It is just a spectacular site, situated on the threshold of the Golden Gate Bridge, overlooking the entire bay area. Last fall, I had the opportunity to visit the Presidio, and found that the base had changed very little in the years since I was a college student at San Jose.

There is something very special about the Presidio. The natural beauty, as well as the impressive history of the site captivated me 40 years ago, and continues to captivate millions of tourists, locals, and even some politicians today.

Before Christopher Columbus arrived in the New World, the indigenous tribes of Ohlone and Miwok inhabited the area known now as San Francisco. Taking advantage of this unique natural harbor, these tribes flourished from fishing in the plentiful bay.

When the land was finally taken over by the white new immigrants, the Presidio almost immediately became a strategic military post. For over 220 years, the Presidio is the oldest continually operated military post, commanded first by Spain in 1776, then Mexico and finally the United States in 1846. The Presidio has played a supporting role in almost every single major military conflict the United States has ever engaged in, starting with the Spanish-American War to the Civil War, World War I, and of course, World War II. The Presidio served also as a refuge for an estimated 16,000 people after the great earthquake and fire of 1906, and was the very first Army airfield established in the Nation in 1921.

Mr. President, the history of this national historic landmark is indeed distinguished and celebrated. I comment on it to describe to my colleagues the unique nature of this site and thus to explain the particulars of the legislation it requires.

For the past 7 years, since the Base Closure and Realignment Commission [BRAC] included the Presidio on its list of bases to be closed, the fate of the Presidio has been somewhat uncertain. When the National Park Service took control of the post in 1994, along with the addition of one of the most glorious parks to the system, the Park Service was faced with one of their most complex and challenging management problems.

Aside from its spectacular natural beauty, the Presidio is unlike any other national park. Scattered throughout the grounds are over 1,200 residential units, more than 6.2 million square feet of building space, and dozens of miles of paved roads. Because of the nature of the historic facilities, the cost of maintenance and management of this site is a whopping $25 million a year, making it our most expensive national park. Faced with the fiscal realities that we, in the Federal Government, must confront, the question that was posed to Congress was this: How can we continue to protect and preserve the Presidio for the benefit of all Americans without draining the already limited reserves of the National Park Service?

Mr. President, I believe the substitute amendment offered by Senators DOLE and MURKOWSKI and myself answers this question and in so doing, strikes the balance that we are all looking for.

The bill before us today establishes a mechanism that will reduce the need for appropriations to operate the Presidio. Rather than seeing the infrastructure in the Presidio as obstacles to the preservation of the park, this bill will utilize these buildings to generate revenues that will be recycled back into the funds that manage the park. By weaning the Presidio off of Federal taxpayer dependency, this bill will eventually create a self-sustaining park. The management structure created by our bill will enable the Presidio to be used in such a way that it will pay for itself.

Mr. President, our legislation will create a public-private management entity—the Presidio Trust—to provide for the management of the leasing, maintenance, and repair of the property within the Presidio. In addition, the National Park Service will continue to provide its expert guidance for interpretive services, visitor orientation, and educational programs. Under the structure of cooperative management, this bill will allow the trust (made up of private sector real estate and finance experts) and the Park Service to manage what they manage best, thereby eliminating costly bureaucratic blunders. If the bill is enacted, the Presidio will be the only unit of the National Park System, that will cost significantly less in 10 years than it costs today.

Mr. President, as I mentioned, I had the opportunity to tour the base facilities in San Francisco, as well as meet with the various interest groups last fall. While there were some differences on what the legislation affecting the Presidio should include, the groups were unanimous in their belief that the base should remain as a unit of the National Park System. People expressed real fears that there was a movement to sell the Presidio to a private developer, and I stated, at the time, that a sale would happen, ''over my dead body.'' Many of my colleagues feel the same way.

This bill will not enable private interests to develop swank upscale condos, or private dining clubs. This bill will cater only to the interests of all Americans, by protecting the invaluable cultural, historic, and natural resources of the Presidio for this generation and generations to come. It is quite simply a good government approach that strikes a balance with the fiscal realities of our time with the need for continued conservation and preservation. I urge my colleagues to support this worthy piece of legislation.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the substitute to H.R. 1296.

Mr. DOLE. Presidio properties bill, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. As I understand, I do not know how many different projects are involved here, but they are all related and come from the Energy and Natural Resources Committee. I understand the Senator from Massachusetts would like to add to that the minimum wage amendment, which we do not believe belongs on this bill. Maybe it will belong on some other bill. It should not be considered at this time.

We would like to complete action on this. We have a number of items to complete this week, including, we hope, the farm bill conference report, line-item veto conference report, the omnibus appropriations bill, and, of course, the debt ceiling. It would be our hope we can complete action some time early on Friday. That may or may not happen. If not, I suggest we probably would have to be here on Saturday to complete action on those bills because some relate to whether or not the Government is shut down. The debt extension is very important, too.

So we can avoid—there will be a cloture vote on this bill tomorrow morning rather early. We have not decided the exact time, so we stay on the matter and amendments germane to the pending business.

AMENDMENT NO. 3571 TO AMENDMENT NO. 3564

(Purpose: To provide for the exchange of certain lands within the State of Montana)

Mr. DOLE. 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 Kansas [Mr. DOLE] for Mr. BURNS, proposes an amendment numbered 3571 to amendment No. 3564.

Mr. DOLE. 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 end of the amendment, add the following:

TITLE —MISCELLANEOUS

SEC. 01. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall acquire by exchange certain land and interests in land owned by R–Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as ''R–Y''), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R–Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R–Y and available for exchange, the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R–Y's land under paragraph (1), the Secretary shall convey to R–Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a value that is approximately equal to the value of the land described in subsection (a).

(ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

(III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R–Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R–Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

(3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R–Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(ii) all draft conveyances and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise R–Y regarding corrective actions necessary to make an affirmative determination.

(C) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(b) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a) are subject to such minor corrections as may be agreed upon by the Secretary and R–Y.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY.—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of approximately equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the acquisition of an interest in the Lost Creek Tract or due to circumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

Mr. BURNS. Mr. President, I rise to offer an amendment regarding the Lost Creek Land Exchange Act of 1996.

This amendment is important for the acquisition of the Lost Creek area of Montana for the public.

I want to emphasize that this amendment is a starting point. I fully anticipate major changes will need to be made when this bill goes to conference with the House. Yet, the process needs to move forward.

Under this amendment, 14,500 acres of blueribbon bighorn sheep habitat known as Lost Creek would became a part of the Deerlodge National Forest. For the past few years, local sportsmen and conservation groups, the Forest Service, and many others have been interested in the public acquiring this prime habitat. I, too, believe this is a worthwhile endeavor.

The amendment would transfer the Lost Creek area, and 3,000 additional acres currently owned by R–Y Timber, to the Forest Service. In return R–Y Timber will acquire the deed to land and timber.

The Lost Creek area has been valued at about $8 million. And the days of the Federal Government simply paying the price tag are over.

With assistance from the Forest Service, I am hopeful that alternative lands can be found to exchange for the Lost Creek area. The Forest Service has started this process.

Mr. President, as I stated earlier the amendment I am offering is a starting point. I fully anticipate having to make substantial changes when we move to conference. I hope that the parties involved will continue to work together so this win-win bill can made it to the President's desk.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3572 TO AMENDMENT 3571

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] for Mr. BURNS, proposes an amendment numbered 3572 to amendment No. 3571.

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

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

The amendment is as follows:

In lieu of the matter proposed to be added insert the following:

TITLE —MISCELLANEOUS

SEC. 01. LOST CREEK LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstnding any other provision of law, the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall acquire by exchange certain land and interests in land owned by R–Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as ''R–Y''), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

(2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R–Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R–Y and available for exchange, the Secretary shall accept a warranty deed to the land.

(B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R–Y's land under paragraph (1), the Secretary shall convey to R–Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a

value that is approximately equal to the value of the land described in subsection (a).

(ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

(III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R–Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R–Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

(3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R–Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(ii) all draft conveyances and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise R–Y regarding corrective actions necessary to make an affirmative determination.

(C) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(b) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a) are subject to such minor corrections as may be agreed upon by the Secretary and R–Y.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY.—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of approximately equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the acquisition of an interest in the Lost Creek Tract or due to circumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

TITLE —VANCOUVER NATIONAL HISTORIC RESERVE

SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the ''Reserve'', consisting of the area described in the report entitled ''Vancouver National Historic Reserve Feasibility Study and Environmental Assessment'' published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101–523 (referred to in this section as the Vancouver Historic Reserve Report).

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with—

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of the Interior, acting through the Director of the National Park Service, and the city of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit—

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. BYRD. Mr. President, I do not intend to object to the amendment, but I think we ought to go by the rules. The Senator did ask for the yeas and nays, so that is business intervening?

Mr. DOLE. Yes.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I am disappointed that we have not had the opportunity until now to debate the minimum wage amendment. On April 1, it will be 5 years since the last time the minimum wage was increased.

We are now at the lowest point we have been in nearly 40 years with regard to the purchasing power the minimum wage provides. That is unacceptable, at a time when we see CEO incomes going up by 23 percent to an average in the country today of $990,000—something we do not deny to them and something we certainly would not want to preclude. Many of them certainly deserve it.

There ought to be recognition, however, as we consider welfare reform and all of the other legislative measures that we are contemplating, that we need to provide more opportunity for people to go to work, and we ought to give them an economic incentive to do so.

People do not have the economic wherewithal, working full time at the minimum-wage today, to stay out of poverty. That is unacceptable. Sooner or later, we will have a vote on the minimum wage. Sooner or later, it has to be resolved. Sooner or later, this minimum wage increase must pass. We can do it sooner or we can do it later. Our preference is to do it sooner. This vehicle affords us the opportunity to do that. Whether it is this vehicle or any other bill, I certainly hope that we can do it soon.

I yield to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

AMENDMENT NO. 3573

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY], for himself, Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. LEVIN, Mr. HARKIN, Mrs. BOXER, Mrs. MURRAY, Mr. PELL, Mr. LEAHY, Mr. LAUTENBERG, Mr. SARBANES, Mr. BRADLEY, and Mr. DASCHLE, proposes an amendment numbered 3573.

Mr. KENNEDY. 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 bill, insert the following:

SEC. . INCREASE THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997;''.

Mr. KENNEDY. 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.

AMENDMENT NO. 3574 TO AMENDMENT NO. 3573

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KERRY. 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 Massachusetts [Mr. KERRY] proposes an amendment numbered 3574 to amendment No. 3573.

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

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

The amendment is as follows:

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

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

Mr. KERRY. 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.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I just heard from the majority leader a few moments ago that we were not going to be able to have an opportunity to debate and take action on the minimum wage.

We are required now to use whatever parliamentary means we can to try and permit working families to see a judgment about whether this body is going to make a statement about increasing the minimum wage. The majority leader had been a leader in 1989 when we restored the minimum wage up to the small increase in its purchasing power. If we could gather from the majority leader—I see that he is moving into the cloakroom at the present time, so I guess that is an indication of what the answer would be.

We were going to try and get at least some agreement as to when we might be able to bring this up. We are denied even that opportunity to do so, in spite of the fact that there was an indication from the Republican leadership that we were going to have the minority leader or his designee be recognized to offer an amendment. And we understood, since that was not a fixed order, that that was the intention of the Republican leadership at that time. We were denied the opportunity to have the bill before us.

Now we have the bill before us, and we were denied the opportunity to be able to debate that, or at least get a short time agreement. We are quite prepared to do it, as has been pointed out by my colleague from Massachusetts, Senator KERRY, and Senator WELLSTONE.

This is not a new issue. We were prepared to enter into a short time period, or at least have the opportunity to set a date for consideration of it. If the majority leader would let us have a fixed date for discussion on it—we were able to persuade the majority leader earlier on the health care bill to set a time for debate on it—we would certainly accede to the leader's recommendation, if we would have a precise time when we would be able to debate it. So if we were able to get a time definite, we would certainly respond to a request by the leader to have a time definite to be able to vote on this.

Mr. President, raising the minimum wage has broad support among the American people. The question is whether it has the support of the Republican leadership here in the U.S. Senate, Senator DOLE and the rest of the Republican leadership.

As I mentioned earlier, Senator DOLE supported this in the past. So the question is whether he is willing at this time to give an opportunity for us to vote on this measure now, or in the very near future.

We believe that working families deserve a raise. Minimum-wage families deserve a raise most of all. Nobody who works for a living should have to live in poverty.

It is basically the leader's decision that is going to make all the difference as to whether we are going to be able to act together, as we have in the past. We saw Republican Presidents, like Eisenhower, Nixon, Bush, who all supported that increase. And Republicans here, with some exceptions, supported that increase in 1989. All we are waiting for—and I think what the working families in this country are waiting for—is the majority leader to indicate that he, like others in this body, is on the side of working families. I hope that we will have a chance to do this because, as we have said, this issue is not going to go away. We understand the full agenda that is necessary for action.

I would certainly ask the minority leader if the time could be established definite, if he would work out a precise time with the majority leader so that working families in this country would know when the Senate was going to debate this issue. We will have to try to do the best we can under the circumstances that we have, but I deplore the fact that we are effectively denied the opportunity to debate this issue and to take action. I think it is an issue of fundamental fairness and justice. It is an issue involving families, women, and children, and the Senate should not turn its back on those families this afternoon or in these next days.

Mr. WELLSTONE and Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will defer to my colleague from Massachusetts. I will take 1 minute.

I have been in the Chamber since this morning with my two colleagues. This amendment is simple and straightforward. It would increase the minimum wage from $4.25 an hour to $5.15 over 2 years—90 cents over 2 years. I will say it one more time. Senators and Representatives gave themselves, a few years ago, a very hefty salary increase from about $100,000 a year to about $130,000 a year. It seems to me we can give heads of working families the same kind of increase.

I do not think this is too much to ask. I think this is very much about economic fairness. While we are putting off a vote on this, there are many people who have to live with this minimum wage. This is extremely important to 200,000 working families in my State, much less their children, and I believe this effort to just block having an up-or-down vote goes against the grain of what is called accountability. We will bring this amendment up over and over and over and over again until there is a vote.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, we came to the floor this morning with the understanding that, while not as an official order, the minimum wage amendment was going to be offered. The minority leader was going to have time and the minority leader's designee was going to have an opportunity to submit the amendment. Senator KENNEDY was the designee and, indeed, the Senator intended to offer the minimum wage amendment.

We were blocked this morning from doing that, and now this afternoon a parliamentary process of what is called filling up the tree, putting in two amendments behind each other, which locks in the debate again, precludes a debate on the minimum wage at this time. But Senator KENNEDY has submitted an amendment to the underlying amendment, and I have submitted a second-degree amendment to that not because we are trying to tie up the Senate and not because we are trying to delay the process of resolving this other legislation but simply because, as Senator KENNEDY has said, we would like to have an answer. We would like to have a time.

We work this out in the Senate all the time. We have an agreement with respect to the health care bill. We know there will be a time certain for debate on an issue of major importance to the American people. All we are asking for is some kind of bipartisan agreement and understanding as to when we can have a vote, a debate and a decision, on whether or not we are going to give working people at the lowest end of the income scale a pay raise. Corporate America has had a pay raise almost every day of the year last year. The stock market went up 34 percent in 1 year. The chief executive officers of companies are walking away with, what, 200 times the salary of workers. It used to be only 50 times and now it is 200 times.

The stark reality is that in the United States of America in 1996, the minimum wage earns you a record 40-year low, or is about to earn you a record 40-year low. It is a 25-percent reduction over what it was in 1979. Through the 1950's, the 1960's, the 1970's, and finally even in the 1980's, as the minimum wage gap got bigger and bigger between

what you earned working and the poverty level, we lifted it. All we are suggesting is that when a worker on the minimum wage earns three-quarters of the level of the poverty rate in this country, let us at least lift it up to permit them to get out of poverty.

If you are going to give meaning to the notion of work and you are going to give meaning to the notion of welfare reform, if you are going to give meaning to the values we talk about in this Chamber, you have to give meaning to work and the money that people earn for working. Nothing is more fundamental, and we hope that the Senate will have the opportunity to have a bipartisan vote on this issue.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. KERRY. I would be happy to yield for a question.

Mr. KENNEDY. Mr. President, as I understand, the pending issue before the Senate is now the Kerry amendment. I was just wondering whether the Senator, my colleague and friend, would be willing to vote on this so that we are not going to delay this with the idea that we would vote at, say, 4 o'clock with the time evenly divided between those who support this measure and those who would be opposed. Would the Senator——

Mr. KERRY. Mr. President, let me say in answer to my colleague, I would be delighted to have any fair amount of time on both sides. I think it would be good if we could have that. I ask unanimous consent that we have a vote at a time certain and have a vote on my underlying amendment on the minimum wage at 4 o'clock.

Mr. DOLE. I object.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE addressed the Chair.

Mr. KENNEDY. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. The Senator from Massachusetts——

Mr. KERRY. Mr. President, the regular order is——

Mr. DOLE. With no intervening action, I ask for recognition.

Mr. KENNEDY. Mr. President, are we going to get taken off our feet now?

The PRESIDING OFFICER. The Senator will suspend.

Mr. KENNEDY. Is the Senator going to be taken off his feet?

The PRESIDING OFFICER. If the Senator will suspend, the Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, I was going to yield for a question of my colleague. I believe he wanted to ask me a question. I yield for the purposes of answering the question.

Mr. KENNEDY. Mr. President, I just ask my colleague then if we are not able to get a time definite, which the Senator requested of the Senate—there was objection to that—has the Senator reached the conclusion that it is those who are objecting who are filibustering consideration of the minimum wage legislation? Would that be his conclusion, as it is mine?

Mr. KERRY. Mr. President, let me answer the question of my colleague before I draw a conclusion. I wonder, since the majority leader is in the Chamber, if, without yielding my right to the floor, I could ask the majority leader if he believes it would be possible for us to work out some kind of agreement as to time for a vote.

The majority leader was not in the Chamber, but I did say while he was out in the Cloakroom that this is not an effort to try to tie up the Senate. This is not an effort to try to delay the progress on this important legislation that we need to debate. This is simply an effort to try to see if we could reach a time certain for a vote on the minimum wage issue. I would ask the majority leader, without losing my right to the floor, if he would be willing to answer a question with respect to setting a time certain?

Mr. DOLE. Let me indicate I would be happy to discuss it. I am not certain we could reach an agreement. But, obviously, this bill, this amendment will, in effect, defeat the Presidio bill. There will not be any vote on the amendment today. There will be a cloture vote tomorrow. I assume cloture will not be invoked. Then the bill will come down, and I assume then there will be an effort to offer it on the next measure sometime this week. But I assume with the AFL–CIO in town and with their pledge of $35 million, it is probably a fairly appropriate time for Democrats to discuss this measure.

Mr. KERRY. Mr. President, without yet responding to the last comments of the majority leader, I again might ask, again without losing my right to the floor, I wonder if I could inquire of the majority leader why it might not be possible to set a time certain sometime in the future, perhaps a week or 2 weeks so that we could have at least a consideration of this issue on the floor of the Senate. I wonder if the majority leader might be willing to commit to that?

Mr. DOLE. Well, again, I will be happy to explore it. I have always been willing to explore any possibility. Maybe we could couple it with something we would like to do on this side of the aisle, something the majority leader might like to have happen. We could work some agreement like that. But, again, I have not—nobody has made a proposal except the amendment has been offered.

I assume that sooner or later the issue will be voted upon, directly or indirectly, but not today and not tomorrow and hopefully not this week, because we have a number of issues before us and this will take, as everyone knows, considerable debate. It is an unfunded mandate. It is subject to a point of order, according to the Congressional Budget Office. We all voted to end unfunded mandates, and here we are about to impose, or would like to impose, at least some would like to impose, another unfunded mandate on the very political subdivisions we said we would not mandate different costs and expenditures, whatever. Unless somebody has a proposal to make, now there is an amendment pending, and my view is that we should debate it. If there is to be debate, that is fine. There will be no vote. We will just wait and have the cloture vote tomorrow morning.

Mr. KENNEDY. Will the Senator yield?

The PRESIDING OFFICER. The junior Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, I would be happy to yield for a question to the Senator from Massachusetts.

Mr. KENNEDY. Will the leader be willing to find an agreeable time with the minority leader, the two leaders find an agreeable time, say, by June 10, to consider this legislation in the Chamber?

Mr. DOLE. Again, I would be happy to discuss it with the distinguished Democratic leader, Senator DASCHLE. I am not certain I would make that agreement.

I know it is important on that side of the aisle. It may be important to some on this side of the aisle. But it is also important to many small businesses in America. It is very controversial.

I just do not believe it should be on this bill unless the intent is to kill this bill. Maybe it is. I happen to support it. There are 23 States involved in this legislation: West Virginia, Massachusetts, California, Louisiana, Tennessee. I do not think the State of Kansas is involved, but there are a number of States—Colorado.

So I hope we might dispose of the pending legislation and then complete action on a number of conference reports this week and get the omnibus appropriation bill passed and the debt ceiling extension. That would just about complete the week.

Mr. KERRY. Mr. President, could I reiterate? We were able to work out, obviously, a very agreeable approach to the question on health care which stymied us in a similar way for a period of time. I want to reiterate to the majority leader, we are not trying to kill this bill, at least for this reason. And we are not attempting to delay.

Would it be possible to have an agreement that we will vote on this issue on a date certain between now and, say, the beginning of June? In a discussion with the majority leader, the minority leader and majority leader could arrive at a date certain for a vote?

Mr. DOLE. Again, I am always willing to try to resolve some of the problems. This is not going to be an easy one because, as I recall, the first 2 years of the Clinton administration, when the Democrats controlled Congress, we did not have any votes on minimum wage. The Democrats did not bring it up. They controlled everything. They controlled the White House and the House and the Senate.

Now, suddenly, after the AFL has their meeting and pledges millions and

millions of dollars, we want to bring it up on the floor. I can imagine what would happen in the liberal media if the corporations came to town and said we are going to put $35 million in the Republican campaigns. There would be headlines in all the papers. All the talk shows would stop in midair to get it on the air.

I think there is also a very logical argument. There are going to be a lot of young people who lose their jobs. Many are black teenagers and many are young people whose parents live below the poverty line. So I think, if we are going to have this debate, it ought to be a lengthy debate. It ought to be on the merits. In my view, it cannot happen—I do not see how it can happen this week.

Obviously, the Senator is entitled, as he did, to offer an amendment to the underlying bill. That was our mistake. We should have taken care of that. It will not happen again.

But notwithstanding that, we can prevent a vote and we will prevent a vote because we do not believe it belongs on this legislation. There are 23 States that have an interest in the pending legislation. I do not believe even the Democrats, who have very important projects in this legislation, are very excited about having the two Senators from Massachusetts offer this minimum wage adjustment to their legislation.

Mr. KERRY. Mr. President, let me say, in all respect, in response to the majority leader, we had a vote in the U.S. Senate last year and 51 U.S. Senators voted that we should take up the minimum wage before the end of the last session. We did not do that.

Now we are back. I did not even know about the AFL. I am glad you told me. Maybe I can arrange to get to the meeting. But I did not even know they were in town. We announced our intention to offer an amendment some time ago—Senator KENNEDY, who has been leading on this effort, together with Senator WELLSTONE, a group of us—this has been something we have been trying to do for a number of years. The fact is, it is getting more necessary, not less, as a consequence of the fact that the wage each day is worth less.

So, I say to the majority leader, we can always find a group that is in town at some period of time when some legislation is on the floor, and we all know Republicans collect far, far more money from interest groups than Democrats ever do. If we want to start pointing fingers at whose money comes from where, that is a different debate.

The fact is, working people do not get the kind of money any of us get from anywhere, even from their work. That is what this debate is all about. Folks who are working and cannot even pay for medical insurance, let alone rent, let alone food.

So I regret the majority leader will not say we can have a vote on this, will not even say we could have one by June. Therefore, Mr. President, I move to table my amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Is the question on the motion to table the Kerry amendment?

The PRESIDING OFFICER (Mr. SANTORUM). Yes.

Mr. DOLE. The yeas and nays have been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. DOLE. Let's have the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kerry amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent because of illness.

The result was announced—yeas 0, nays 97, as follows:

[Rollcall Vote No. 52 Leg.]

NAYS—97

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

NOT VOTING—3

Bradley	Rockefeller	Simpson

So the motion to lay on the table the amendment (No. 3574) was rejected.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Kennedy amendment No. 3573.

Edward M. Kennedy, Paul Wellstone, Joe Biden, J.J. Exon, Chuck Robb, Carol Moseley-Braun, Christopher Dodd, Byron L. Dorgan, Claiborne Pell, Kent Conrad, John F. Kerry, Ron Wyden, David Pryor, Russell D. Feingold, Paul Sarbanes, Patrick Leahy, Dianne Feinstein, Frank R. Lautenberg.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MOTION TO COMMIT

Mr. DOLE. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] moves to commit the pending bill to the Finance Committee with instructions to report by April 21, 1996 amendments to reform welfare and Medicaid.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3653 TO THE MOTION TO COMMIT

Mr. DOLE. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3653 to the motion to commit.

Strike the instructions in the pending motion and insert in lieu thereof ''to report back by April 21, 1996 amendments to reform welfare and Medicaid effective one day after the effective date of the bill.''

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3654 TO AMENDMENT NO. 3653

Mr. DOLE. Mr. President, I send a second-degree amendment to the motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3654 to amendment No. 3653.

Strike all after the first word in the amendment to the instructions to the pending motion and insert in lieu thereof ''report back by April 21, 1996 amendments to reform welfare and Medicaid effective two days after the effective date of the bill.''

Mr. DOLE. 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, we are prepared to vote on this motion at this time. Medicaid reform and welfare reform are high on everyone's priority list in America, particularly the voters and the taxpayers, and we would be prepared to vote on this motion, say, at 6 o'clock or 5 after 6 or 6:15, or whenever.

But I do believe now we are back on an issue that the American people are really concerned about: how we can save maybe $50 billion on welfare over the next 7 years by sending it back to the States, and maybe as much as $85 billion over the next 7 years on Medicaid by sending it back to the States, all in accordance with the 10th amendment to the Constitution, which says unless the powers vested in the Federal Government are denied to the States it belongs to the States and the people.

That is what we will debate at this time, unless there is a willingness to accept the amendments, or we can debate tomorrow after the cloture vote, whichever the Democratic leader prefers.

But I am prepared and now ask that we stand in recess until 9:30 tomorrow morning.

MOTION TO RECESS

Mr. DOLE. Mr. President, I now move the Senate stand in recess until the hour of 9:30 a.m., Wednesday, March 27, 1996.

Mr. DASCHLE. 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 question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS], the Senator from Delaware [Mr. ROTH], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Delaware [Mr. BIDEN], and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

I also announce that the Senator from West Virginia [Mr. ROCKEFELLER] is absent because of illness.

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—50

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

NAYS—43

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

NOT VOTING—7

Biden	Lieberman	Simpson
Bradley	Rockefeller	
Jeffords	Roth	

RECESS

The motion was agreed to; and the Senate, at 6:31 p.m., recessed until Wednesday, March 27, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 1996:

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF SECTION 601, TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. CAROL A. MUTTER, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1996, U.S. MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533 AND 4353:

To be second lieutenant

ANDRE B. ABADIE, 000–00–0000
KEVIN J. ACH, 000–00–0000
DAVID W. ACKER, 000–00–0000
JAMES M. ADAMS, 000–00–0000
MICHAEL L. ADAMS, 000–00–0000
NIRZARNI J. ADHVARYU, 000–00–0000
JASON P. AFFOLDER, 000–00–0000
PHILLIP R. AHN, 000–00–0000
JOHN B. AHRENS, 000–00–0000
ALEXIS M. ALBANO, 000–00–0000
ADAM A. ALBRICH, 000–00–0000
TIMOTHY T. ALDEN, 000–00–0000
PHILIP J. ALDRICH, 000–00–0000
GREGORY C. ALFRED, 000–00–0000
MARY ALFREDOCKIYA, 000–00–0000
MARK W. ANDERS, 000–00–0000
DEVRY C. ANDERSON, 000–00–0000
ERIC D. ANDERSON, 000–00–0000
MICHAEL A. ANDERSON, 000–00–0000
TREVER S. ANDERSON, 000–00–0000
STEPHANI G. ANDRASEK, 000–00–0000
CHRISTIN D. ANDREWS, 000–00–0000
ROBERT C. ARMSTRONG, 000–00–0000
JOHN E. ARNOLD, 000–00–0000
MICHAEL ARRIAGA, 000–00–0000
ROBERT M. ARTHUR, 000–00–0000
MARY K. ASHWORTH, 000–00–0000
DAVID W. AVERETT, 000–00–0000
MATTHEW J. AVERY, 000–00–0000
KEVIN S. BADGER, 000–00–0000
MICHAEL D. BAGULLY, 000–00–0000
BRENT A. BAKER, 000–00–0000
CULLEN G. BARBATO, 000–00–0000
DANIEL T. BARD, 000–00–0000
KEITH C. BARDO, 000–00–0000
ROBERT E. BARNSBY, 000–00–0000
BRIAN K. BARRY, 000–00–0000
STEVEN T. BARRY, 000–00–0000
JASON P. BATCHELOR, 000–00–0000
ARCHIE L. BATES, 000–00–0000
HEATH T. BATES, 000–00–0000
DAVID G. BAUER, 000–00–0000
DOEL D. BAUGHMAN, 000–00–0000
JOSEPH A. BEARD, 000–00–0000
RYAN B. BEAVER, 000–00–0000
BRIAN J. BECHARD, 000–00–0000
MICHAEL M. BECKWITH, 000–00–0000
JULIA BELL, 000–00–0000
MICHAEL J. BELLACK, 000–00–0000
EDWARD T. BENNETT, 000–00–0000
LANCE B. BENNETT, 000–00–0000
MORGAN A. BERGLUND, 000–00–0000
JEFFREY S. BERGMANN, 000–00–0000
JEANNE K. BERNER, 000–00–0000
RYAN C. BERRY , 000–00–0000
DREW P. BERWANGER, 000–00–0000
BRETT W. BIELAWSKI, 000–00–0000
JEFFREY S. BIGGANS, 000–00–0000
LEANNE M. BJORNSTAD, 000–00–0000
LYNYETTA C. BLACKSHEAR, 000–00–0000
WILLIAM J. BLAIR, 000–00–0000
TIMOTHY A. BLOCK, 000–00–0000
KEVIN D. BOATES, 000–00–0000
DAVID J. BOETTCHER, 000–00–0000
KENNETH M. BOLIN, 000–00–0000
PETER C. BONIN, 000–00–0000
GARY L. BOONE, JR., 000–00–0000
ROBERT G. BORN, 000–00–0000
CHRISTIAN N. BOTTCHER, 000–00–0000
RICHARD T. BOWEN, 000–00–0000
ALAN J. BOYER, 000–00–0000
KORY E. BOYER, 000–00–0000
COREY A. BRADDOCK, 000–00–0000
MATTHEW W. BRADSHAW, 000–00–0000
THOMAS J. BRADY, JR., 000–00–0000
JASON R. BRANDT, 000–00–0000
MATTHEW K. BRANDT, 000–00–0000
RICHARD M. BRATT, 000–00–0000
DONALD R. BRAUGHT, 000–00–0000
CASEY L. BREDEWATER, 000–00–0000
THOMAS P. BRENNAN, JR., 000–00–0000
BRETT M. BREWER, 000–00–0000
CHAD D. BROSKI, 000–00–0000
DANIEL F. BROSTEK, 000–00–0000
JASON P. BROWN, 000–00–0000
JUSTIN W. BROWN, 000–00–0000
LELAND B. BROWN, JR., 000–00–0000
PETER A. BROWN, 000–00–0000
ROBERT S. BROWN, 000–00–0000
THEODORE R. BROWN, 000–00–0000
JEREMY P. BROWNE, 000–00–0000
JAY R. BUCCI, 000–00–0000
MICHAEL D. BUCHHEIT, 000–00–0000
DAVID L. BUFFALOE, 000–00–0000
GEOFFREY R. BULL, 000–00–0000
BRANDI L. BULT, 000–00–0000
JESSICA L. BUNIN, 000–00–0000
JOHN F. BURGER, 000–00–0000
JAMES T. BURGESS, 000–00–0000
THOMAS F. BURRELL IV, 000–00–0000
DEREK F. BURT, 000–00–0000
JOSE M. BUSTAMANTE, 000–00–0000
ANTHONY L. BUTLER, 000–00–0000
MICHAEL K. BYARD, 000–00–0000
JOSHUA T. BYERS, 000–00–0000
JAMES M. CADET, 000–00–0000
MOLLY C. CAIN, 000–00–0000
ADRIAN P. CALAME, 000–00–0000
ERIK R. CALDWELL, 000–00–0000
GORDON A. CALLENDER, 000–00–0000
JOHN J. CAMIOLO, 000–00–0000
CHRISTOP R. CAMPBELL, 000–00–0000
JONATHAN A. CAMPBELL, 000–00–0000
WHITNEY A. CAMPBELL, 000–00–0000
MICHAEL V. CANGOLOSI, 000–00–0000
JAMES F. CANTELUPE, 000–00–0000
ERIC C. CAPERS, 000–00–0000
AARON S. CARLISLE, 000–00–0000
KARIN M. CAROLAN, 000–00–0000
STEVEN P. CARPENTER, 000–00–0000
BRADLEY M. CARR, 000–00–0000
CHRISTOP D. CARRANO, 000–00–0000
ELIZABET A. CASELY, 000–00–0000
ROBERT P. CASSERY, 000–00–0000
KRISTEN E. CATRON, 000–00–0000
ANDREW D. CECIL, 000–00–0000
SHANE D. CELEEN, 000–00–0000
VINCENZO S. CENTAMORE, 000–00–0000
MATTHEW P. CHAMPION, 000–00–0000
SCOTT A. CHANCE, 000–00–0000
BRANDYN P. CHAPMAN, 000–00–0000
YOUNG D. CHASE, 000–00–0000
CHAD N. CHEGWIDDEN, 000–00–0000
DANIEL M. CHEN, 000–00–0000
BRIAN V. CHERNAUSKAS, 000–00–0000
GABRIEL A. CHINCHILLA, 000–00–0000
BRIAN H. CHO, 000–00–0000
MICHAEL N. CHO, 000–00–0000
BRIAN CHOI, 000–00–0000
SUNG H. CHON, 000–00–0000
PAUL A. CHRISTIANSON, 000–00–0000
WILLIAM W. CHUNG, 000–00–0000
DAVID M. CHURCH, 000–00–0000
MICHAEL V. CIARAMELLA, 000–00–0000
AARON M. CICHOCKI, 000–00–0000
MAX W. CLEGG, 000–00–0000

BO S. COCKRELL, 000–00–0000
BRYAN M. COFER, 000–00–0000
DWAYNE L. COFFEY, 000–00–0000
WILLIAM G. COLBERT, 000–00–0000
ROBERT C. COLE, 000–00–0000
JOHN J. COLEMAN, 000–00–0000
TAUSHA E. COLEMAN, 000–00–0000
RICHARD L. COMITZ, 000–00–0000
JASON F. CONRAD, 000–00–0000
JOHN T. CONROY, 000–00–0000
MARC E. CONSELMAN, 000–00–0000
CARLOS A. CONTRERAS, 000–00–0000
PAUL A. COOK, 000–00–0000
SEAN M. COONEY, 000–00–0000
LENTON D. COOPER, 000–00–0000
MICHAEL N. COPPA, 000–00–0000
THOMAS P. CORNELIUS, 000–00–0000
STEPHEN J. COURREGES, 000–00–0000
RICHARD J. COVERT, 000–00–0000
MICHAEL T. COWPERTHWAIT, 000–00–0000
JAMES E. COX, JR., 000–00–0000
RICHARD T. CRANFORD, 000–00–0000
CHAD A. CRANK, 000–00–0000
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PETER T. QUIMBY, 000–00–0000
FRANZ L. RADEMACHER, 000–00–0000
THEODORE W. RADTKE, 000–00–0000
EUGENE J. RAGASA, 000–00–0000
TIMOTHY P. RAKER, 000–00–0000
ANDREW L. RAMOS, 000–00–0000
ANTHONY P. RANDALL, 000–00–0000
COURTLAN A. RANKIN, 000–00–0000
ROBERT W. RATCLIFFE, 000–00–0000
JOEL D. RAUP, 000–00–0000
JAMES A. RAY, JR., 000–00–0000
MARK D. RAY, 000–00–0000
BRENDAN C. RAYMOND, 000–00–0000
SHELLEY A. RAYMOND, 000–00–0000
CYNTHIA L. REAMS, 000–00–0000
JOSEPH D. REAP, 000–00–0000
MIKAEL B. RECKLEY, 000–00–0000
JONATHAN B. REDMOND, 000–00–0000
LENORE M. REDMOND, 000–00–0000
JOHN S. REED, 000–00–0000
LESLIE B. REESE, 000–00–0000
SHANE R. REEVES, 000–00–0000
PHILIP G. REUSS, 000–00–0000
DAVID M. RICHKOWSKI, 000–00–0000
DEVIN L. RICKEY, 000–00–0000
JAMES G. RIEL, 000–00–0000
BENJAMIN A. RING, 000–00–0000
KIRK M. RINGBLOOM, 000–00–0000
NICOLE R. RIVA, 000–00–0000
LIBRADO KIM RIVAS, 000–00–0000
JOSE D. RIVERA, 000–00–0000
GLENN B. ROBBINS III, 000–00–0000
ALISTAIR J. ROBERTS, 000–00–0000
DEAN B. ROBERTS, 000–00–0000
MATTHEW A. ROBERTS, 000–00–0000
GLENN S. ROBERTSON, 000–00–0000
BENJAMIN C. RODGERS, 000–00–0000
TIMOTHY J. RODGERS, 000–00–0000
ISMAEL R. RODRIGUEZ, 000–00–0000
JONATHAN W. ROGINSKI, 000–00–0000
PHILIP J. ROOT, 000–00–0000
JASON W. ROSS, 000–00–0000
DONALD C. RUCKER, 000–00–0000
AARON W. RUMFELT, 000–00–0000
VINCENT K. RUSSELL, 000–00–0000
AMY H. RUTH, 000–00–0000
KEVIN R. RYAN, 000–00–0000
LAURA R. SABATINI, 000–00–0000
ANTHONY J. SABINO, 000–00–0000
BRIAN J. SALIE, 000–00–0000
ERIC M. SASS, 000–00–0000
CHARLES E. SAUNDERS, 000–00–0000
PAUL A. SAVEL, 000–00–0000
TODD A. SCATTINI, 000–00–0000
CURTIS E. SCHAEFER, 000–00–0000
ANDREW G. SCHANNO, 000–00–0000
JOHN F. SCHEPFLIN, 000–00–0000
DAVID P. SCHLEIFF, 000–00–0000
TROY A. SCHNACK, 000–00–0000
MICHAEL P. SCHOCK, 000–00–0000
TODD SCHULTZ, 000–00–0000
GREGORY E. SCHWARZ, 000–00–0000
ANDREA LOUIS SCOTT, 000–00–0000
JAMAR D. SCOTT, 000–00–0000
NATHANIEL SCOTT, JR., 000–00–0000
ALEXANDE D. SEGUIN, 000–00–0000
DANIEL A. SEGURA, 000–00–0000
JOHN J. SENNEFF, 000–00–0000
MICHAEL J. SESSA, 000–00–0000
MARC N. SHAFER, 000–00–0000
ANDREW D. WHALLER, 000–00–0000
GREGORY K. SHARPE, 000–00–0000
DANIEL P. SHAW, 000–00–0000
TIMOTHY R. SHAW, 000–00–0000
CHRISTOP M SHEARER, 000–00–0000
DAVID V. SHEBALIN, 000–00–0000
BRENDAN J. SHEEHAN, 000–00–0000
MICHAEL A. SHEKLETON, 000–00–0000
JEFFRY W. SHETTERLY, 000–00–0000
STANLEY J. SHIN, 000–00–0000
DAVID A. SHIRLEY, 000–00–0000
DEVIN M. SHIRLEY, 000–00–0000
MATTHEW A. SHIRLEY, 000–00–0000
BARRY L. SIMMONS, 000–00–0000
CHRISTOP T. SIMPSON, 000–00–0000
STEVEN D. SIMS, 000–00–0000
EREN P. SITKI, 000–00–0000
MICHAEL S. SIVULKA, 000–00–0000
BRYAN K. SIZEMORE, 000–00–0000
JASON B. SKIDMORE, 000–00–0000
SCOTT C. SLATER, 000–00–0000
JOHN C. SLAWTER, 000–00–0000
STACI M. SLICK, 000–00–0000
JARED A. SLOAN, 000–00–0000
BRAD E. SMITH, 000–00–0000
BRIAN J SMITH, 000–00–0000
CHRISTOP W. SMITH, 000–00–0000
CLINTON E. SMITH, 000–00–0000
ERIK V. SMITH, 000–00–0000
JAMES N. SMITH II, 000–00–0000
JARRAD N. SMITH, 000–00–0000
KENNETH D. SMITH, 000–00–0000
MARK A. SMITH, 000–00–0000
MEOSHA K. SMITH, 000–00–0000
MICHAEL T. SMITH, 000–00–0000
RICHARD F. SMITH, 000–00–0000
RICHARD W. SMITH, 000–00–0000
TRAVIS M. SMITH, 000–00–0000
TYLER B. SMITH, 000–00–0000
SARA A. SNYDER, 000–00–0000
GREGORY J. SOVICH, 000–00–0000
BRIAN A. SPEAS, 000–00–0000
ALEXANDE Q. SPENCER, 000–00–0000
TAMARA L. SPICER, 000–00–0000
SPENCER H. SPIKER, 000–00–0000
WARREN E. SPONSLER, 000–00–0000
NANCY E. STARBUCK, 000–00–0000
PETER B. STEED, 000–00–0000
NATHANIE J. STEINWACHS, 000–00–0000
THOMAS M. STEVENSON, 000–00–0000
ROBERT M. STEWARD, 000–00–0000
NICOLE M. STEWART, 000–00–0000
RICHARD E. STIEK, 000–00–0000
DAXTON T. STILWELL, 000–00–0000
CHRISTINE E. ST JOHN, 000–00–0000
NEIL R. STOCKMASTER, 000–00–0000
ERIC J. STONER, 000–00–0000
MARK W. STOUFFER, 000–00–0000
EDWARD LEE STOVER, 000–00–0000
MARIA L. STREBA, 000–00–0000
FRANCES A. SUGRUE, 000–00–0000
CHARLES A. SULEWSKI, 000–00–0000
WARDELL O. SULLIVAN, 000–00–0000
RYAN L. SUMSTAD, 000–00–0000
BRIAN A. SUMUTKA, 000–00–0000
JEFFREY K. SUTTON, 000–00–0000
LEVI J. SUTTON, 000–00–0000
DAVID L. SWENSON, 000–00–0000
JOSEPH T. SWIECKI, 000–00–0000
CHRISTIN A. SWINDLEHURST, 000–00–0000
BRIAN E. SWINEHART, 000–00–0000
SCOTT ALLEN TACKETT, 000–00–0000
JASON C. TALIAFERRO, 000–00–0000
CATHERIN B. TAYLOR, 000–00–0000
GREGORY J. TAYLOR, 000–00–0000
WILLIAM B. TAYLOR, 000–00–0000
WILLIAM T. TEBBE, 000–00–0000
BRANDON R. TEGTMEIER, 000–00–0000
CORY D. TEREICK, 000–00–0000
WILLIAM S. THARP, 000–00–0000
ROXANNE M. THEOBALD, 000–00–0000
CARLA THOMAS, 000–00–0000
RONALD P. THOMAS, 000–00–0000
RYAN M. THOMAS, 000–00–0000
TRAVIS M. THOMAS, 000–00–0000
KENNETH D. THOMPSON, 000–00–0000
STEPHEN J. THORLEY, 000–00–0000
CHARLES G. THRASH, 000–00–0000
RAYMOND J. TOMASITS, 000–00–0000
FREDERIC J. TOTI, 000–00–0000
MARC E. TOULOUSE, 000–00–0000
KYLE W. TOWNS, 000–00–0000
JOSEPH A. TRIANO, 000–00–0000
CHRISTOP A. TUBBS, 000–00–0000
BRIAN L. TUCKER, 000–00–0000
JOHN C. TUCKER, 000–00–0000
JOHN T. TURNER, 000–00–0000
MICHAEL R. TURNER, 000–00–0000
DUNCAN E. TYE, 000–00–0000
JEFFERY D. UGINO, 000–00–0000
THADDEUS L. UNDERWOOD, 000–00–0000
ABRAHAM T. USHER, 000–00–0000
JAMES A. VANATTA, 000–00–0000

MICHAEL S. VANBUSKIRK, 000–00–0000
PETER H. VANGEERTRUYDEN, 000–00–0000
TODD M. VANSICKLE, 000–00–0000
LANCE K. VANZANDT, 000–00–0000
MICHAEL W. VARGO, 000–00–0000
MARCUS R. VARTAN, 000–00–0000
MARK C. VETTER, 000–00–0000
JASON R. VILLAS, 000–00–0000
JAMES S. VINALL, 000–00–0000
JAY A. VIRGIL, 000–00–0000
CHRISTOP T. VISCOVICH, 000–00–0000
JOSEPH VONGSVARNRUNGRUANG, 000–00–0000
TODD R. VYDARENY, 000–00–0000
BAXTER F. WADE, 000–00–0000
KRISTA L. WAGNER, 000–00–0000
THOMAS J. WALDRON, 000–00–0000
MICHAEL W. WALL, 000–00–0000
BENJAMIN M. WALLEN, 000–00–0000
JAMES N. RAY WALSER, 000–00–0000
JAMES A. WALSH, 000–00–0000
MATTHEW T. WALSH, 000–00–0000
GEORGE H. WALTER, 000–00–0000
JOHN P. WALTON, 000–00–0000
LAWRENCE R. WALTON, 000–00–0000
MATHEW A. WANCHICK, 000–00–0000
KATHERIN P. WARD, 000–00–0000
DANIEL E. WARN, 000–00–0000
CHRISTOP H. WARNER, 000–00–0000
LAURA C. WATSON, 000–00–0000
SCOTT T. WATSON, 000–00–0000
JAMES A. WAYNE, 000–00–0000
TRENT R. WEBB, 000–00–0000
JASON B. WEEKES, 000–00–0000
ROBERT S. WELLER, 000–00–0000
MICHAEL W. WELLS, 000–00–0000
KYLE J. WERKING, 000–00–0000
RYAN M. WERLING, 000–00–0000
EMETT A. WHITE, 000–00–0000
CHRISTOP W. WHITMARK, 000–00–0000
GLEN P. WHITNER, 000–00–0000
MATTHEW T. WIGER, 000–00–0000
BAASIL T. WILDER, 000–00–0000
KENNETH J. WILKINSON, 000–00–0000
BARRY W. WILLIAMS, 000–00–0000
BLAIR S. WILLIAMS, 000–00–0000
COLIN L. WILLIAMS, 000–00–0000
TACUMA S. WILLIAMS, 000–00–0000
KATHY M. WILLIS, 000–00–0000
KIP A. WILSON, 000–00–0000
MARK A. WILSON, 000–00–0000
JONATHAN C. WINCHESTER, 000–00–0000
IAN S. WINER, 000–00–0000
NATHANIE G. WISSMAR, 000–00–0000
THADDEUS A. WOJTUSIK, 000–00–0000
STEFAN R. WOLFE, 000–00–0000
DAMAN R. WOOD, 000–00–0000
J.B. WORLEY III, 000–00–0000
TIMOTHY S. WREN JR., 000–00–0000
BENJAMIN D. WRIGHT, 000–00–0000
STUART B. WRIGHT, 000–00–0000
GARY H. WYNN, 000–00–0000
WILLIAM A. WYROVSKY, 000–00–0000
GERALD T. YAP, 000–00–0000
CHRISTOP J. YEATON, 000–00–0000
JOHN L. YI, 000–00–0000
ABEL E. YOUNG, 000–00–0000
DILLARD W. YOUNG, 000–00–0000
KYUNG M. YU, 000–00–0000
ANDREW E. YULIANO, 000–00–0000
ERIC ZAMPEDRI, 000–00–0000
RICHARD L. ZANARDI, 000–00–0000
JEFFREY S. ZANELOTTI, 000–00–0000
LAUREL C. ZIMMERMAN, 000–00–0000
JAMES E. ZOPELIS, 000–00–0000
BRIAN W. ZUCK, 000–00–0000.

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2106:

To be second lieutenant

MOHAMMAD A. ABBAS, 000–00–0000
FIGUEROA JOHN ACEVEDO, 000–00–0000
CHRISTOPHER M. ADAMS, 000–00–0000
JASON DELACE ADAMS, 000–00–0000
ROBERT WAYNE ADAMS, 000–00–0000
CARRIE J. ADELSON, 000–00–0000
JOSEPH H. ADENT, 000–00–0000
WINFIELD A. ADKINS, 000–00–0000
APRIL LEE AITKEN, 000–00–0000
JAMES R. ALBANO, 000–00–0000
CHRISTOPHER ALDERMAN, 000–00–0000
ANREE C. ALEXANDER, 000–00–0000
CLINTON D. ALEXANDER, 000–00–0000
NEIL L. ALEXIS, 000–00–0000
RANDY GLENN ALFREDO, 000–00–0000
ROGER M. ALLBRANDT, 000–00–0000
CATRACY R. ALLEN, 000–00–0000
SCOTT THOMAS ALLEN, 000–00–0000
JEANNE LOUISE ALLEVA, 000–00–0000
KATHLEEN ALLRED, 000–00–0000
JAMES R. ALLSOP, JR., 000–00–0000
PETER A. ALTIERI, 000–00–0000
EDWARD ALVARADO, JR., 000–00–0000
DENISE T. ALVAREZ, 000–00–0000
JESUS E. ALVAREZ, JR., 000–00–0000
ANDREW C. ANDERSON, 000–00–0000
BRANDY L. ANDERSON, 000–00–0000
KRISTIN A. ANDERSON, 000–00–0000
RONNIE D. ANDERSON, JR., 000–00–0000
GEORGE R. ANDREWS, JR., 000–00–0000
JOMICHAEL L. ANDREWS, 000–00–0000
THOMAS JAMES ANTON, 000–00–0000
SCOTT APPLEGATE, 000–00–0000
JASON W. ARCHIBALD, 000–00–0000
JOEL R. ARELLANO, 000–00–0000
JOHN L. ARGUE, 000–00–0000
JOHN DAVID ARMBRUSTER, 000–00–0000
VERNICE G. ARMOUR, 000–00–0000
MALEE K. ARMWOOD, 000–00–0000
CAROL A. ASADOORIAN, 000–00–0000
ANTHONY JOHN ASBORNO, 000–00–0000
WILLIAM CLAUDE ASHMORE, 000–00–0000
KARL M. ASMUS, 000–00–0000
DARIAN A. ATKINSON, 000–00–0000
JASON JEREMY AULD, 000–00–0000
EDWARD PAUL AUSTIN, 000–00–0000
BENJAMIN LEWIS AUTREY, 000–00–0000
PACE R. AVERY, 000–00–0000
JEFFREY E. AYCOCK, 000–00–0000
GWYN ANNE AYER, 000–00–0000
TIMOTHY M. BAER, 000–00–0000
DESMOND VANN BAILEY, 000–00–0000
JIMMY OWEN BAILEY, 000–00–0000
LYNN ALAN BAILEY, 000–00–0000
CARRIE ANNE BAKER, 000–00–0000
DANIEL CALVIN BAKER, 000–00–0000
ELLIS R. BAKER, 000–00–0000
MICHAEL A. BAKER, 000–00–0000
PHILLIP CAIN BAKER, 000–00–0000
JAMES A. BALADAD, 000–00–0000
IRA S. BALDWIN, 000–00–0000
MATTHEW S. BALINT, 000–00–0000
EDWARD JOSEPH BALLANCO, 000–00–0000
FREDA V. BALLARD, 000–00–0000
HEATH FREDERICK BALMOS, 000–00–0000
BENJAMIN S. BANE, 000–00–0000
GRANT B. BANKO, 000–00–0000
JAKOB BANKS, 000–00–0000
RICHARD RAMIAZ BANKS, 000–00–0000
ANDREW J. BANNON, 000–00–0000
FREDRICK L. BARBER, 000–00–0000
CLAUDE ANDRA BARFIELD, 000–00–0000
JASON MARK BARNES, 000–00–0000
DEREK S. BARR, 000–00–0000
JENNIFER J. BARRIE, 000–00–0000
STEVEN R. BARRON, 000–00–0000
JENNIFER LEIGH BARRY, 000–00–0000
STACEY DEAN BARTECK, 000–00–0000
DOUGLAS A. BARTLETT, 000–00–0000
CANDY S. BASNEY, 000–00–0000
KRISTOFER EDWARD BAST, 000–00–0000
JIMMY SCOTT BATES, 000–00–0000
CARY ALAN BATHRICK, 000–00–0000
WILLIAM A. BAUER, 000–00–0000
MATTHEW H. BAUSCH, 000–00–0000
JAMES W. BEACH, 000–00–0000
KEVIN SHANNON BEAGLE, 000–00–0000
TANYA LYNN BEAM, 000–00–0000
JOSEPH D. BECKER, 000–00–0000
SUSAN H. BEIN, 000–00–0000
JAMES PATRICK BEKURS, 000–00–0000
CHRISTINA A. BELL, 000–00–0000
JAMES M. BELL, 000–00–0000
MYRON L. BELL, 000–00–0000
LONNIE J. BELLAMY, JR., 000–00–0000
HEATHER O. BELLUSCI, 000–00–0000
MICHAEL R. BELTON, 000–00–0000
SANDRA IVETTE BELTRAN, 000–00–0000
ERIK M. BENDA, 000–00–0000
ROBERT S. BENEZRA, 000–00–0000
MICHAEL FRANCIS BENGS, 000–00–0000
ROBERT G. BENNETT, 000–00–0000
JASON PHILIP BENSON, 000–00–0000
DEVIN BENTON, 000–00–0000
CORY NOEL BERG, 000–00–0000
LANA JANE BERNAT, 000–00–0000
VALENT PETER BERNAT III, 000–00–0000
SALINAS FRANCISCO BEZARES, 000–00–0000
MICHAEL R. BIANKOWSKI, JR., 000–00–0000
MATTHEW MARION BIRD, 000–00–0000
JAMES A. BIRMINGHAM, 000–00–0000
DANIEL STEPHEN BISHOP, 000–00–0000
SHANNON N. BISHOP, 000–00–0000
ERIC STEFAN BJERKAAS, 000–00–0000
KENDALL K. BJORGE, 000–00–0000
GREGORY WAYNE BLACKMAN, 000–00–0000
PEGGY L. BLACKWELL, 000–00–0000
CANAAN KEKOA BLAKE, 000–00–0000
JOSEPH P. BLAKENEY, 000–00–0000
MICHAEL JAMES BLANKARTZ, 000–00–0000
MICHAEL A. BLISS, 000–00–0000
ZANE E. BLOOM, JR., 000–00–0000
JEREMY E. BLOYD, 000–00–0000
JOSEPH ERNEST BOECKX, 000–00–0000
HEATHER DIANE BOEHM, 000–00–0000
ROY L. BOLAR, 000–00–0000
STACY MICHELE, BOLLA, 000–00–0000
JOHN DAVID BOLLINGER, 000–00–0000
JODI L. BOLLONE, 000–00–0000
GUTIERREZ HECTOR BONET, 000–00–0000
GERALD L. BONNER, JR., 000–00–0000
JOHN JOSEPH BOPP, 000–00–0000
JASON BORG, 000–00–0000
SEAN BORTZ, 000–00–0000
WILLIAM E. BOSWELL, 000–00–0000
STEPHANIE LEE BOUNDS, 000–00–0000
STEPHEN M. BOUSQUET, 000–00–0000
HESTON FARIS BOWER, 000–00–0000
FEDERICK B. BOWER, 000–00–0000
DAVID MICHAEL BOWERS, 000–00–0000
LENWOOD F. BOWERS, JR., 000–00–0000
MICHELLE LYN BOWKER, 000–00–0000
KENNETH SCOTT BOWLES, 000–00–0000
TOMMY D. BOWLING, JR., 000–00–0000
DEREK ALLAN BOWLS, 000–00–0000
JONATHAN A. BOWMAN, 000–00–0000
JOESPH A. BOWMAN, 000–00–0000
JOHN W. BOYLE, 000–00–0000
RUSSELL SCOTT BRADEN, 000–00–0000
YOLANDA J. BRADFORD, 000–00–0000
KENDRICK E. BRADLEY, 000–00–0000
BERNARD NOEL BRADY, 000–00–0000
MICHAEL ALAN BRAULT, 000–00–0000
ANDREW S. BRAZEE, 000–00–0000
THOMAS KYLE BREDE, 000–00–0000
ROBERT M. BRENDLE, 000–00–0000
SEAN P. BRESLIN, 000–00–0000
JOHN R. BRETTHORST, 000–00–0000
MATTHEW W. BREWER, 000–00–0000
GARLAND L. BRIAN, JR., 000–00–0000
LAWRENCE ROBERT BRICE, 000–00–0000
DANIEL D. BRIDON, 000–00–0000
BURKE L. BRISTOW, 000–00–0000
RASHIMA D. BROOKS, 000–00–0000
TRAVIS S. BROOKS, 000–00–0000
ALAN STUART BROWN, 000–00–0000
CHAD R. BROWN, 000–00–0000
JEFFREY EUGENE BROWN, 000–00–0000
JOSEPH DAMON BROWN, 000–00–0000
MATTHEW R. BROWN, 000–00–0000
TIMOTHY P. BROWN, 000–00–0000
JAKOB C. BRUHL, 000–00–0000
CURTIS L. BRUMFIELD II, 000–00–0000
PAUL A. BRUNET, 000–00–0000
DWIGHT JOSEPH BRYAN, JR., 000–00–0000
BOBBY W. BRYANT, 000–00–0000
SCOTT ALLEN BRYSON, 000–00–0000
THOMAS E. BRZOZOWSKI, 000–00–0000
MICHAEL PAUL BUCHKOSKI, 000–00–0000
KRISTINA J. BUCHMAN, 000–00–0000
CHRISTOPHER M. BUCK, 000–00–0000
DAVID PATRICK BUCK, 000–00–0000
DAVID EDWARD BULLARD, 000–00–0000
ANTHONY R. BULLIMORE, 000–00–0000
DEAN A. BUNDSCHU, 000–00–0000
ERIC CRAWFORD BUNDY, 000–00–0000
ROBERT LANCE BURCH, 000–00–0000
WILLIAM W. BURCH, 000–00–0000
MICHAEL D. BURCHAM, 000–00–0000
MATHEW DANIEL BURGESS, 000–00–0000
STEPHEN MICHAEL BURGGRAFF, 000–00–0000
ANDRE L. BURK, 000–00–0000
JEFFREY PATRICK BURKE, 000–00–0000
PHILLIP GREGORY BURNS, 000–00–0000
CURTIS E. BURRELL, JR., 000–00–0000
BRADFORD M. BURRIS, 000–00–0000
DAVID PAUL BURRIS, 000–00–0000
EDGAR C. BURSTION, 000–00–0000
JON A. BUSHMAN, 000–00–0000
CHRISTOPHER M. BYRD, 000–00–0000
JASON A. BYRD, 000–00–0000
LAURA IRENE BYRD, 000–00–0000
CHRISTOPHER O. CADIGAN, 000–00–0000
CYRUS T. CADY, 000–00–0000
KATHERINE A. CAHILL, 000–00–0000
BRUTRINIA D. CAIN, 000–00–0000
JOSEPH R. CALDWELL, 000–00–0000
CHRISTIAN R. CALI, 000–00–0000
DAVID CAMPBELL, JR., 000–00–0000
MICHAEL LANCE CAMPBELL, 000–00–0000
KYLE ALAN CANIGLIA, 000–00–0000
NORMAN J. CANNON, 000–00–0000
MATTHEW JOHN CAPPIELLO, 000–00–0000
BRIAN S. CARDINALI, 000–00–0000
PAUL VERNON CARLYLE, 000–00–0000
JAMES P. CARNEY, 000–00–0000
MICHAEL J. CARNEY, 000–00–0000
SCOTT WYMAN CARPENTER, 000–00–0000
CLAYTON A. CARR, 000–00–0000
MELISSA M. CARR, 000–00–0000
WILLIAM HENRY CARR IV, 000–00–0000
WILLIAM J. CARR, 000–00–0000
SCOTT LYN CARROLL, 000–00–0000
WILLIAM JAMES CARSON, 000–00–0000
ANDRE A. CARTER, 000–00–0000
KENNETH W. CARTER, 000–00–0000
JOHN G. CARVAN, 000–00–0000
LAMONTE S. CARVER, 000–00–0000
BRAD CHARLES CASSISE, 000–00–0000
JOHN H. CATHELL, 000–00–0000
JUAN CARLOS CERVANTES, 000–00–0000
STEPHEN D. CHADWICK, 000–00–0000
MATTHEW G. CHAMERS, 000–00–0000
JAMES K. CHAMP, 000–00–0000
EDWIN E. CHAMPION, 000–00–0000
CHAD N. CHANDLER, 000–00–0000
PAUL L. CHANG, 000–00–0000
JOSEPH A. CHAPMAN, 000–00–0000
TEDROSE H. CHARLES, 000–00–0000
DEREK J. CHASSIE, 000–00–0000
JAMES F. CHASTAIN, JR, 000–00–0000
JOHN CHARLES CHECCO, 000–00–0000
BRIAN A. CHERIPKA, 000–00–0000
JAMIE J. CHIEFFE, 000–00–0000
ANDREW K. CHILDRESS, 000–00–0000
DANA M. CHRISTENSEN, 000–00–0000
JONG HO CHUNG, 000–00–0000
JOSEPH PATRICK CIMATO, 000–00–0000
EDWARD M. CIURA, 000–00–0000
LORENZO A. CLARIDY, 000–00–0000
HARRY J. CLARK, 000–00–0000
TERRY LEROY CLARK, 000–00–0000
AVILES LUIS CLASS, 000–00–0000
BRADY J. CLAUSS, 000–00–0000
DAMON PATRICK CLEATON, 000–00–0000
ALLAN JOSEPH CLEAVELAND, 000–00–0000
DEMETRIOUS G. CLEOTELIS, 000–00–0000
GLEN EDWARD CLUBB, 000–00–0000
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CALE C. COLLINS, 000–00–0000
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JASON MANLEY GOOD, 000–00–0000
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JOSEPH GOZDIESKI, 000–00–0000
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BRIAN SHANE GRASS, 000–00–0000
BARBARA I. GRAY, 000–00–0000
ROY ARTHUR GRAY, 000–00–0000
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TERRENCE W. GREENE, 000–00–0000
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JOSHUA GRIMM, 000–00–0000
MATTHEW M. GRIMM, 000–00–0000
JASON C. GROGAN, 000–00–0000
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BRIAN WAYNE GUINN, 000–00–0000
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NIKOLAUS F. GURAN, 000–00–0000
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STEVEN MAX GUTHRIE, 000–00–0000
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CORREA R. GUZMAN, 000–00–0000
KENNETH JOHN HAAG, 000–00–0000
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SARAH A. HACKETT, 000–00–0000
ALLEN GRAHAM HAHN, 000–00–0000
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MARCIA C. HANSMANN, 000–00–0000
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TRICIA ANNE HARMON, 000–00–0000
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TRACY D. HARRISON, 000–00–0000
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SPENCER D. HASCH, 000–00–0000
TEALLA ANN HASTINGS, 000–00–0000
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CRAIG DONALD KORKOW, 000–00–0000
MICHAEL KORNBURGER, 000–00–0000
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MARC ADAM KRAUSS, 000–00–0000
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ORTIZ SANTIAGO OTERO, 000–00–0000
ROBERT KENNETH OTT, 000–00–0000
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JOHN RILEY PARKER, 000–00–0000
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JOHN NASH PATTON, 000–00–0000
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SHEREE E. PEASE, 000–00–0000
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THOMAS D. PERRY, 000–00–0000
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DANIEL J. PETERSON, 000–00–0000
DONALD PETERSON JR., 000–00–0000
ERIC R. PETERSON, 000–00–0000
TAMERA S. PETTIT, 000–00–0000
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MICHAEL C. PFLIEGER, 000–00–0000
MARTIN F. PHILIPSEN, 000–00–0000
DEAN M. PHILLIP, 000–00–0000
ERIC JOHN PIAZZA, 000–00–0000
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EXTENSIONS OF REMARKS

RURAL ROADS FUNDING

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, anticipating next year's reauthorization of the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA], I am introducing legislation today that will provide rural area roads eligibility for a small percentage of funding under the Surface Transportation Program [STP].

The intent of ISTEA's STP program was to provide greater flexibility to State and local authorities for transportation needs by providing States with block grant-type authority. However, ISTEA regulations prohibit roads classified as local or rural minor collectors from receiving Federal-aid highway funding. Since most roads in rural areas fall under this classification, they are not eligible for funding and remain in severe disrepair.

Under ISTEA's current STP distribution formula, States are required to set aside 10 percent of their STP funds for safety programs and 10 percent for transportation enhancement programs. The remaining 80 percent of STP funding goes into a general purposes fund, with a remaining distribution account receiving 50 percent, and a statewide distribution account receiving 30 percent.

Under the remaining distribution account, funding is provided to areas over 200,000 population, while only a minimal level of funding is provided to rural areas under 5,000 population based on a fiscal year 1991 funding level. Unfortunately, congressional attempts to provide State flexibility do not ensure adequate and equitable distribution of Federal assistance to rural area roads.

Moreover, roads functionally classified as local or rural minor collectors are not currently eligible for the rural areas under 5,000 population funding and, since most rural roads fall under these two classifications, they are ineligible for Federal assistance.

My legislation would allow roads functionally classified as local or rural minor collectors eligibility for STP funds under the existing special account for areas under 5,000 population only. My legislation would not amend the road classification system. Rather, it would only modify 23 USC 133(c) to allow roads functionally classified as local and rural minor collectors STP funding eligibility under the areas under 5,000 population account 23 USC 133(d)(3)(B). Moreover, I propose that of the 50 percent to be obligated under the remaining distribution account, at least 20 percent, or the existing minimum requirement, whichever is greater, should go to the rural areas under 5,000 population account. Finally, my legislation would amend the statewide planning process by requiring States to also consider the transportation needs of rural areas, including local and rural minor collectors.

I urge my colleagues to support this necessary legislation. It will provide the flexibility ISTEA was intended to produce and will greatly improve our roadway system by allowing local and rural communities the opportunity to decide which roads should be repaired.

MEDICAL SAVINGS ACCOUNTS: FANCY WORDS FOR NEW TAX SHELTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. STARK. Mr. Speaker, medical savings accounts [MSA] will be voted on this week as part of the health insurance reform bill developed by the Republican leadership.

The MSA provisions should be deleted.

Everyone who thinks about them will quickly understand that they are destructive to the health insurance system, because they skim out the healthiest people in our society. Sicker and older people will be left behind in the traditional insurance pool, where rates will have to be raised to cover the costs of the more expensive people in that pool. These higher rates will, in turn, make insurance unaffordable to more people, thus increasing the number of uninsured in our society. MSA's may be good for individuals who are healthy at the present time, but they are bad for society that is trying to encourage health insurance for as many people as possible.

MSA's are an every-man-for-himself, to-hell-with-society philosophy.

What is not so clear is that they are a massive tax shelter.

I would like to include in the RECORD the portions of a paper by Iris J. Lav of the Center on Budget and Policy Priorities, which details how gross this new tax break is. Republicans talk about tax reform and tax simplification, but anyone who votes for MSA's is voting for tax complication and tax unfairness:

MSA PROVISIONS IN HEALTH CARE REFORM BILL CREATES TAX SHELTER AND CASTS DOUBT ON EXPANSION OF INSURANCE COVERAGE

(By Iris J. Lav)

The Medical Savings Account (MSA) provision in the House health care reform bill creates an extensive new tax shelter opportunity, the cost of which would grow over time. For people in good health, the MSA provision would be the equivalent of enacting a new Individual Retirement Account program—far more generous than the IRAs available prior to the Tax Reform Act of 1986.

Healthy, higher-income people who hope to retain for other purposes the tax-advantaged funds not needed for medical care would be attracted to use the MSAs with high-deductible insurance plans. People with less good health would find high deductible insurance plans less attractive and would be become segregated into conventional insurance plan, thereby raising the cost of such plans. As a result, it could become more difficult and less affordable for employers to offer adequate health insurance to employees most in need of it—potentially undermining the basic purpose of the health care reform legislation.

The potential problems caused by MSAs can be mitigated (but not eliminated) by limiting the ability of healthier people to use MSAs as a tax shelter for general purpose saving and investment. The tax shelter potential could be lessened by:

Significantly increasing the penalty for use of MSA funds for purposes other than paying medical bills.

Taxing interest earned on MSA accounts annually.

Recapturing foregone FICA (Social Security and Medicare) payroll taxes for amounts withdrawn from MSAs for purposes other than paying medical bills.

Raising the age at which funds may be withdrawn from MSAs for any purpose without incurring a penalty to age 65, so funds must remain available to expend on medical care until the individual qualifies for Medicare.

MSA PROVISIONS

Under the MSA proposal in the health care reform bill, qualified taxpayers (either directly or through their employers) are allowed to contribute yearly amounts to an MSA, up to a specified ceiling. To be qualified, taxpayers must have insurance coverage through a high-deductible health plan. Taxpayer (or their employers) may contribute the amount of the plan deductible of the MSA, up to $2,000 for an individual and $4,000 for a family.

Amounts individuals contribute to MSAs may be deducted on their income tax when determining adjusted gross income, which means they may be deducted whether or not the individual itemizes other deductions. If MSA contributions are made by employers on behalf of individuals (presumably even if salaries are reduced to allow the contributions to be made), the amounts contributed are not counted as wages or salary for purposes of computing income, FICA (Social Security and Medicare), or unemployment taxes. The interest earned on amounts accumulated in MSA accounts also is exempt from taxation.

Taxpayers may use the funds in their MSAs to pay any medical expenses that could qualify as itemized deductions on the taxpayers' income tax. Funds withdrawn from MSAs that are used to pay permitted types of medical bills are never taxed.

If funds are withdrawn from the MSA for non-permissible purposes, they are subject to income taxes as ordinary income in the year they are withdrawn. If the taxpayer is below age 59½, amounts withdrawn for non-permissible purposes also are subject to a 10 percent penalty. After the taxpayer attains age 59½, funds may be withdrawn from MSAs for any purpose without incurring a penalty.

MSA'S CREATE A TAX SHELTER

For higher-income taxpayers who anticipate remaining healthy, MSAs represent a new, tax-advantaged way to accumulate savings. Because contributions made by or through an employer are permanently exempt from Social Security and Medicare payroll taxes and are exempt from income taxes until withdrawn, and because the interest earned on amounts remaining in the MSA is allowed to compound without yearly taxation, the 10 percent penalty on withdrawals for non-permissible purposes is not

sufficient to prevent MSAs from becoming a tax shelter. Even after the penalty is paid, the after-tax return to savings in an MSA would under many circumstances exceed the return to conventional savings.

Figure 1 [not printed in RECORD] shows the difference to a taxpayer in the 36 percent federal income tax bracket between saving $3,000 of gross earnings under current law and saving the same amount in an MSA. In each case, the deposit is held at a three percent rate of interest. Under current law, the taxpayer would have $1,742 in after-tax funds to deposit in a conventional savings account. (The $3,000 gross earnings would be reduced by a 36 percent income tax, an effective state income tax of 4.5 percent after accounting for deductibility against federal taxes and a 1.45 percent Medicare tax. Taking away 41.95% of $3,000 leaves $1,742.) If those funds remain on deposit for 10 years with interest taxed yearly, they would grow to $2,079. Under the MSA provision, however, the taxpayer would deposit the entire $3,000 and interest would compound free of tax. After 10 years, the account would hold $4,032. The taxpayer could withdraw the funds for purposes other than medical care, pay income tax and the 10 percent penalty on the withdrawn amounts, and have $2,236 remaining.

In other words, after 10 years the value to the taxpayer of the funds saved in the MSA would exceed the value of conventionally-saved funds by 7.6%, even though a penalty was assessed for non-permissible use of the funds. If during those 10 years the taxpayer attained age 59½, no penalty would be assessed and the value to the taxpayer of the MSA savings would exceed the value of the conventional savings by more than 15 percent. As shown in Figure 1, the differential value of the MSA savings grows with the length of the holding period. After 20 years, an MSA withdrawal with penalty exceeds the value of conventional savings by 21 percent, while an MSA withdrawal after age 59½ exceeds the value of conventional savings by 30 percent. (It may be noted that the cost of the Treasury in foregone tax revenues also would increase over time, as growing amounts of savings are likely to be sheltered from taxation.)

REGULATORY BURDEN FACING SMALL BUSINESS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. MANZULLO. Mr. Speaker, I am a proud supporter of the Small Business Growth and Administrative Act, now retitled the Small Business Regulatory Simplification and Enforcement Act. This bill, as contained in the Contract With America Advancement Act, will:

First, require agencies to publish easily understood guides to assist small businesses in complying with regulations;

Second, require agencies to provide informal, nonbinding advice, about regulatory compliance to small business;

Third, create a Small Business Administration [SBA] small business and agriculture enforcement ombudsman to allow citizens to confidentially comment on SBA personnel;

Fourth, create independent boards to provide a greater opportunity to track small business regulatory enforcement and policy; and

Fifth, require agencies to develop programs to waive and reduce civil penalties for violations by small businesses.

I might note, Mr. Speaker, that these provisions unanimously passed the Senate by a 100-to-0 vote on March 19.

I am attaching an article that appeared in the Chicago Tribune last week about Perry Moy, who lives in the district I am privileged to represent and owns a Chinese family restaurant. This article explains the effect of regulations on small business. Regulators in the executive branch should heed his insights, and I urge a similar resounding vote of confidence in small business by my colleagues in the House.

[From the Chicago Tribune, Mar. 18, 1996]

RESTAURATEUR AWAITS RELIEF FROM ''WASTEFUL'' REGULATIONS

(By Wilma Randle)

McHenry County Restaurant owner Perry Moy spends his days doing a lot more than running his eatery. He also has to handle a lot of paperwork, much of it dealing with various governmental regulations.

Moy is the owner of the Plum Grove Restaurant, family-owned eatery in McHenry. And, he says the paperwork he has to deal with is something he really could do without.

Moy also served as a delegate at last year's White House Conference on Small Business where the issue of government regulations was a major concern for small business owners.

Thus, Moy is among the nation's small business operators who are watching with interest a bill currently being debated in Congress that would relieve small business owners of much of what they say is the burden of governmental regulations.

The ''Small Business Growth and Administrative Accountability Act'' would require federal agencies to periodically review regulations to determine whether they need changing, according to a recent notice distributed by the National Federation of Independent Business, a Washington-based association representing more than 500,000 small business owners around the country.

The NFIB contends government regulations force employers to waste billions of hours each year filing paperwork as well as billions in costs related to complying with different regulations. ''That time and money could be better used and spent expanding businesses and creating jobs,'' said Jack Faris, NFIB president.

Paperwork isn't costing Moy billions of work hours, but he says when you run a small business, any time that isn't devoted to running the business is time you really can't afford to waste.

''The amount of paperwork I have to deal with—just in my business—is immense,'' he said. ''I have to deal with everything from employee taxes to the health and liquor regulatory agencies. And it's not just federal agencies. There are all these state and local regulations too.''

So, he said, ''Whatever changes can be made to relieve the paperwork and regulatory burden on small business I would welcome. It's truly one of the drawbacks about running a small business.''

TRIBUTE TO DADE COUNTY'S OUTSTANDING WOMEN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to pay tribute for Women's History Month by joining with the board of commissioners, department of parks and recreation and the citizens of Dade County in celebrating the achievements of 15 outstanding women.

Elizabeth Metcalf—a woman of lasting impact, who has touched many lives in her service as a psychologist, teacher, State representative and dedicated volunteer for many organizations such as the League of Women Voters, The Girl Scout Council of Tropical Florida, and the Dade Heritage Trust.

Olimpia Rosado—came to the United States as an exile from Cuba in 1961, and since that time she has dedicated her life to preserving Cuban heritage, writing a regular column for Diario Las Americas, supporting the Miami Dade Public Library Hispanic Branch, and her extensive volunteer service.

Francena Thomas—children have always been her first priority. Francena has served as a public schoolteacher, university administrator, and currently as a community liaison for Metro Dade Police. Francena has hosted radio and television programs, writes a column for the Miami Times, and has spent extensive time volunteering for agencies such as Metro-Miami Action Plan, Alternatives to Violence, and the Youth Crimewatch Advisory Council.

Frances Bohnsack—serving presently as executive director of the Miami River Marine Group, Fran has made a positive imprint in the south Florida community through her activities in many women's organizations such as NOW and the Feminist Alternative. She has also dedicated her life as a teacher, political activist, and advocate.

State Representative Larcenia J. Bullard—is a former educator and school administrator who has taken on a task to serve in the Florida Legislature, along with her extensive community involvement which includes the NAACP, South Dade Civitan Club, National Council of Negro Women, Women's Political Caucus, and the Miami-Dade Criminal Justice Council. Representative Bullard is widely respected for her leadership in the South Dade Community she represents.

Linda Dakis—Judge Linda Dakis has focused her professional and volunteer efforts toward the effects of domestic violence in our community. She has been a leader in dealing with this difficult issue, and is respected nationally for her extensive work through publications and media program that explore this pervasive evil called domestic violence.

Margarita Rohaidy Delgado—has served as a social worker, Florida Senate Legislative Aide and presently owns her own company, MRD Consulting. She has served the south Florida community through her involvement with many organizations, among them the City of Miami Off-street Parking Board, Dade County United Way Board of Trustees, and Metro-Dade County Health Policy Authority.

Tananarive Due—is well known through her career as a columnist for the Miami Herald, as a novelist, international scholar, Big Sister, and giving back to the community through the Miami NAACP ACT–SO Committee and Big Brothers-Big Sisters. She is the daughter of two infamous south Florida civil rights leaders.

Vickie Jackson—responding to the tragic domestic violence loss of her sister, Bridget Smith, Ms. Jackson founded the Domestic Violence Education and Prevention Project, Inc. She also volunteers her time to the Inner-City Children's Touring Dance Co. and many other arts programs for children.

Elizabeth Kaynor—has served tirelessly as the executive director for the City of Miami Commission on the Status of Women, and is the founding director for the Center for Continuing Education of Women at Miami-Dade Community College. She grasps every opportunity to work for women's advancement through education, communication, networking, and international exchanges.

Ivette Arteaga Morgan—is currently the assistant principal of the Miami Palmetto Adult Education Center, and has served as an elementary teacher, social worker, school administrator, and university faculty member. Dr. Morgan has provided leadership for bilingual and multicultural education programs, was a cofounder of ASPIRA, and has volunteered her time to many programs that encourage women's political participation.

Janice O'Rourke—as a leader in educational and women's organizations, this banking executive has lent her talents and energies to many causes such as the Miami Branch of the American Association of University Women and other organizations that focus on women's education and empowerment.

Deborah Reyes—serves as the president of Capital American Mortgage Co. and consulting and training group. She is committed to serving her home community through her church, the Girl Scouts Council of Tropical Florida, the Community Coalition for Women's History, and the National Board of the Girl Scouts of the USA.

Being honored posthumously are:

Meg O'Brien—was a woman of courage and determination who became the founder of the WLRN Radio Reading Service, which provides print-handicapped persons with 24 hours of news, literature, and general information. She shared her love for literature through the radio program ''Cover to Cover,'' through the annual writer's conference in the Florida Panhandle, and through ''The Late Show,'' a bedtime story initiative for detainees at Youth Hall.

Belen Saborido—immigrated to the United States and became a successful businesswoman and community leader, launching her own business in 1981. She worked tirelessly to support education, women's concerns, service to families and children, health care, and the arts.

NATIONAL DIABETES DAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. PALLONE. Mr. Speaker, today is National Diabetes Day. Diabetes is a life-threatening, chronic disease, and a major public health issue that affects 16 million Americans directly and the rest of the population indirectly through its impact on medical care and costs.

Since the 1960's the prevalence of diabetes has tripled and it is reaching epidemic proportions. The National Institutes of Health estimates that about 1,800 new cases are diagnosed each day. Diabetes is by far the most widespread disease in our country today. In 1992 alone, cost of care for diabetes totaled $92 billion.

The skyrocketing rise in diabetes is linked to four very important factors. First, an aging population. The aging of the baby boomer population will ultimately increase that number even higher. Second, is the increasing degree of obesity. Third, is the fact that the population is living in a more sedentary lifestyle, and fourth is the fact that improved diagnosis techniques have isolated cases at earlier stages.

Those at risk for diabetes generally exhibit four different characteristics: they are over 45 years old, more than 120 percent above their ideal body weight, physically inactive, or have an immediate family member diagnosed with diabetes.

The toll of diabetes in death and human suffering is very great. Physicians are very critical to pubic education efforts. Physicians need to be more aware and sensitive to the fact that diabetes is a very serious disease. Many people are unaware they have the disease until they seek treatment for one of its crippling conditions. Some of these conditions include: stroke, blindness, heart disease, or even kidney disease.

Diabetes is the leading cause of blindness among those 20 to 74 years old. Also, as many as 20 percent of diabetics develop kidney disease. And diabetics are two to four times more likely to develop heart disease and strokes.

Diabetes is currently the fourth leading cause of death by disease. Moreover, about 169,000 Americans die each year from the disease—more than the number of people who die from AIDS or breast cancer.

We must realize that diabetes requires a lifetime of medical care and self-treatment. A person with diabetes must have access to supplies, equipment, and education. With these resources made available, a person with diabetes can greatly reduce any complications that cause any suffering associated with the disease.

Health care must be made a priority for people with diabetes. People with diabetes have great difficulty acquiring affordable health insurance that is needed to obtain medical care. Medicare and Medicaid, the Federal Government's two largest health care programs, do not provide coverage of supplies and medication necessary to avoid complications related to diabetes.

According to the American Diabetes Association, diabetes research is proven to save money. Studies taken show that for every dollar spent on medical research, $13 is saved in health care costs. The majority of diabetes research is supported by the National Institutes of Health. Ironically, of the more than $12 billion spent by the U.S. Government on medical research, only 3 percent is used to fund diabetes research. There must be a greater amount of support for medical research programs and also increased funding for diabetes research.

In regard to health care issues, we must have widespread support for legislation and efforts in the private sector that will ensure greater access to health care for people with diabetes.

I have recently become a cosponsor of two bills sponsored by Representative FURSE (H.R. 1073 and H.R. 1074) that seek to expand Medicare coverage of outpatient self-management training and access to blood testing strips. I have also signed on to a letter supporting the National Institutes of Health as a priority when considering a balanced budget.

We, Representatives in Congress, have the opportunity to improve the lives of millions of Americans with diabetes who rely on Medicare for their health insurance. I look forward to working with the other Members of Congress, now and in the future, to improve the lives of people with diabetes.

TRIBUTE TO FRANKLIN MEISSNER

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to pay tribute to an outstanding individual, Mr. Franklin Meissner, of Weymouth, MA. Today, Mr. Meissner, the outgoing chairman of the board of the South Shore Chamber of Commerce, will be honored for his exceptional work. During his tenure, the South Shore Chamber had its most successful financial year and is now the second largest chamber of commerce in New England. As the 1995 chairman, Mr. Meissner made significant improvements to the administration of the chamber by reorganizing the Economic Development Organization and upgrading the communications and computer operations. He also instituted the ''Elder-Preneur'' of the year award, honoring older people who continue to contribute to society.

In addition to efforts at the chamber, Mr. Meissner has been very active in serving his neighbors and community. To list just a few of his civic service activities: he is a member of the Weymouth Rotary Club; is director of the South Shore Hospital, Health and Educational Foundation; and is director of the Bank of Braintree. Mr. Meissner is also a successful businessman, as president of Electro Switch Corp., he employs over 500 people in Massachusetts and North Carolina. What has been very evident in all of Mr. Meissner's activities is strong dedication and a commitment to success.

Mr. Speaker, it is indeed an honor and a pleasure for me to have this opportunity to recognize this outstanding individual. I am sure I speak on behalf of many members of the community who have worked with Mr. Meissner when I offer my heartfelt congratulations and best wishes on this special day.

163D ANNIVERSARY OF THE TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES AND THAILAND

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. GILMAN. Mr. Speaker, I rise today to commemorate the 163d anniversary of the Treaty of Amity and Commerce between the United States and the kingdom of Thailand. This treaty, signed in 1833, is unique in that it is the first treaty of its kind between the United States and an Asian nation. It is a symbol of our enduring friendship and high respect for the Thai people.

For many years, the United States has had a close political and personal relationship with the people and the Government of Thailand. The Thais stood shoulder to shoulder with us in our long and principled battle against communism in Southeast Asia. Today, they continue as our ally in the war against illicit drugs.

Thailand stands as a model to other South East Asian nations as a bedrock of peace and stability in a region which has seen much turmoil.

Today, the Thais have much to be proud of in the robust development of their economic strength and their leadership in Asian commerce. The interdependence of our economies binds us even closer together and Thai-Americans have made strong contributions to American society and culture.

Mr. Speaker, it is a honor to recognize this 19th century treaty which serves as the foundation of a long and prosperous relationship. It is hoped that Thailand and the United States will continue their long-standing and mutually beneficial friendship which serves as a model of cooperation in the region.

REPUBLICAN HEALTH BILL WILL RIP-OFF SENIORS BY PERMITTING SALES OF BAD INSURANCE PRODUCTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. STARK. Mr. Speaker, the health insurance bill that was approved by the Ways and Means Committee last week contains language that completely guts the laws against Medigap fraud and abuse.

The following letter from a consumer advocate explains why.

It is another reason the House should pass a simple, pure Kennedy-Kassebaum bill.

SENIOR HEALTH INSURANCE ISSUES,
Scotts Valley, CA, March 20, 1996.

Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means, Longworth HOB, Washington, DC.

DEAR CHAIRMAN ARCHER: I am very concerned about an Amendment by Mr. Collins that recently passed out of the Committee on Ways and Means on Duplication and Coordination of Medicare Related Plans. I have been a consultant on Medicare, supplemental insurance and long term care insurance for more than eighteen years to both state and national consumer groups. I was very active in a lawsuit brought by the Santa Cruz District Attorney against an insurance agency for overselling duplicative and overlapping coverage to seniors in 1989. We both testified repeatedly in both Houses on this issue prior to the passage of OBRA 90.

While there is a legitimate reason to carve out a narrow exemption for disabled Medicare beneficiaries who have purchased guaranteed issue major medical coverage that duplicates and coordinates against Medicare, the Collins Amendment does not even address that issue. The proposed amendment language rolls back all federal and state protections since 1980 against selling multiple and duplicate policies to seniors on Medicare. This Amendment would allow companies and agents to sell seniors any amount and combination of policies on top of their Medicare and a Medicare Supplement. This practice has a long and disgraceful public history that led Congress to take action several times over the last two decades.

Not only would the proposed language repeal all federal protections, it would repeal all existing state laws and prohibit the enactment of any future state laws to protect elderly consumers. In addition to allowing the sale of excessive and duplicative coverage, it would also allow companies to coordinate those benefits against Medicare and other existing health benefits.

I find it very hard to believe that this Congress would allow these practices to resume and strip states of their rights to protect their own citizens from these abusive practices. Good public policy demands that seniors make the best use of scarce premium dollars and use any excess towards providing for their long term care needs, not the purchase of unnecessary duplicate coverage. I urge you to take a closer look at this issue.

Sincerely,

BONNIE BURNS,
Consultant.

SENIOR HEALTH INSURANCE ISSUES,
Scotts Valley, CA, March 20, 1996.

Hon. NEWT GINGRICH,
Speaker, The Speakers Office, House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: Enclosed are copies of letters I have written commenting on the recent proposed federal legislation on tax clarification of long term care insurance and on duplication of medical benefits for people on Medicare. I understand that both of these issues will be voted on the floor shortly in one or more bills related to health insurance reform. These legislative proposals are almost identical to language contained in the Budget Bill that garnered many of the same concerns. I hope you will consider the issues I have raised in my letters to the Chairs of the various committees and subcommittees. These are extremely important issues that have profound repercussions for older consumers.

Stripping states of their rights to regulate consumer protections within their borders for their oldest and most vulnerable citizens is not consistent with your desire to allow states more flexibility and choice. Is it your public policy position that overinsurance for health care costs in the oldest and sickest populations is a desirable outcome? I can't imagine that you want to see seniors using their scarce health care premium dollars that should be spent on long term care coverage used to purchase unnecessary and excessive health care coverage.

Please take a careful look at these issues.

Sincerely,

BONNIE BURNS,
Consultant.

IN HONOR OF CALIFORNIA RECLAMATION DISTRICT NO. 108

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to honor California reclamation district No. 108, which is celebrating its 125th year of operation.

In 1868, the California State Legislature authorized the organization of reclamation districts to encourage residents to transform the State's swamps and flooded areas into arable land. One of California's oldest reclamation districts, No. 108, dates from September 1870. District No. 108 was organized by Yolo and Colusa County landowners for the purpose of slavaging the tule lands that extended from the western bank of the Sacramento River to the Colusa Basin.

One of district No. 108's earliest and most important responsibilities was flood control. Tens of thousands of acres of district land occupied low-lying areas of the Colusa Basin, surrounded on three sides by water during flood periods. The district had the immense challenge of dealing with potential flooding. In order to handle this contingency the district helped fund and maintain the Knights Landing to Princeton levee on the west side of the Sacramento River, as well as other levees outside district boundaries.

At the turn of the century, the district purchased areas of Sutter and Colusa County land, which it used as outlet channels to relieve pressure on the west side Sacramento River levees. During the same period, district authorities supervised the construction of a back levee to protect district lands from northern and western flood waters.

As development of lands within the district grew, so did R.D. 108's flood control efforts. Eventually, the district's work at the Knights Landing Ridge resulted in the 1915 formation of the independent Knights Landing Ridge Drainage District. During the same period, the newly-created Sacramento River West Side Levee District assumed maintenance control of the West Side Levee between the towns of Knights Landing and Colusa.

The earlier flood control efforts undertaken by district No. 108 laid the foundation for the development of these newer entities. District No. 108 developed a strong cooperative relationship with these bodies which continues to this day. The entire lower portion of the Colusa Basin enjoys greater flood protection as a result of this cooperative effort.

In the early years of this century the district expanded its focus, moving into the realm of irrigation. In 1917 district No. 108 obtained permission to irrigate lands not adjacent to the Sacramento River. An intense effort was mounted to establish an irrigation and drainage system which would serve the entire district. This effort was completed with great success. Today, there are 118 miles of irrigation ditches and over 300 miles of drains operated and maintained by the district.

In recent years, reclamation district No. 108 has faced a variety of challenges. During the 1960's the district worked with Sacramento River Water users and the U.S. Bureau of Reclamation to formulate a supplemental water supply plan. Today, district No. 108 is bring together Federal, State, environment, and water administrators and landowners in an attempt to develop a feasible and cost effective method for protection of the Sacramento River's endangered fish.

CELEBRATION OF JAN PIERCE'S 40 YEARS OF PROGRESSIVE LABOR LEADERSHIP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Jan D. Pierce, the vice president of the Communications Workers of America, District One.

For the last 40 years, Mr. Pierce has worked tirelessly as a progressive labor leader in the communications industry and has been a leading advocate for rank and file unionism in the United States.

Mr. Pierce has been an active union member his entire working life, beginning with his

employment by the then Bell System in 1956. He then served as president of CWA Local 4320 in Columbus, OH. Following that, he worked with the CWA District One staff as area director, assistant to the vice president and beginning in 1985, as vice president of the largest CWA district in the country.

Mr. Speaker, Mr. Pierce has stood by his word for the last 40 years by serving as an articulate spokesperson with a progressive point of view on major social, economic and political issues. In addition, he has involved himself in countless causes and struggles including civil rights, human rights, women's rights, political campaigns, demonstrations, picket lines and movements to improve conditions for the American worker.

Mr. Speaker, I am proud to recognize the achievements of Jan D. Pierce, and I know my colleagues join me in honoring him as we celebrate 40 years of progressive labor leadership with the Communications Workers of America.

HONORING JOANNE O'ROURKE ISHAM, DIRECTOR, OFFICE OF CONGRESSIONAL AFFAIRS, CENTRAL INTELLIGENCE AGENCY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. COMBEST. Mr. Speaker, I rise today to call special attention to the dedicated work of Ms. Joanne Isham as Director of Congressional Affairs at the Central Intelligence Agency. Ms. Isham served in this demanding job for 2 years, taking over the office in a period of controversy following the reprimand of several CIA employees for their handling of the Aldrich Ames spy case. She recognized that the CIA's relations with the Congress were badly damaged by the spy case and set about immediately to improve them.

Mr. Speaker, I witnessed a dramatic shift in the Agency's posture with the Congress following Ms. Isham's appointment. She initiated a series of reforms to ensure that the Intelligence Committees were kept fully and completely informed of significant developments at the Central Intelligence Agency. She accomplished this turnaround not with a heavy hand, but with fair and even-tempered management. Ms. Isham kept me fully apprised of significant developments in the intelligence community. She earned the committee's respect in a most difficult undertaking.

Ms. Isham has now been promoted to be Associate Deputy Director for the CIA's Directorate for Science and Technology. This is a new position that will enable her to capitalize on her strong relations with the Congress and many years of experience in the CIA to bring a strategic and more corporate management team to the CIA's Directorate for Science and Technology. We will miss her at Congressional Affairs, but look forward to working with her in this new capacity.

Finally, I want to note that, in recognition of her work, she was awarded the Contract With America's Distinguished Intelligence Medal by Director John Deutch on March 18, 1995, in recognition for her outstanding leadership and management of the Office of Congressional Affairs. I want to thank her for her service to her country and her unstinting bipartisan work on behalf of the intelligence community.

SALUTE TO FAMILIA DIAZ MEXICAN RESTAURANT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. GALLEGLY. Mr. Speaker, I rise today to salute a family restaurant in my district that is celebrating six decades of success—a family restaurant that never forgot the importance of family.

Familia Diaz Mexican Restaurant, now a fixture on 10th Street in Santa Paula, was established in 1936 by two people who had just $500 in savings and a dream in their hearts. Jose and Josepha ''Pepa'' Diaz opened their cantina, originally called ''Las Quince Letras,'' and resolved that through hard work and determination they would succeed.

While Jose worked the front, making conversation with faithful customers who, over the years, would become almost as close as family, Pepa would be in the kitchen turning out her famous recipies, sometimes sending daughter Vickie to the corner store to buy the ingredients for a particular dish.

Word spread and the restaurant grew. In the 1950's, their son, Tony, came into the business and built on the progress his parents had made. For many years, Tony's wife, Cecila, and his sister, Nora, almost single-handedly turned out the restaurant's famous tamales.

In 1980, when Tony was celebrating his 30th year in the restaurant, he was joined in the business by two of his children, Sandra and Dan. This was so very appropriate, because in Familia Diaz' 60 years of business, business has always been deeply rooted in family.

While the number of fast food restaurants turning out food that is precooked, prepackaged, and preheated continues to proliferate, it is refreshing to know there are still places to go where food is prepared, the way it is at Familia Diaz.

I would like to wish the Diaz family a sincere congratulations on this happy 60th anniversary and best wishes for the future. I know that as long as this restaurant maintains a healthy supply of its most precious commodity—family—it will continue to enjoy great success.

PROCLAMATION HONORING MRS. AMANDA FRAZER DAWSON

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. FRAZER. Mr. Speaker, I insert the following for the RECORD:

A PROCLAMATION

Whereas, Ms. Amanda Blyden was born on April 7, 1906 in Tortola in a little Village of Cane Garden Bay to Celina and George Blyden;

Whereas, Ms. Blyden moved to St. Thomas in the early 1900s;

Whereas, she attends Christ Church Methodist in the Market Square where she has remained an active member for over fifty years;

Whereas, Ms. Blyden married Mr. Albert Frazer on December 16, 1925;

Whereas, she had ten children, seven are presently alive and active in their communities;

Whereas, she is a proud grandmother and great grandmother to over fifty children;

Therefore, be it resolved on this the seventh day of April 1996, I, Victor O. Frazer, Member of Congress, join with family and friends to honor a great woman as she celebrates her ninetieth birthday.

HOUSE CONCURRENT RESOLUTION 148

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I came to Congress in January 1965, when questions about our escalating involvement in Vietnam were widely debated. Congress had passed the Gulf of Tonkin resolution the summer before, providing supporters of the war in Vietnam with a claim that Congress had authorized it. I took a stand against United States involvement in the Vietnam war. Supporters of the war used the near unanimous vote taken by Congress in passing the Gulf of Tonkin resolution to prove that I was out of line and even un-American for opposing my Government at a time of armed conflict.

This Taiwan resolution repeats the mistakes of the Gulf of Tonkin resolution.

For 24 years we have adhered to a One China policy to the point where we have declined to recognize Taiwan as an independent nation. Until we do, our policy has been as stated in the Taiwan Relations Act. Taiwan does not have a United States Embassy in the United States; neither do we have one in Taiwan.

Despite the diplomatic difficulties that this One China policy has caused, it has produced enormous prosperity in Taiwan, making it the 19th largest economy in the world. Today Taiwan is a major trader with the United States as well as with the People's Republic of China. It has won its right to the international trading table without dispute.

The Taiwan Relations Act states no committment on the part of the United States to use our military force in case of threats by mainland China. It was carefully crafted to avoid this inference.

Today we are amending that act. This resolution specifically makes that pledge of military force.

I find it hard to support this resolution, despite the alarming and exceedingly provocative actions of the People's Republic of China, because it goes too far and changes the longstanding policy without any substantive debate and without discussion of all the ramifications of this change.

This resolution is a cold war style reaction to the current missile firing and military maneuvers by the People's Republic of China in the Taiwan Straits. A sounder resolution which deplored this provocation and urged that it come to a halt and commended the Government of Taiwan for their remarkable achievements, pledged continuing support and friendship, and congratulated them on their upcoming election would have been all that was

needed to point to the obvious need for the People's Republic of China to back off.

Yet I cannot vote against the Taiwan resolution, because like most of the Congress I, too, am disturbed at the aggressive behavior flagrantly exhibited by the People's Republic of China. It is not a normal reaction to the first Presidential election going on in Taiwan. In fact, it assured the overwhelming election of President Lee. It probably is more related to the power struggle going on in the People's Republic of China over who is to succeed Deng Xiao-Ping. We know that the various factions are positioning themselves to succeed him. A statement that the United States is a friend of Taiwan was probably important to reiterate. However, to go further and threaten the use of our military I believe was going too far.

Further, I believe that the President of the United States is in charge of the foreign policy of the United States and is also the Commander in Chief of our military forces. President Clinton had already ordered our ships to the Straits of Taiwan to observe the tactical exercises to make sure that it did not invade Taiwan's territorial integrity.

For these reasons I decided to vote ''present'' to respect the President's appropriate exercise of authority over this episode. My vote of ''present'' was cast to indicate that I had confidence in the President to serve the interests of all Americans in this matter at this time.

In the future if it ever becomes necessary to consider a resolution of war against the People's Republic of China I want to be free to determine at that time whether or not to support such a step.

I believe that those who voted for this resolution could be said to have already made their decision to go to war.

I want to reserve that decision to a later time and hope that that time will never come.

AVIATION TAX SCHEDULE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. LIGHTFOOT. Mr. Speaker, the administration has proposed as part of its fiscal year 1997 budget request that Congress give the Federal Aviation Administration [FAA] the unlimited authority to establish and raise new aviation taxes. Under the administration proposal, the FAA could establish and implement those new taxes not later than 60 days after enactment. Following my statement is the aviation tax schedule developed by FAA in support of its budget request. Space limitations prevent us from adding the complete document into the RECORD today. However, the full FAA document is readily available from my office.

This new aviation tax schedule is clearly a case of the ''devil is in the details.'' The administration, in its publication ''FAA fiscal year 1997 Budget in Brief,'' attempts to portray these aviation taxes as limited to $150 million. However, the legislative language submitted to Congress, coupled with the information I am sharing with this House today, tells another story.

The legislative language submitted to Congress does not actually limit the amount collected in aviation taxes, it merely limits the amount available for obligation in fiscal year 1997 to $150 million. As we see in the attached aviation tax schedule entitled, ''Illustrative User Fees and Aviation Regulation and Certification,'' the administration clearly has bigger things in mind. This aviation tax plan could raise as much as $345 million in fiscal year 1997. Who knows what designs the administration would have on the almost $200 million in unobligated new tax funds the FAA could collect in fiscal year 1997.

At this point let me briefly highlight a few of Secretary Pena's proposed new aviation taxes.

At least $122 million could come from the airlines in the form of aircraft registration fees, air operator certificate fees and manufacturers certification fees. An additional $57 million could come from general aviation in the form of new license and medical certification fees. I am sure other parts of the aviation community will be interested to see what the administration believes should be their share of the new aviation taxes.

Mr. Speaker, this proposal is even worse than the original McCain-Pena proposal, S. 1239, because under this new administration proposal Congress would not have the opportunity to review any new aviation taxes before they were implemented. I hope Members of the other body who have supported S. 1239 will take a long, hard look at the administration's proposed aviation tax structure, because this is the future of aviation. This is what the administration would propose if Congress were to ever approve the McCain-Pena bill.

This administration's creation of a phony aviation funding crisis demonstrates that it does not believe itself capable of, nor is it even willing to attempt, to live within the confines of a balanced Federal budget.

We see today what the administration passes off as its vision of the future of aviation; not a modern, leaner, more efficient FAA—but new taxes to paper over the problems of an old, inefficient organization—in other words—business as usual.

It's interesting to note, Mr. Speaker, the administration continues to resist FAA reform. Two weeks ago the House passed the Duncan-Lightfoot FAA reform legislation. The Secretary of Transportation threatens a presidential veto of our FAA reform legislation. In fact, earlier this year the Appropriations Committee had to direct the FAA to develop and implement a plan to reform its personnel and procurement procedures.

Mr. Speaker, this plan for new aviation taxes goes to the heart of what the General Accounting Office has reported to us about the FAA. There is an organizational culture problem at FAA that I believe can only be fixed with continued congressional insistence on personnel reform, procurement reform and, of course, the restoration of FAA to independent agency status.

I think it is vital the Congress, the aviation community and the traveling public, which will ultimately pay these new taxes, have the opportunity to see the fine print whenever this administration proposes new aviation taxes. You can be sure this misguided tax proposal will face serious congressional scrutiny, particularly from the House Transportation Appropriations Subcommittee.

ILLUSTRATIVE USER FEES FOR AVIATION REGULATION AND CERTIFICATION

Presently the FAA charges fees for foreign repair stations and fees to recover the costs of the Civil Aviation Registry for processing and issuing aircraft registration certificates, dealers' aircraft certificates, and special registration numbers. Registry fees are nominal, for example, registering an aircraft is a one-time fee of $5 and there is no charge for airmen certification. Proposed new fees and increases in existing fees which were authorized by the Drug Enforcement Assistance Act of 1988 and which will take effect in 1997 still will not recover indirect overhead costs, nor will they compensate for FAA's costs to actually certify and license aircraft, airmen, air operations, or air agencies. A list of the types of Registry fees, how much is now charged and how much will be charged beginning in 1997, is shown in Exhibit No. 1, ''Civil Aviation Registry'' on the next page.

The User Fee Task Group studies a number of possible certification and licensing fees, which are listed below. A brief description of each fee is provided in Appendix No. 2, ''Synopsis of Illustrative User Fees—Certification, Regulation, and Licensing.'' More detailed narratives on each fee are available.

[In millions of dollars]

Illustrative fee:	*Projected annual revenue*
Aircraft Certification: Designee Appointments and Renewals	6.0
Aircraft Certification: Design Certification, Production Approval, and Airworthiness Certification	10.0
Aircraft Registration Fee	250.0
Airmen Certification/Registration (including Medical Certification)	56.5
Certification of Air Operators and Air Agencies	11.6
Civil Aviation Registry	11.0
Total Projected Annual Revenue	345.1

AIRCRAFT CERTIFICATION; DESIGNEE APPOINTMENTS AND RENEWALS

The FAA interviews and reviews the credentials and training of individuals who seek appointments as engineering, airworthiness, or inspection representatives. These individuals benefit economically as designees of the FAA. Therefore, a $1,000 fee for initial appointments and annual renewals would not seem unreasonable and would probably add an element of efficiency, as those designees who conduct certifications infrequently would opt not to be appointed, thereby reducing FAA's workload. Conversely, caution should be exercised to not charge too high a fee, as this might decrease the number of designees and also increase the FAA's workload.

EXHIBIT NO. 1.—CIVIL AVIATION REGISTRY IMPACT OF FULL COST RECOVERY

[In thousands of dollars]

	Current fee	Estimated annual collection	Proposed fee	Estimated annual collection	Required cost recovery fee	Estimated annual collection
Aircraft Registration Certificate (Non-Transport)[1]	5.00	210.0	32.00	1,344.0	45.03	1,891.4
Aircraft Registration Certificate (Transport)[1]	5.00	11.0	17.00	37.4	45.03	99.1
Aircraft Reregistration Certificate[2]	0	0	17.00	408.0	45.03	1,080.8
Airmen Certificate—New/Additional Ratings	0	0	14.00	2,240.0	18.21	2,913.8
Dealer's Aircraft Certificate—Original[3]	10.00	13.0	22.00	28.6	27.90	36.3
Dealer's Aircraft Certificate—Additional	2.00	6.4	7.00	22.4	27.90	89.3
Duplicate Aircraft Registration	2.00	6.0	7.00	21.0	44.89	134.7
Duplicate Airmen Certificate	2.00	90.0	7.00	315.0	23.85	1,073.4
Pilot Certificate—Reissued/Renewal[4]	0	0	14.00	980.0	23.85	1,669.8
Record Security Aircraft Parts Locations Engines & Props[5]	5.00	129.0	17.00	436.6	26.90	694.0
Record Security Interest[5]	5.00	150.0	17.00	510.0	26.90	807.0
Renewed Special Registration Number	10.00	40.0	28.00	112.0	34.68	138.7
Special Registration Number	10.00	100.0	30.00	300.0	37.16	371.6
Total		755.4		6,757.0		11,000.0

Requiring Operating Funds, $11.0M.

[1] This is the cost for the original aircraft registration.

[2] This is the cost for the renewal of aircraft registration which must occur every TEN years.

[3] These are currently renewed on an annual basis and will continue to be done that way.

[4] This will be for the ID portion of pilots certificates which will need to be renewed every TEN years.

[5] The collections for these fees currently goes to the General Fund, not the Registry.

FAA designates about 6,000 medical doctors, Airmen Medical Examiners (AME's), to perform medical examinations to certify the health of airmen. Typically, exams cost about $50–$75, and on average, AMEs conduct 50–100 exams a year. Few AMEs make a living from these exams and few would find it worthwhile to continue their designations if a fee were to be charged. Although not yet instituted, AMEs are to be charged $200 to attend FAA mandated training.

AIRCRAFT CERTIFICATION: DESIGN CERTIFICATION, PRODUCTION APPROVALS, & AIRWORTHINESS CERTIFICATION

FAA engineers conduct extensive analyses, inspections, and ground or flight tests to certify that an aircraft, engine, propeller, or aircraft part complies with design standards. FAA also approves manufacturers' request to produce and sell aircraft replacement parts. Fees could be charged for the initial certifications and for periodic renewals. While $10 million in annual revenue is projected for this user fee, much work needs to be done to fine tune this forecast, and to determine what types, and the amounts, of fees that could be charged.

AIRCRAFT REGISTRATION FEE

Presently, registering an aircraft is a one-time charge of $5. Under current legislation this will increase to an initial registration fee of $17 for commercial airlines and some business jets, and $32 for all other aircraft. Every ten years there will be a renewal registration fee of $17. The proposed illustrative aircraft fee, comparable to an automobile registration fee, could convert this fee to an annual fee with an option to pay several years in advance, and possible levels of charges could be the following:

Type of aircraft	Number in fleet[1]	Illustrative fees	Annual revenue (thousands)
Single Engine Pistons	123,600	$100	$12,360
Multi-engine Pistons	15,800	1,000	15,800
Turboprops	4,900	9,000	44,100
Turbojets	4,400	18,000	79,200
Piston Helicopters	1,500	500	750
Turbine Helicopters	3,200	1,500	4,800
Subtotal	153,400		157,010
Large Jet Aircraft	4,725	20,000	94,500
Total	158,125		251,510

[1] Based on 1997 forecast.

Note: It is important to bear in mind that these fees would be instituted in lieu of, not in addition to, the existing aviation taxes.

AIRMEN CERTIFICATION REGISTRATION AND AIRMEN MEDICAL CERTIFICATION

FAA certifies that airmen (e.g., flight engineers, pilots, mechanics) meet certain qualifications/requirements, for example, that pilots have flown a minimum number of hours. FAA assesses charges for certifying foreign airmen, but does not now assess a fee for domestic certifications. Fees could be established, comparable to those charged for foreign certifications, ranging from $250 to $400. Once certified, airmen could be charged an annual registration fee, like an individual's automotive driver's license. Annual fees might be the following:

Airmen	$15 annual fee	$20 annual fee	$25 annual fee
Student Pilots	X		
Private Pilots	X		
Mechanics	X		
Flight Navigators	X		
Parachute Riggers	X		
Dispatchers	X		
Commercial Pilots		X	
Flight Engineers		X	
Flight/Ground Instructors		X	
Airline Transport Pilots			X

A user fee is proposed to charge pilots to recover the costs to administer the Medical Certification and Airmen Medical Examiners Programs. To do so, the following fees might be assessed:

Certificate	No of certificates[1]	Possible fee	Projected revenue
1st Class Medical Certificate (commercial pilots; examined every six months)	170,000	$30	$5,100,000
2nd Class Medical Certificate (annual examination)	115,000	25	2,875,000
3rd Class Medical Certificate (private pilots examined every two years)	170,000	15	2,550,000
Total	455,000		10,525,000

[1] The number of certificates will decrease in the future when recreational pilots are not required to take a medical examination, but are able to self-certify that they are medically qualified to fly.

To simplify the administrative processing and to make it easier for airmen to pay, rather than charge a separate medical certification fee and a separate airmen registration fee, these charges should be combined into a single fee.

CERTIFICATION OF AIR OPERATORS AND AIR AGENCIES

Individuals and companies who wish to provide aviation services to the public must be certified by FAA that they meet certain requirements. These are mandated by law and include requirements relating to airplane performance, airworthiness, training programs, operating manuals, and crew member qualifications. Except for the certification of foreign repair stations, FAA does not charge for the time and resources expended in granting a certificate. Fees could be charged to cover the cost of the initial certification and annual renewals. Air operators include large airlines, commuter and small charter airlines, foreign airlines, external load operators, and agricultural operators. Air agencies include repair stations, pilot training schools, and maintenance schools.

An initial certification charge would be a flat rate determined by a formula using historical data. For example, to certify a large airline, FAA could charge $202,000, which is based on an average of 2000 inspector hours at a rate of $101 per hour. Annual renewal fees could be a rate based on the complexity of the review.

INTERNATIONAL COMPARISONS

User fees for certification and regulation are not without precedence. A review of fees charged by Australia, United Kingdom, Canada, and Japan, showed that all four countries charged fees for an air operator certificate, pilots' and other airmen's licensing, and certificates of airworthiness. See exhibit No. 2, ''Certification and Regulation Fees—International Comparisons.'' Fee schedules for each country can be provided. Generally, Canada's certification and regulation fees, like the United States' at this time, are nominal, and do not capture the costs of providing the services. About 20%–30% of Canada's regulatory function is funded by user fees, and 70%–80% is subsidized by general taxpayers.

In almost all instances, instituting the illustrative certification and regulation fees would require new or revised authorizing legislation and an accelerated rulemaking process. S. 1239, ''Air Traffic Management System Performance Act of 1995,'' a bill submitted by the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation, would allow the establishment of fees for safety, certification, security, training, inspection, and other activities. In addition, the bill mandates that the fees go into effect 45 days after submission to Congress. This is important since historically our experience has shown that it takes an average 2.4 years to go through the usual rulemaking process.

In an environment where users would be charged for services, fees for certification and licensing make sense, despite vehement opposition by those who would be charged. For a number of reasons, however, collection of these fees, while not impossible, would probably be difficult in FY 1996.

EXHIBIT NO. 2—CERTIFICATION AND REGULATION FEES INTERNATIONAL COMPARISONS

User Fee	Australia	United Kingdom[1]	Canada[2]	Japan	United States
Air Operators Certificate	Yes	Yes	Yes	Yes	No.
Pilot License	Yes	Yes	Yes	Yes	1997.
Licensing for Airmen Other Than Pilots	Yes	Yes	Yes	Yes	1997.
Airmen Medical Certification	.....	Yes	Yes	Yes	No.
Other Designees (airworthiness representatives, manufacturing inspection representatives)	Yes	.....	No	.....	No.
Certificate of Airworthiness	Yes	Yes	Yes	Yes	No.
Certificate of Airworthiness Renewal	Yes	Yes	No	Yes	No.
Noise Type	.....	Yes	No	Yes	No.
Noise Type Renewal	.....	.....	No	Yes	No.
Type Certificate	Yes	Yes	Yes	Yes	No.
Aircraft Registration	.....	.....	Yes	Yes	Yes.
Simulator Certificate (Annual and Renewal)	.....	Yes	No	.....	No.

[1] Other fees charged include: aircraft engine emissions; air traffic controllers' license (Canada also charges this fee); flying exhibit fees where more than 500 people are likely to attend.
[2] Generally these charges do not reflect costs of providing service. About 70–80% of Canada's regulatory function is subsidized by general taxpayers, and 20–30% is funded by user fees.
Note: Australian fees in effect on 7/90. Civil Aviation Authority (United Kingdom) fees in effect on 4/95 (rates are updated annually). Canadian fees effective as of 8/95. Japan's user fees in effect on 10/95.

As shown in the very first chart, the total projected revenue from certification, regulation, and licensing user fees is $345.1 million. This compares with the allocated cost[1] for Aviation Regulation & Certification of $658.6 million, resulting in a shortfall of $313.5 million. (See Appendix No. 2, ''Comparison of Costs and Revenues by Activity.'') While the precise amount of the deficit can be adjusted, e.g., adjust aircraft registration fee, reexamine aircraft certification revenue projection, or institute additional fees, the bottom line is that there is a sizable deficit between revenue from user fees and the costs of providing certification and regulation services.

CONGRESS MUST ACT CAREFULLY WHEN REGULATING SECOND AMENDMENT RIGHTS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. GUNDERSON. Mr. Speaker, the debate about guns is as old as these United States of America. The American Revolution was about tyranny of the few over the many; and the power to control the masses included the ability to control firearms. As a result, our Founding Fathers believed it essential to guarantee the right to bear arms as a way to prevent history from repeating itself.

Throughout the ensuing 220 years, the second amendment has served us well—for food, for defense, and for sport. Guns were necessary to secure food and for protection as families settled our country during the early years of the country. Gun skills were vital to life then, remained important through two World Wars, and are still important today, especially to those outdoors enthusiasts in Wisconsin. There are many gun clubs in western Wisconsin, where young and old alike practice against targets and clay pigeons. Our hunters enjoy the sport and challenge of trying to bag a buck or a bird. We must ensure that their enjoyment can continue.

Yet everyone should recognize that the second amendment right to bear arms is not absolute. Congress has the ability to regulate the use of firearms where necessary. For example, over 60 years ago, Congress prohibited automatic weapons—machine guns—because allowing the sale of these weapons was contrary to the public interest. Today, we need to confront another growing problem—incidences of random gun violence by individuals and excessive drug-induced violence. This violence often pits our law enforcement personnel against criminals with greater firepower.

I believe that some firarms can be regulated by Congress without violating our second amendment rights. Just as a person cannot abuse his free speech rights by yelling fire in a crowded theater, there are reasonable limits that Congress may need to place on certain firearms. The issues are what firearms Congress regulates and how the regulation is conducted.

Today, we confront that issue as the House of Representatives again considers the assault weapons ban. Once again, both supporters and opponents have made their views known with emotional fervor. Both sides approach this debate with important and valid concerns. To many, the issue is the basic guaranty to bear arms provided in the second amendment to the Constitution. To others, the issue is a question of how to protect against mass killings all over the country, in both urban and rural areas.

When the House considered the assault ban in 1994, I noted that the real issue was not whether Congress could ban a short, designated list of firearms. Rather, the issue was whether, in addition to a short list, the people wanted to entrust the Federal bureaucracy with the power to decide which firearms were copies or duplicates of the firearms banned in the law or that met the additional banned firearm criteria. Supporters claimed that language prohibiting copies or duplicates is necessary to be effective and that the additional banned modifications are narrowly tailored. Opponents disagreed, noting that the effect would likely be to ban dozens of weapons. By a narrow vote of 216 to 214, the House decided that the Bureau of Alcohol, Tobacco and Firearms [BATF] should have that power.

In my opinion, the existing assault weapons law leaves excessive discretion to the Bureau of Alcohol, Tobacco and Firearms to determine when modified firearms should be banned. I believe then, as I believe now, that providing such wide latitude is wrong and that Congress must be more specific if it is to act at all.

As a result, I will vote to repeal the assault weapons ban. I sincerely believe that Congress must act very carefully when curtailing constitutionally protected rights, and it must fully disclose the effects of the legislation it passes to regulate those rights. The House did neither when it passed the assault weapons ban in 1994.

H.R. 2202, IMMIGRATION REFORM

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Ms. WATERS. Mr. Speaker, I was unable to be present for the floor debate on immigration reform due to business in my district. However, I would like to submit my views on H.R. 2202 for the RECORD.

As a Californian, I am well aware of many of the problems and economic strains associated with illegal immigration. However, we must not deter people, many who come here seeking freedom and opportunity, and many who have become productive citizens, from legally entering the United States. Many legal immigrants come to this country with a desire to work. Our challenge is to manage that flow rationally.

H.R. 2202 is an extreme measure that not only attempts to stop illegals from crossing our borders—often in unworkable and repressive ways—but also limits many of our family members such as sisters, brothers, parents, and adult children from joining us in America. This bill actually punishes legal residents and citizens by unreasonably restricting family reunification visas. It denies adult children and siblings of citizens and legal residents—many who have waited years to enter the United States—the chance to reunite with their families in America. This change in law would unfairly punish families that depend on their loved ones, not the Government, for support.

This bill also imposes annual refugee caps, limiting the number of eligible refugee applications to 50,000 per year—that's almost half of the current number. These people may be terrorized by their government, and have no other recourse than to flee their nation. Under this legislation, refugees could be turned away if the immigration quota of 50,000 for that year has been filled. This is a disgrace for a nation with a solid tradition of immigration, and a history of being a refuge for those who flee terror and deprivation.

I am disillusioned that some of my colleagues seek to make this bad bill worse by amending it to deny children an education, simply because they happen to be born to undocumented parents. Such a move would only further hurt an already disadvantaged child. It is absolutely cruel to punish innocent children for their parents' decisions.

This provision would also take a financial toll. In Los Angeles County alone—my home, and the home to nearly 30 percent of California's public school population of almost 1.5 million—the administrative costs for verification

could total as much as $97 million over a 7-year period, at $37 per student plus startup costs. It makes more sense to educate our children, rather than waste our resources verifying their citizenship, while risking discriminating against our own citizens in the process.

Other provisions, such as those which would force public hospitals to identify illegals before being reimbursed, are equally immoral. This could threaten public health and possibly increase harassment and discrimination in our hospitals.

It is my hope that we may vote to divide this bill into two parts, one which deals with legal immigration and the other with illegal immigration. I support securing our borders with more agents, better equipment, and sturdy barriers. I applaud the deportation of criminals and increased penalties for people who fraudulently reproduce U.S. documents. However, I do not back the provision to enhance the power of Federal law enforcement, including increasing wiretap authority. This is a complex bill with more weaknesses than strengths, at this point. Splitting the bill could allow us to focus on the real problem, which is stopping illegal, not legal, immigration.

Let us decrease the flow of illegal immigrants to our Nation, while proceeding to advance legal immigration. Our country continues to obtain its ultimate strength from diversity. Our tradition as a nation of immigrants obligates us to find a fair and just way to handle that responsibility.

Specifically, on the amendments, had I been present, I would have voted as follows:

Amendment No. 3, offered by Representative BEILENSON—''yes'';

Amendment No. 4, offered by Representative MCCOLLUM—''yes'';

Amendment No. 7, offered by Representative BRYANT (TN)—''no'';

Amendment No. 9, offered by Representative VELÁZQUEZ—''yes'';

Amendment No. 10, offered by Representative GALLEGLY—''no'';

Amendment No. 12, offered by Representative CHABOT—''no'';

Amendment No. 16, offered by Representative CANADY—''no'';

Amendment No. 18, offered by Representative DREIER—''no'';

Amendment No. 19, offered by Representative CHRYSLER—''yes'';

Amendment No. 22, offered by Representative POMBO—''no'';

Amendment No. 24, offered by Representative GOODLATTE—''no'';

Amendment No. 28, offered by Representative BURR—''no'';

Bryant motion to recommit—''yes''.

Final passage—''no''.

In addition, on Thursday, I would have voted ''no'' on rollcall vote 80, ''no'' on rollcall vote 81, ''yes'' on rollcall vote 82, and ''no'' on rollcall vote 83.

And, on the motion to go to conference on the omnibus continuing appropriations bill, I would have voted ''yes''.

Finally, on Friday, I would have voted ''no'' on both the rule and final passage of H.R. 125, to repeal the assault weapon ban.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. OBEY. Mr. Speaker, today, I would like to salute an outstanding young woman, Elizabeth Fox, who has been honored with the Girl Scouts of the U.S.A. Gold Award by the Indian Waters Girl Scout Council in Eau Claire, WI.

She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award project, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

For the Girl Scout Gold Award project, Elizabeth organized a stuffed animal drive in her community and donated the toys to local time-out shelters. For her project, Elizabeth assessed the needs of her community, developed a plan to address one specific area in need, and followed through with the project to completion. The organizational and communications skills she developed through the project will benefit her throughout her life, and Elizabeth's dedication to Eau Claire will benefit the community for a long time to come.

The earning of the Girl Scout Gold Award is a major accomplishment for Elizabeth Fox, and I believe she should receive the public recognition due her for this significant service to her community and her country.

HONORING CHARLES C. WILLIAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. KILDEE. Mr. Speaker, it is my pleasure to rise before my colleagues in the U.S. House of Representatives to recognize Mr. Charles C. Williams. Mr. Williams is retiring after many years of dedicated public service. A retirement dinner in his honor is to be held on March 29, 1996 in Flushing, MI.

Throughout his 40-year career, Mr. Williams worked diligently to improve the lives of those who were less fortunate, and who were most in need. Mr. Williams proved to be a tireless advocate for children and played a vital role in helping to develop and advance programs dedicated to the preservation of one of the most important resources, the family. His work on behalf of his community has earned him the respect of not only his colleagues, but also the countless people whose lives were touched by him.

Mr. Speaker, Charles C. Williams has worked selflessly to make his community a better place in which to live. I know that his retirement dinner is not meant to celebrate his departure from the Department of Social Services, rather, the dinner is meant to show him the deep and abiding love and respect his colleagues, his family, his friends, and his community have for him. I ask you and my fellow Members of the 104th Congress to join me in paying tribute to such a dedicated public servant, Mr. Charles C. Williams.

H.R. 2202—THE IMMIGRATION IN THE NATIONAL INTEREST ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, I believe H.R. 2202 creates an aura of fear and suspicion within our communities. Instead of addressing the real problem—the loss of our jobs to illegal immigrants, it unfairly punishes children and college students seeking an education. My district in Rhode Island is comprised of American citizens and legal residents of a multitude of races and nationalities. Because of that, I voted against final passage of the bill.

I wholeheartedly support H.R. 2202's initiatives to end illegal immigration by increasing the number of border control agents, building additional roads and barriers and cracking down on employers who hire illegal aliens. This mean spirited bill however, heightens the fear, hysteria, and anti-immigrant fervor that is running rampant across this country. For this reason, I could not in good conscience support this legislation.

My district in Rhode Island is enriched by the many people who have brought their cultures and traditions to this great Nation to build a life for themselves and for future generations. I am proud of these hardworking Americans, who each day go to work, pay taxes, and contribute to creating a stronger United States and Rhode Island.

Rhode Island boasts a myriad of ethnic groups who take pride in these cultures and traditions. This allows future generations of Rhode Islanders to celebrate the lives of their forebearers while providing the greater community the opportunity to share, learn, and respect the value of difference. This fellowship is part of the solution to ending the ignorance and fear of the unknown. Whether it be the Portuguese fiestas in Bristol, the Greek festivals in Pawtucket, the Hispanic celebrations in Central Falls, the French-Canadian traditions in Woonsocket, the Italian feasts in North Providence, or the Irish parades in Newport, Rhode Islanders value and cherish their ethnic roots. H.R. 2202 contributes to the slow but sure demise of these cultural values.

I find it unconscionable that Congress would approve legislation allowing school administrators the right to demand proof of citizenship before allowing a child to receive an education. It is a travesty that in an effort to curb illegal immigration, the authors of this bill have chosen to scapegoat children. Have we become so desperate that we must resort to these drastic measures? Creating an Orwellian society in which individuals must present a

card to verify their legality refutes everything that is right and good about America. It is blind and unfair. It fans the flames of prejudice. Does anyone doubt who will be asked to present a card? All too easily administrators will fall back on old prejudices for guidance. Someone is not any less an American because of the color of their skin or because their last name is new to a neighborhood.

I view H.R. 2202 as nothing but a political ploy orchestrated by the Republican Party to once again appease their supporters, to retain and build upon their majority. By forcing Democrats to go along, or be criticized for not doing the politically in thing, the Republican majority is once again playing games with extremely important issues. I will not be a part of playing their games and trampling on the spirit of ethnic pride in Rhode Island and the United States.

CONSERVATIVES ATTACK SLAUGHTER AS SHE FILES COMPLAINT AGAINST MCINTOSH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 26, 1996

Ms. SLAUGHTER. Mr. Speaker, please insert the following article as additional documentation to my statement on March 22, 1996, regarding the need for the conduct of the Committee on Standards of Official Conduct to be beyond reproach.

[From Gannett News Service, Dec. 5, 1995]

CONSERVATIVES ATTACK SLAUGHTER AS SHE FILES COMPLAINT AGAINST MCINTOSH

(By John Machacek)

Rep. Louise Slaughter, D–NY., Tuesday filed an ethics complaint against a Republican subcommittee chairman. But she faces a counterattack from conservatives.

The complaint to the House Ethics Committee alleges Rep. David McIntosh, R–Ind., used fabricated documents and made false statements on the House floor during his drive to limit lobbying by federally funded nonprofit groups. Consumer activist Ralph Nader has filed a similar complaint.

Slaughter said McIntosh's actions were part of a ''campaign of intimidation'' aimed at silencing her and the Alliance for Justice, a civil rights and public interest lobbying group, which has vigorously opposed proposed Republican budget cuts.

''These actions . . . are way over the line,'' Slaughter said. ''It's McCarthyism all over again, and we have to stop it.''

Meanwhile, Americans for Tax Reform, a conservative group pushing McIntosh's legislation, is calling Slaughter the ''original tax-dollars-for-lobbyists welfare queen'' in postcards mailed to some of her constituents.

The mailing says Slaughter received $61,000 in campaign contributions last year ''from special-interest lobbies that receive federal funds, which is used to lobby for more money.''

''We wanted to draw attention to Louise Slaughter as the best-paid lobbyist these special interests could buy,'' says Audrey Mullen, executive director of Americans for Tax Reform, a coalition of conservative activists, taxpayer groups and businesses.

McIntosh, chairman of a House Government Reform subcommittee, brushed off the complaint, telling reporters that Slaughter and the Alliance for Justice were simply following the ''first rule of special-interest politics.''

''When your position on the merits of the issue is embarrassing, you launch an attack on your opponents,'' he said.

McIntosh's aides told reporters in October—after the House rejected Slaughter's request to debate her complaint against him—that he was not worried about Slaughter's plans to take her case to the Ethics Committee.

After ''informal contacts'' between House Ethics Committee and McIntosh staffers, McIntosh was told there ''wouldn't be enough of a complaint'' for the committee to pursue, said Chris Jones, McIntosh's press secretary.

The Ethics Committee staff makes recommendations to committee members.

Slaughter said in an interview Tuesday that McIntosh's ''intimidation tactics'' had continued through this week. She said a McIntosh aide told her staff McIntosh could file a counter-ethics complaint against her if a complaint was filed against him.

''Louise Slaughter can't have it both ways,'' Jones said. ''Her staff has been calling Indiana reporters since September trying to stir up a story about an ethics complaint. If the Ethics Committee is to be used to solve political disputes, then everyone will be fair game.''

McIntosh has apologized for the incident in which his staff used the Alliance for Justice's letterhead on a report that purported to list the amount of federal grants received by the alliance's members. He said the document should have contained a disclaimer. But he has recently told groups in Indiana that he stands by the figures

Slaughter and and Aron, Alliance for Justice president, say some of the information in the document was inaccurate.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2841–S2906

Measures Introduced: Four bills were introduced, as follows: S. 1642–1645. **Pages S2859–60**

Measures Reported:

Reported on Monday, March 25, 1996:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for fiscal year 1996" (S. Rept. No. 104–243) **Page S2801**

Administration of Presidio Properties: Senate continued consideration of H.R. 1296, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, agreeing to the committee amendment in the nature of a substitute, and taking action on the following amendments thereto: **Pages S2893–99**

Pending:

Murkowski Modified Amendment No. 3564, in the nature of a substitute. **Pages S2893–99**

Dole Amendment No. 3571 (to Amendment No. 3564), to provide for the exchange of certain land and interests in land located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana. **Pages S2894–95**

Dole Amendment No. 3572 (to Amendment No. 3571), in the nature of a substitute. **Pages S2894–95**

Kennedy Amendment No. 3573 (to Amendment No. 3564), to provide for an increase in the minimum wage rate. **Pages S2895–98**

Kerry Amendment No. 3574 (to Amendment No. 3573), in the nature of a substitute. (By a unanimous vote of 97 nays (Vote No. 52), Senate failed to table the amendment.) **Pages S2895–98**

Dole motion to commit the bill to the Committee on Finance with instructions. **Page S2898**

Dole Amendment No. 3653 (to the instructions of the motion to commit), to strike the instructions and insert in lieu thereof "to report back by April 21, 1996 amendments to reform welfare and Medicaid effective one day after the effective date of the bill. **Page S2898**

Dole Amendment No. 3654 (to Amendment No. 3653), in the nature of a substitute. **Pages S2898–99**

Also, during consideration of this measure today, the following occurred:

A motion was entered to close further debate on Kennedy Amendment No. 3573, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, March 28, 1996. **Page S2898**

Senate will continue consideration of the bill on Wednesday, March 27, 1996, with a vote on a motion to close further debate on the pending amendment to occur thereon.

Messages From the President:

Received on Monday, March 25, 1996:

Report on the National Emergency with Respect to Angola, to the Committee on Banking, Housing, and Urban Affairs. (PM–134) **Page S2800–01**

Nominations Received: Senate received the following nominations:

1 Marine Corps nomination in the rank of general. **Pages S2899–S2906**

Messages From the House: **Page S2858**

Communications: **Page S2858**

Petitions: **Pages S2858–59**

Statements on Introduced Bills: **Pages S2860–67**

Additional Cosponsors: **Page S2867**

Amendments Submitted: **Pages S2867–83**

Authority for Committees: **Page S2883**

Additional Statements: **Pages S2883–87**

Text of S. 1459 as Previously Passed: **Pages S2887–93**

Record Votes: Two record votes were taken today. (Total—53) **Pages S2898, S2899**

Recess: Senate convened at 10 a.m. and, by 50 yeas to 43 nays (Vote No. 53), agreed to recess at 6:31 p.m., until 9:30 a.m., on Wednesday, March 27, 1996.

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1997 for the Department of Agriculture, receiving testimony from Daniel R. Glickman, Secretary, Richard E. Rominger, Deputy Secretary, Keith Collins, Chief Economist, and Stephen B. Dewhurst, Director, Office of Budget and Program Analysis, all of the Department of Agriculture.

Subcommittee will meet again on Thursday, March 28.

APPROPRIATIONS—ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development held hearings on proposed budget estimates for fiscal year 1997 for energy and water development programs, receiving testimony on behalf of funds for their respective activities from Patricia Beneke, Assistant Secretary for Land and Water, and Eluid Martinez, Commissioner, Bureau of Reclamation, both of the Department of the Interior; H. Martin Lancaster, Assistant Secretary of the Army for Civil Works; and Lt. Gen. Arthur Williams, Chief, and Maj. Gen. Stanley G. Genega, Director of Civil Works, both of the U.S. Army Corps of Engineers.

Subcommittee recessed subject to call.

ATOMIC ENERGY DEFENSE

Committee on Armed Services: Committee concluded hearings to examine Department of Energy atomic energy defense activities, after receiving testimony from Thomas P. Grumbly, Assistant Secretary of Energy for Environmental Management.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Seapower resumed hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the Department of the Navy Marine Corps programs, receiving testimony from John W. Douglass, Assistant Secretary of the Navy for Research, Development and Acquisition; and Gen. Charles C. Krulak, USMC, Commandant of the Marine Corps.

Subcommittee will meet again tomorrow.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Alan Greenspan, of New York, to be Chairman, and Alice M. Rivlin, of Pennsylvania, and Laurence H. Meyer, of Missouri, both to be Members, all of the Board of Governors of the Federal Reserve System, after the nominees testified and answered questions in their own behalf. Testimony was also received from Ralph Nader, Washington, D.C.

NASA BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on the National Aeronautics and Space Administration budget request for fiscal year 1997 and on recent developments in the space station program, after receiving testimony from Daniel S. Goldin, Administrator, Malcolm Peterson, Comptroller, Franze Cordova, Chief Scientist, and Charles Kennell, Associate Administration, all of the National Aeronautics and Space Administration; Marcia Smith, Specialist in Aerospace and Telecommunications Policy, Congressional Research Service, Library of Congress; Lori Garver, National Space Society, Washington, D.C.; Nicholas L. Johnson, Kaman Sciences Corporation, Colorado Springs, Colorado; and Louis Friedman, Planetary Society, Pasadena, California.

CHEMICAL WEAPONS TREATY VERIFIABILITY

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the verifiability of the Convention on Chemical Weapons (Treaty Doc. 103–21) from John Lauder, Chief, Arms Control Intelligence Staff for the Director of Central Intelligence; and Maj. Gen. John Landry, National Intelligence Officer for General Purpose Forces, National Intelligence Council.

Committee recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Henry McKoy, of North Carolina, and Ernest G. Green, of the District of Columbia, each to be a Member of the Board of Directors of the African Development Foundation, Lawrence Neal Benedict, of California, to be Ambassador to the Republic of Cape Verde, Harold Walter Geisel, of Illinois, to be Ambassador to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of the Congo, Robert Krueger, of Texas, to be Ambassador to the Republic of Botswana, and David

H. Shinn, of Washington, to be Ambassador to Ethiopia, after the nominees testified and answered questions in their own behalf. Mr. McKoy was introduced by Senator Helms.

IRS MODERNIZATION

Committee on Governmental Affairs: Committee held hearings to examine the status of the modernization of the Internal Revenue Service tax information system, receiving testimony from Gene L. Dodaro, Assistant Comptroller General, Accounting and Information Management Division, General Accounting Office; Margaret Milner Richardson, Commissioner of Internal Revenue, Department of the Treasury; Robert P. Clagett, Chairman, and Al Irvine, Member, both of the Committee on Continued Review of the Tax Systems Modernization of the Internal Revenue Service, National Research Council; and Stephen S. Street, Alaska Business Development Center, and Susan D. Anderson, Lower Yukon Economic Development Council, both of Anchorage, Alaska.

Hearings were recessed subject to call.

FUNDING OF SOCIAL PROGRAMS

Committee on Labor and Human Resources: Subcommittee on Children and Families concluded hearings to examine the capacity of American charitable organizations to fill the gap in the funding of certain social programs, after receiving testimony from Rev. Fred Kammer, Catholic Charities USA, Alexandria, Virginia; John C. Goodman, National Center for Policy Analysis, Dallas, Texas; Rev. Lee Earl, National Center for Neighborhood Enterprise, and Sara E. Melendez, Independent Sector, both of Washington, D.C.; and David Tuerck, Beacon Hill Institute/Suffolk University, Boston, Massachusetts.

House of Representatives

Chamber Action

Bills Introduced: 7 public bills, H.R. 3159–3165; and 2 resolutions, H.J. Res. 168 and H. Con. Res. 154 were introduced. **Pages H2866–67**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Upton to act as Speaker pro tempore for today. **Page H2843**

Recess: House recessed at 12:53 p.m. and reconvened at 2 p.m. **Page H2845**

Suspensions: House voted to suspend the rules and pass the following measures:

Special Olympics Torch Relay: H. Con. Res. 146, authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds; **Pages H2847–48**

Peace officers' memorial: H. Con. Res. 147, authorizing the use of the Capitol Grounds for the 15th Annual National Peace Officers' Memorial Service; **Pages H2848–49**

35th anniversary of Peace Corps: H.J. Res. 158, to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers; and **Pages H2849–51**

Human rights in Cambodia: H. Res. 345, amended, expressing concern about the deterioration of human rights in Cambodia. **Pages H2851–53**

Enrollment Requirement Waivers: House passed H.J. Res. 168, waiving certain enrollment requirements with respect to two bills of the One Hundred Fourth Congress. **Page H2857**

Senate Messages: Message received from the Senate today appears on page H2843.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2867–74.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 12:30 p.m. and adjourned at 4:43 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Food, Nutrition and Consumer Services. Testimony was heard from the following officials of the USDA: Ellen Haas, Under Secretary, Food, Nutrition Policy and Consumer Services; Eileen Kennedy, Director, Center for Nutrition Policy and Promotion; and William Ludwig, Administrator, Food and Consumer Service.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water held a hearing on Department of Energy and Environmental Management and Nuclear Waste

Issues. Testimony was heard from the following officials of the Department of Energy: Adm. Richard Guimond, USN, Principal Deputy Assistant Secretary, Environmental Management; and Daniel A. Dreyfuss, Director, Office of Civilian Radioactive Waste Management.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Bureau of Indian Affairs and on the Indian Health Service. Testimony was heard from Ada E. Deer, Assistant Secretary, Indian Affairs, Department of the Interior; and Michael H. Trujillo, M.D., Assistant Surgeon General, Director, Indian Health Service, Department of Health and Human Services.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Research and Special Programs Administration. Testimony was heard from Dharmendia K. Sharma, Administrator, Research and Special Programs Administration, Department of Transportation.

HUMAN RIGHTS PRACTICES—COUNTRY REPORTS

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Country Reports on Human Rights Practices for 1995. Testimony was heard from John Shattuck, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State; and public witnesses.

OVERSIGHT

Committee on Appropriations: Subcommittee on National Parks, Forests and Lands held an oversight hearing on Forest Service's decisionmaking process. Testimony was heard from Barry Hill, Director, Energy Resources and Science Issues, GAO; Jack Ward, Chief, Forest Service, USDA; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 27, 1996

Senate

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Navy and Marine Corps programs, 10 a.m., SD–192.

Committee on Armed Services, Subcommittee on Acquisition and Technology, to resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on proliferation of weapons of mass destruction and the impact of export controls on national security, 10 a.m., SR–222.

Subcommittee on Seapower, to continue hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the Department of the Navy's Submarine Development and Procurement programs, 1:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs, business meeting, to consider pending nominations, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, to hold hearings to examine Spectrum's use and management, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings on S. 1605, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and S. 186, to amend the Energy Policy Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, 9:30 a.m., SD–366.

Committee on Environment and Public Works, to hold hearings on proposals to improve prevention of, and response to, oil spills in light of the recent North Cape spill, 9 a.m., SD–406.

Committee on Foreign Relations, business meeting, to consider pending treaties and nominations, 10 a.m., SD–419.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to resume hearings to examine global proliferation of weapons of mass destruction, 9:30 a.m., SD–342.

Committee on the Judiciary, to hold hearings on pending nominations, 2 p.m., SD–226.

Committee on Labor and Human Resources, business meeting, to mark up S. 1477, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, S. 969, to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and proposed legislation authorizing funds for the Older Americans Act, 9 a.m., SD–106.

Committee on Rules and Administration, to resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns, 9:30 a.m., SR–301.

Committee on Veterans Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart, 9:30 a.m., 345 Cannon Building.

Select Committee on Intelligence, to resume hearings on the future of United States intelligence, 9:30 a.m., SH–216.

Full Committee, to hold a closed briefing on intelligence matters, 2 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry, hearing to review the goals and priority setting mechanisms of federally supported agricultural research, education, and extension, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Natural Resources and Environment, 10 a.m., and on Farm and Foreign Agricultural Service, 1 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State, and Judiciary, on Attorney General, 2 p.m., 2237 Rayburn.

Subcommittee on Energy and Water Development, on Secretary of the Interior and Commissioner of Reclamation, 10 a.m.; on NRC, 2 p.m.; and on Federal Energy Regulatory Commission, 3 p.m., 2362B Rayburn.

Subcommittee on Foreign Operations, on Secretary of State, 1:30 p.m., 2360 Rayburn.

Subcommittee on National Security, on fiscal year 1997 Air Force Posture, 10 a.m., 2212 Rayburn and on Air Force Acquisition Programs, 1:30 p.m., H–140 Capitol.

Subcommittee on Transportation, on Federal Transit Administration and on the Washington Metropolitan Transit Authority, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on White House Operations, 1 p.m., and on U.S. Postal Service, 2 p.m., H–144 Capitol.

Subcommittee on Veterans' Affairs, HUD and Independent Agencies, on Department of Housing and Urban Development, 9 a.m., 2360 Rayburn.

Committee on Banking and Financial Services, hearing on Issues Related to Recent Developments in Electronic Benefits Transfer, 10 a.m., 2128 Rayburn.

Committee on the Budget, hearing on Prospects for Economic Growth, 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing on the Department of Energy: Furloughs and Financial Management, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and Finance, hearing on FCC Reform, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, hearing on Federal Budget Process Reform, 9:30 a.m., 2154 Rayburn.

Committee on National Security, to continue hearings on the fiscal year 1997 national defense authorization, with emphasis on the Department of Defense Joint Requirements Oversight Council, 1 p.m., 2118 Rayburn.

Special Oversight Panel on Morale, Welfare, and Recreation, hearing on the fiscal year 1997 national defense authorization, with emphasis on morale, welfare and recreation, 10 a.m., 2216 Rayburn.

Committee on Resources, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on fiscal year 1997 budget requests from Fish and Wildlife Service, National Marine Fisheries Service, and NOAA; and hearing on the following bills: H.R. 2909, Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act, and H.R. 2982, Carbon Hill National Fish Hatchery Conveyance Act, 1 p.m., 1334 Longworth.

Committee on Rules, to consider the following: H.R. 3130, Health Coverage Availability and Affordability Act; H.R. 3070, Health Coverage Availability and Affordability Act; H.R. 995, ERISA Targeted Health Insurance Reform Act; H.R. 3136, Contract With America Advancement Act; the Conference Report to accompany H.R. 2854, Federal Agriculture Improvement and Reform Act of 1996; and the Conference Report to accompany H.R. 956, Product Liability Reform, 1 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Government Programs, hearing on H.R. 2715, Paperwork Elimination Act of 1995, 2 p.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 2 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to hold a hearing on problems in the United States Aviation Relationship with the United Kingdom and Japan, 2 p.m., and to mark up a measure to reauthorize the National Transportation Safety Board, 5 p.m., 2167 Rayburn.

Subcommittee on Railroads and the Subcommittee on Technology of the Committee on Science, joint hearing on Rail Safety Oversight: High Technology Train Control Devices, 2 p.m. 2318 Rayburn.

Committee on Ways and Means, to continue hearings on Replacing the Federal Income Tax, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Analysis/Exploitation, 2 p.m., H–405 Capitol.

Joint Meetings

Conferees, on H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, 3 p.m., S–5, Capitol.

Conferees, on S. 641, to reauthorize the Ryan White CARE Act of 1990, 4 p.m., S–207, Capitol.

Conferees, on S. 735, to prevent and punish acts of terrorism, 5 p.m., S–10, Capitol.

Joint Hearing: Senate Committee on Veterans Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart, 9:30 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 27

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 1296, relating to the administration of certain Presidio properties, with a vote on a motion to close further debate on Murkowski Modified Amendment No. 3564, in the nature of a substitute, to occur thereon.

Senate may also consider the conference report on H.R. 2854, Farm Bill, and the conference report on S. 4, Line-Item Veto.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, March 27

House Chamber

Program for Wednesday: Votes postponed on the following Suspensions which were debated on Tuesday:

H. Res. 379, expressing the sense of the House concerning the anniversary of the massacre of Kurds by the Iraqi government; and

H. Con. Res. 102, concerning the emancipation of the Iranian Baha'i community; and

Consideration of Senate amendments to H.R. 1833, Partial Abortion Ban Act (rule providing for concurrence in Senate amendments).

Extensions of Remarks, as inserted in this issue

HOUSE

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