''(1) is outside of the United States; and

''(2) occurs during a post Presidential election period after which the incumbent President shall not return for another term of office as President.

''(c)(1) The provisions of subsection (b) shall not apply to travel by the Secretary of State, the Secretary of Defense, the United States Trade Representative, or political appointees who are accompanying these individuals on affected travel.

''(2) The President may waive the provisions of subsection (b) with regard to any travel if the President makes a written determination that such travel—

''(A) cannot reasonably be postponed until after the post Presidential election period; and

''(B) is essential to protect or promote vital national interests.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5709 the following:

''5710. Limitation of travel of political appointees during certain post Presidential election periods.''.

SEC. 2. LIMITATION OF FOREIGN TRAVEL BY CERTAIN MEMBERS OF CONGRESS DURING ELECTION PERIODS.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in subsection (b), no funds may be expended for travel by a Member of Congress if such travel—

(A) is outside of the United States; and

(B) occurs after the date that is 180 days prior to the end of the term of service or date of retirement of the Member of Congress.

(2) DATE OF RETIREMENT.—For purposes of this subsection, the date of retirement is the date on which the Member is to retire as a Member of Congress, pursuant to a public announcement by or on behalf of the Member.

(b) WAIVER.—

(1) IN GENERAL.—The Speaker of the House of Representatives, with respect to Members of the House of Representatives, and the President pro tempore of the Senate, with respect to Members of the Senate, may waive the prohibition on travel under this section if the travel is determined to be in the interest of the House of Representatives or the Senate, respectively, and the United States.

(2) STATEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and if a waiver is granted under this subsection, a statement of the waiver shall be printed in the Congressional Record as soon as practicable and shall include a detailed description of the travel involved, the purpose of travel, and an estimate of the costs of the travel.

(B) EXCEPTION.—If the Speaker of the House of Representatives or the President pro tempore of the Senate determines that publication of such a statement would jeopardize national security, or otherwise compromise vital national interests, no statement is required.

(c) DEFINITION.—For purposes of this section the term ''Member of Congress'' includes any Delegate or Resident Commissioner to the Congress.●

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDMENT TO THE NATIONAL SCHOOL LUNCH ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation that would require schools participating in the National School Lunch Program to buy American beef. The bill would extend this requirement also to the School Breakfast Program and the Child and Adult Care Food Program [CACFP]. This is a simple bill. Further, given the current situation faced by American cattlemen, this bill should command bipartisan support.

Currently, the U.S. Department of Agriculture [USDA] is bound by the Buy American Act, which requires USDA to purchase American beef for the commodities distribution portion of these programs. However, no similar requirement is placed on schools which purchase their own foodstuffs and then receive Federal reimbursement for the meals they serve students. Schools are encouraged to buy American, but are not bound to do so. My bill would provide consistency throughout these child nutrition programs. Simply put, if schools expect to be reimbursed, we expect schools to buy American beef.

Why should this bill be passed? Plain and simple, immediate action must be taken to help our Nation's cattle industry. Cattle prices have plummeted to their lowest level in years. High grain prices and drought also have contributed to the economic crisis facing our ranchers. The result is that South Dakota's cattlemen are facing some very tough times. Some South Dakota producers soon may be forced to leave the cattle business altogether unless markets begin to improve. Their plight is spilling over to affect other businesses in the small towns and cities where they live. We should look at all possible ways to stimulate the American beef market. A requirement that schools purchase American beef will increase demand.

This is just one advance in our battle to improve conditions for American cattlemen. As I have advocated, Congress and the administration should work actively on multiple fronts. I plan to introduce legislation that would require all beef sold to consumers be labeled, indicating in what country the beef was produced. This requirement would make it easier for schools and other consumers to buy American beef.

I recently requested that the USDA prohibit formula or basis pricing on forward contracted cattle, require that forward contracts be offered in an open, public manner and require that packer-fed cattle be sold in an open, public market. I hope they will take action on this front soon. These are all actions the Clinton administration can take without congressional action.

I also urged President Clinton to begin an investigation into cattle imports from Mexico. Many South Dakota producers have serious concerns that recent import surges may be due to Mexico transshipping cattle from other countries into the United States, which is a blatant violation of trade agreements. Again, the President need not wait for congressional action.

Finally, and most important, the Clinton administration should begin an anti-trust action on the meatpacking industry. This is very important for our cattlemen. I have called on the administration time and again to enforce fully our anti-trust laws. I am still waiting for action.

Mr. President, with a combined effort by Congress and the President, I am confident we can once again make our cattle industry healthy and competitive. I am proud to be an active voice for South Dakota's livestock producers. This issue requires immediate attention and I hope my colleagues will join me in addressing this serious problem.

Mr. President, I ask unanimous consent that the 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. 1829

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

SECTION 1. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 28. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

''A school or service institution in the continental United States participating in the school lunch program, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), or the child care food program under section 17 may not purchase beef or beef food-products produced outside the United States for use in carrying out the program.''.

By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, and Mr. SANTORUM)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

THE NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. BROWN. Mr. President, I rise to introduce a new bill for consideration by the Senate.

In 1994, when the administration seemed reluctant to allow countries in Central Europe to join NATO, we drafted a bill titled the ''NATO Participation Act of 1994.'' That measure set forth in U.S. statute a policy, for the first time, that would ensure NATO expansion to include those countries in Central Europe that want to be free and want to join in a mutual pact for self-defense. The bill marked a significant change of course for the United States.

The administration's reluctance to move forward with NATO expansion

brought back memories of the tragic events of World War II, of both the Soviet invasion of Poland and the German invasion of Poland and other countries in Central Europe. Indeed, that reluctance brought back the tragic memories of the post-World-War-II era, when at key times this country turned its back on people who had fought to be free and then found themselves enslaved by the Soviet Union.

Mr. President, that NATO Participation Act had to be offered four times on the floor of the Senate before we finally got it adopted formally by Congress and signed into law by the President. It was opposed vehemently by the administration at every opportunity. But, in the end—and I might add, after much hard work of many fellow Americans who had insisted upon its passage—it passed both houses of Congress and was then embraced by the administration.

Unfortunately, even though that measure had passed giving the President necessary authorities to establish a transition program for countries moving toward NATO membership, the administration failed to move ahead with a clear plan for expansion of NATO to those Central European countries that had not only exhibited an interest in it, but had specifically asked to become members.

In response to that failure and to again move policy along, we drafted and introduced the NATO Participation Act II, officially titled the ''NATO Participation Act Amendments of 1995.'' That measure went further than NATO Participation Act I. The NATO Participation Act I authorized the President to establish a transition program and plan for NATO expansion. NATO Participation Act II called on the President to evaluate those countries moving toward NATO membership and to name specific countries that would be determined eligible for NATO transition assistance, and it expanded our powers to work with them and to develop a mutual arms policy.

That act, initially opposed by the administration, eventually was embraced by the administration as it moved toward passage. That expanded our ability to provide transition assistance to allow Central European countries to protect themselves and their independence. Alas, the administration with its discretionary power to name countries that they consider eligible to move forward toward NATO membership, has refused to act.

Months ago, I specifically contacted the administration and asked what steps they were taking, as they had promised they would, to move toward this goal. According to the foreign relations committees, the administration can find no country in Central Europe it views as ready for transition assistance.

Sadly, Mr. President, because of the administration's refusal to act, what has been done is to raise the question as to whether or not NATO will ever be expanded. To simply give it lip service and say—as the administration has done—that it is not a question of whether we expand NATO, it is a question of how and when, dodges the issue. The real issue is whether or not we will recognize other countries having a sphere of influence and control over Central Europe. The central issue is whether or not free men and women around the world will stand by idly if the security and independence of Central Europe is threatened.

These are not hollow questions. These tragic questions were answered in World War II. Many historians believe that the failure of the free democracies to come forward and stand up for Central Europe was one of the reasons that Hitler rose to such heights and gained so much strength before the free world was mobilized to stop him. It is not an idle question when, at the end of World War II, the Soviet Union spread its influence and its armies over Central Europe, and free men and women failed to stand up for their freedom then.

Mr. President, it speaks to the core issue, and the core issue is whether or not we will turn our backs on the free men and women of Central Europe once more. This bill, the third NATO Participation Act, the expansion facilitation act of NATO offered in 1996, speaks to that. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program; requires the President to name other countries meeting a series of additional criteria; and permits the President to name any other countries to the transition assistance program that meet the existing criteria of the NATO Participation Act.

Mr. President, I am particularly proud to join with Senator DOLE in introducing this bill. BOB DOLE deserves a great deal of credit for his many efforts to expand NATO rapidly and to bring the nations of Central Europe into NATO. From the very first time that Senator PAUL SIMON and I introduced the NATO Participation Act as an amendment to the Foreign Operations Bill in July, 1994, BOB DOLE has been a cosponsor. He has joined every effort to hasten NATO expansion, spoken out clearly and frequently against the foot-dragging of this administration and has been more than just a cosponsor of every NATO Participation Act that has been written. His frequent inputs and the keen insights of Mira Baratta and Randy Scheunemann of his staff have been invaluable to our efforts to put the United States back in the lead in expanding NATO.

In January, 1994, when the issue of expanding NATO to include the Central European powers first became an issue at the NATO summit, BOB DOLE stated, ''If NATO governments embrace this new role of ensuring stability and security in Europe, the logic of expanding NATO becomes increasingly clear . . . The Partnership for Peace should not be used as a means to dismiss the legitimate security concerns of the new democracies in Central Europe.''

In 1995 he stated that, ''Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later.''

Just recently, he reiterated his commitment to NATO expansion by stating ''the time has come to welcome Europe's new democracies into NATO. Only NATO expansion can guarantee another five decades of peace on the continent.''

Mr. President, I strongly agree with our distinguished majority leader. It is time to take the countries of Central Europe off the table once and for all. America's dawdling will continue to create uncertainty and generate instability in the heart of Europe. The United States needs to take its rightful place as the world's leader and move quickly to expand the North Atlantic Alliance to the nations of Central Europe.

Mr. President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and that Senator SANTORUM be added as a cosponsor.

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

The bill will be received and appropriately referred.

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

S. 1830

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 ''NATO Enlargement Facilitation Act of 1996''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central and Eastern Europe does not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) NATO has enlarged its membership on 3 different occasions since 1949.

(5) Congress has sought to facilitate the further enlargement of NATO at an early date by enacting the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and the NATO Participation Act Amendments of 1995 (section 585 of Public Law 104–107).

(6) As new members of NATO assume the responsibilities of Alliance membership, the

costs of maintaining stability in Europe will be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(7) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(8) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(9) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(10) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(11) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(12) The admission to NATO of emerging democracies in Central and Eastern Europe that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(13) A number of Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment; including their participation in Partnership for Peace activities.

(14) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(15) The eventual membership of Austria, Finland, and Sweden is fully expected and is not precluded by this Act.

(16) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The Congress of the United States finds that Poland, Hungary, and the Czech Republic have made the most progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(18) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that in order to promote economic stability and security in Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, Romania, Albania, Moldova, and Ukraine—

(1) the United States should support the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership; and

(3) the United States Government and the North Atlantic Treaty Organization should support military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia.

SEC. 5. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994: Poland, Hungary, and the Czech Republic.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) have met the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program'');

(2) $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program''); and

(3) $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 and chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 7. EXCESS DEFENSE ARTICLES.

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(c)(1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extend feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 8. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses effort by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designed by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease of such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 9. TERMINATION OF ELIGIBILITY.

(a) IN GENERAL.—Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO Alliance; or

''(C) poses a national security threat to the United States.

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this Act affects the eligibility of countries to participate under other provisions of law in programs described in this Act.''.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is

introduced in a House of Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936), except that—

''(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

''(B) references to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.

''(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.''.

SEC. 10. AMENDMENTS TO THE NATO PARTICIPATION ACT.

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 193–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking ''countries emerging from communist domination'' each place it appears and inserting ''emerging democracies in Central and Eastern Europe''.

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–446; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

''SEC. 206. DEFINITIONS.

''The term 'emerging democracies in Central and Eastern Europe' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

SEC. 11. DEFINITIONS.

As used in this Act:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term ''emerging democracies in Central and Eastern Europe'' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

Mr. MCCAIN. Mr. President, I thank my colleague from Colorado for his continued leadership on this and other issues. He and I just left a press availability conducted by the majority leader, Senator DOLE, along with the former President of Poland, Lech Walesa. I must say that former President Walesa was both compelling and enlightening in his remarks.

Mr. President, I support the bill introduced by the Senator from Colorado.

Each year, the Senate debates the issue of NATO expansion and each year the President reassures the American people and our new friends in Eastern Europe that he has every intention of extending the NATO umbrella. Once again, this year, on the eve of another historic Russian election, we find ourselves debating the issue of NATO expansion, and still, although the President will proclaim his support for expansion, NATO membership remains reserved to the states which comprised it before the collapse of the Soviet Union.

A few circumstances have changed. President Yeltsin, whose fate our own President has made the centerpiece of United States policies toward the former Soviet Union and Eastern Europe, is much less secure. With the Russian elections only weeks away, Eastern Europe may again be faced with a communist Russia—a Russia which proudly extols the virtues of a failed philosophy. But even if President Yeltsin ultimately prevails in the elections, he, himself, has given the West sufficient cause for concern. He has not always succeeded in ensuring Russian compliance with treaty obligations. And yielding to industry pressures, he has apparently ignored American warnings in crucial areas of nonproliferation. Perhaps most alarming, until the most recent ceasefire agreement, the brutal war in Chechnya persisted unabated despite President Yeltsin's orders that it stop.

President Yeltsin has also made disturbing changes in the composition of his cabinet. He has displaced all the major economic reformers associated with his government, and has replaced his widely respected foreign minister, Andrea Kozyrev, with Yevgeny Primakov, a figure with strong ties to the not so distant Soviet past.

It is far too early to declare Russian economic and political reforms failures. I have always supported assistance to the Newly Independent States of the Soviet Union and I will continue to support Russian reform efforts. The situation we face in Russia today bears almost no comparison to the situation the United States and its allies in Europe faced in 1947. Just the same, however, in evaluating President Yeltsin let us not forget that his is no longer the government of Gaidar, Yavlinsky, Fedorov, and Kozyrev.

This is not to say that the United States has an interest in seeing President Yeltsin defeated in the upcoming election. On the contrary, if, despite what I hope is election year maneuvering, he remains committed to economic and political reform and the peaceful resolution of disputes with his neighbors, and if he demonstrates his commitment to international treaties, his reelection is very much in our interest.

The sponsors of this bill do not seek NATO expansion in response to the policies and political agendas of any Russian leader. We seek NATO expansion as a part of a larger European strategic order that will provide the nations of Central and Eastern Europe with the sort of political and economic security that Western Europe enjoyed following World War II. We seek a European security structure which can endure changes in national leadership and governing philosophies.

The United States and its NATO allies must depend for their security on a stable balance of power, not character assessments of various national leaders.

Expanding NATO and, as the bill calls for, defining a security relationship between an enlarged NATO and Russia will also stabilize Russia's security situation. Like any peaceful democratic nation, it thrives on security and predictability. The perpetuation of the current security vacuum in the middle of Europe is no more in its interest than in ours.

As in the past, the administration will respond to new calls for NATO enlargement by preaching caution. It will cite the upcoming elections as a particularly sensitive moment. After the elections, it will cite the fragile nature of the Russian electorate and upcoming government. Then, no doubt, it will cite another critical NATO meeting where consensus is to be sought on expansion.

In the meantime, we will have lost the window of opportunity that was created by the collapse of the Soviet Union and Russia's preoccupation with its domestic concerns. Three and a half years have already been squandered.

It is time now to begin NATO expansion. No more temporizing. No more excuses. This is why I have joined with my colleagues, Senators DOLE, BROWN, HELMS, and others in introducing the NATO Enlargement Facilitation Act of 1996.

The bill before us identifies Poland, Hungary, and the Czech Republic as those countries first in line for NATO membership and proposes to give them the assistance they need to rapidly become members. To date and to no avail, Congress has left it up to the President to determine whether these countries were eligible for such assistance. Now we are telling the President that vacation time is over. These three countries meet the criteria. We should start preparing them to enter NATO. Under this legislation, each country will be eligible to receive, as a part of the targeted program to assist its transition to full NATO membership, transfers to excess defense articles, foreign military financing [FMF], economic assistance, IMET, and other assistance.

As for other emerging democracies in Central and Eastern Europe which desire NATO membership, but do not yet meet its standards, the bill requires the President to provide them the same assistance at such time as they meet a number of clear criteria, including progress toward the establishment of democracy, free markets, and civilian control of the military. There are a number of other requirements for aspiring new members, but they are reasonable, and they are explicit.

Equally important as mandating assistance to NATO aspirants, the bill authorizes the necessary spending. Critics will no longer be able to charge that proponents of a more comprehensive and strategically relevant NATO are unwilling to pay the costs associated with expansion. This bill authorizes a total of $60 million in fiscal year 1997 for the explicit purpose of expanding NATO.

If there is any doubt of the necessity for Congress to take the initiative

today, consider the following statement made by President Clinton in Prague almost 3 years ago:

Let me be absolutely clear: the security of your states is important to the security of the United States . . . the question is no longer whether NATO will take on new members but when and how.

How else can one explain the vast difference between the President's rhetoric and the lack of actual movement than that he lacks a clear idea of how to move from rhetoric to action? Not only has NATO not admitted new members, the President has still not identified to former Warsaw Pact countries the when and how of expansion. The other explanation is that the President has never intended to expand NATO and all his protests to the contrary are simply efforts to outmaneuver the critics of his foreign policy. Granted the President has a record of this sort of cleverness. But I trust that the President would not take the security of Europe so lightly as to play politics with its future.

A more charitable explanation for the disconnect between the President's rhetoric and action is that the rationale for NATO expansion is genuinely lost on him. He may truly believe in a European security structure which, like the Partnership for Peace, stretches from the Atlantic to the borders of China. Perhaps he truly believes that a security structure can be created which is so far flung as to have no apparent strategic coherence.

Instead of going about the difficult diplomacy of creating a viable European security structure, the administration has preoccupied itself with the fears of drawing new lines. Perhaps the President and his chief adviser on Russia, Strobe Talbott, are real visionaries. They see a world where there are no lines separating countries, alliances, or even countinents—a world where concepts such like security, strategic alliance, and geopolitics have no relevance.

In fairness to the President, I freely admit that the logic of this reasoning eludes me. I do not want to underestimate the lasting impact of the Russian democratic revolution. It was certainly monumental and it lifted the spirits of a world weary of superpower confrontation. But the Russian revolution, as great as it was, did not presage a radical change in the nature of man or the way in which the world guarantees peace.

I, for one, will forgo putting all my faith in visionary ideas of a new Europe free of historical tensions. Twice in this century, Europe has been convulsed by nationalism and militarism—this despite the efforts of far greater visionaries than President Clinton.

The sponsors of the NATO Enlargement Facilitation Act take their guidance from history. The cause of all recent European conflicts has been a security vacuum in the center of Europe. Today, although the borders of Western Europe are secured, it remains the advantage of a NATO security guarantee. On the other hand, Eastern Europe, which is in a more precarious situation, remains without such guarantees. By all accounts, this amounts to a security vacuum, and unless we act to fill it, I fear history will repeat itself.

Lech Walesa, who knows better than most the history of Russia's involvement in Eastern Europe, has warned that a failure to expand NATO may result in a major tragedy. A combination of economic and strategic insecurity has already driven this hero of the cold war from power. All the more reason to remember his words, ''We kept crying and shouting in 1939, but they only believed us when the war reached Paris and London. The situation is similar today.'' In that the political atmosphere in Europe is once again clouded with what President Vaclav Havel, has described as ''a mentality marked by caution, hesitation, delayed decisionmaking, and a tendency to look for the most convenient solutions,'' the times do seem eerily similar.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. PRESSLER. Mr. President, today I am introducing the National Transportation Safety Board Amendments of 1996. I am pleased to be joined in this effort by Senator HOLLINGS, ranking member of the Senate Commerce Committee, Senator LOTT, chairman of the Senate Surface Transportation Subcommittee, and Senator FORD, ranking member of the Senate Aviation Subcommittee. This is a bipartisan reauthorization bill and I urge its swift passage.

The National Transportation Safety Board [NTSB], an independent agency, is charged with determining the probable cause of transportation accidents and promoting transportation safety. Specifically, the NTSB investigates all forms of transportation accidents, conducts safety studies, and evaluates the effectiveness of other Government agencies' programs for preventing transportation accidents. It also reviews appeals of adverse certificate and civil penalty actions by the administrators of agencies of the Department of Transportation involving airman and seaman licenses. Sadly, its work is never done.

Mr. President, the tireless work of the NTSB is too often overlooked. Since its inception in 1967, the NTSB has investigated more than 100,000 aviation accidents and thousands of accidents in the other surface modes—rail, highway, marine, and pipeline. NTSB investigators are on call 24 hours a day and work around the world investigating significant transportation accidents in order to obtain facts to enable development of solutions designed to prevent future accidents.

Indeed, the NTSB is considered the world's premier accident investigation agency. It has achieved that distinction through its thorough investigations and professional approach to meeting its statutory responsibilities. In total, the NTSB has issued almost 10,000 safety recommendations to improve the safety of the traveling public.

Sadly, during the past few months, the NTSB has been extremely busy. We are all aware the NTSB is investigating the devastating crash of ValuJet near Miami, FL. At the same time, major on-going investigations continue for the USAir accident near Pittsburgh, PA, the school bus/train collision in Fox River Grove, IL, and the MARC commuter train/Amtrak collision near Silver Spring, MD, to name just a few.

I want to point out the NTSB has no authority to regulate the transportation industry. Therefore, its effectiveness depends on its reputation for timely and accurate determinations of accident causation and for issuing realistic and feasible safety recommendations.

The NTSB's reputation for impartiality and thoroughness has enabled it to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been implemented. Examples of implemented recommendations include fire resistant materials and floor-level escape lighting in aircraft cabins, child safety seats in automobiles, improved school bus construction standards, Amtrak passenger car safety improvements, new recreational boating safety and commercial fishing vessel regulations, the development of one-call notification systems in all 50 States and improved regulations for buried pipelines.

The NTSB's authorization expires at the end of fiscal year 1996. The bill we are introducing today provides a 3 year authorization for fiscal years 1997, 1998, and 1999 at a level of 370 FTE's. Our objective is to establish sufficient funding levels to enable the NTSB to carry out its immense workload. We can meet this goal while at the same time, reducing the currently authorized levels. That is what this bill achieves.

The bill also includes a few statutory changes. First, the bill provides for temporary deferral of Freedom of Information Act [FOIA] requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information. This would apply to NTSB participation in foreign accident investigations only. This provision would facilitate the NTSB's ability to effectively investigate and participate in foreign accidents without risk of the untimely release of information prior to a foreign governments'

approval. However, the NTSB would not be restricted from utilizing foreign accident investigation information in making safety recommendations.

Second, the bill would exempt from FOIA aviation data voluntarily supplied to the NTSB. The aviation industry currently collects various kinds of information, but industry does not share it with the NTSB because of concerns that material would be released to the public. Some data, if voluntarily supplied to the Government, is exempted from FOIA requests. This exemption, however, is at the discretion of the agency. The NTSB has requested the exemption be made permanent through statute instead of discretionary, and believes a permanent exemption will encourage the aviation industry to freely share significant safety-related data.

Third, when the NTSB conducts training of its employees and others in subjects necessary for the proper performance of accident investigations, the bill would allow the NTSB to charge non-NTSB personnel attending for the costs associated with the course. These reimbursements would be credited to the NTSB as offsetting collections.

Mr. President, the NTSB carries out an enormous public service. While it is a small agency, its work product is critical. Seldom, if ever, is this agency the target of criticism. That cannot be said about many Federal governmental agencies. Therefore, I want to commend the NTSB Board members and its employees for their dedication to carrying out such an important public service.

I urge my colleagues to support this legislation to ensure the NTSB can continue its essential work in an efficient manner.

By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY PROTECTION ACT

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to the constituents of Maryland and very important to the people of the United States of America.

I wish to declare that I am introducing a bipartisan bill, with Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I want to introduce this bill because it deals with Social Security, retirement security, and income security. We want the middle class in the United States of America to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay for the last month of life. If someone dies May 18 or May 28, when the Social Security check arrived on June 3, the surviving spouse or family members had to send back the Social Security check. I think that is an outrage.

That individual worked for Social Security, earned Social Security, put money in the Social Security trust fund. We feel that it is up to the Social Security system to allow the surviving spouse or the estate of the family to have that Social Security check for the last month of your life.

This legislation has an urgency. People have called my office in tears. Very often it is a son or a daughter. They are at the desk clearing off the paperwork for their mom, and there is the Social Security check. And they say, ''Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, our rent, a mortgage, health bills. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?''

My gosh, with all the problems in the United States of America, we ought to be going after drug dealers and tax dodgers, not those people who have paid into Social Security and their surviving spouse or their family who has been left with the bills for the last month of their life. I say they are absolutely right—absolutely right—because we believe that Social Security should be there for you, for the family, and for the surviving spouse.

I listened to my constituents. And what they say is this: ''Senator MIKULSKI, we don't want anything free. But our family does want what our dad worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life.''

That is what we are going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. While we talk about retirement security, the most important item in that is income security. And the safety net for every American is Social Security.

We know that as Senators we have to make sure that Social Security is solvent. And we want to work to do that. We also know that we have an obligation to those who continue to get Social Security that they get their COLA so when the cost of living goes up, that Social Security is adjusted. But this reform of providing a Social Security check for the last month of life is absolutely crucial.

How do we propose to do that? We have a very simple, straightforward way of dealing with this. Our legislation says this: that if you die before the 15th of a month, you will get a check for those 15 days. If you die after the 15th of the month, and between then and the 31st, your surviving spouse or the family estate would get that last Social Security check.

We think it is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in many values. We believe you honor your father and your mother. We believe that it is not only a good religious principle, but it is good public policy.

The way to do that is to have a strong Social Security System and to make sure that Social Security System is fair in every way. That is why we support making sure that the surviving spouse or family has the Social Security check for the last month of life. Mr. President, we hope to have the support of our colleagues. That is the essence of my statement.

By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1996

• Mr. GLENN. Mr. President, at the request of the administration, I rise to introduce The Federal Employment Reduction Assistance Act of 1996. This legislative proposal is modeled after the Federal Workforce Restructuring Act of 1994, which provided Federal civilian agencies with authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. I was the chief sponsor of the 1994 legislation. Approximately 115,100 Federal employees voluntarily resigned or retired during the first buyout program. In addition, 40,000 more agreed to leave under a delayed departure program and will leave this year or next.

The Federal Workforce Restructuring Act of 1996 contains the following proposals:

The authority for separation incentives begins with enactment of the act and continues until September 30, 2000.

The amount of the buyout incentive would be the lesser of the amount that the employee's severance pay would be or whichever of the following amounts is applicable based on separation in accordance with the agency plan:

$25,000 in fiscal years 1996 and 1997.
$20,000 in fiscal year 1998.
$15,000 in fiscal year 1999.
$10,000 in fiscal year 2000.

Any employee who receives an incentive and then accepts any paid employment with the Government within 5 years after separating would have to repay the entire amount of the incentive payment to the agency that paid the incentive. This provision could be waived only under stringent circumstances of agency need.

Agencies are required to pay an amount into the civil service retirement trust fund equal to 15 percent of the final basic pay of each employee who is accepting a buyout.

Agencies are required to reduce their full-time equivalent [FTE] employment by one for each buyout.

OMB approval would be required for all agency buyout plans. The legislation would only apply to civilian agencies. DOD would continue to operate its own buyout program.

In addition, the proposed legislation includes some softening provisions for agencies that must institute reductions-in-force [RIF's]:

The bill would authorize agencies to allow employees to volunteer for a separation during a RIF if this would prevent the involuntary separation of another employee in a similar situation. Employees who volunteered would receive severance pay. The DOD authorization bill also contains this proposal.

Employees involuntarily separated under RIF's could continue their health insurance coverage for up to 18 months while continuing to pay only the premium that would apply to current employees.

Mr. President, previous buyout legislation was preeminently successful in helping to reduce the number of Federal employees but accomplished the downsizing in a fair and equitable manner.

Overall, including the buyout program, there are now some 208,000 fewer civil service employees than there were when this administration came into office. That's a real success story. In fact, Federal employment is now at its lowest point since John F. Kennedy.

This buyout legislation will help to continue that trend. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the ''Federal Employment Reduction Assistance Act of 1996.''

Section 2 provides definitions of ''agency'' and ''employee.'' Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government and has not repaid the incentive is excluded from any incentives under this Act.

Section 3 provides that, when an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify the manner in which the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of separation incentives, and a proposed coverage for offers of incentives to agency employees, which may be on the basis of any component of the agency, any occupation or levels of an occupation, any geographic location, or any appropriate combination of these factors. The Director of the Office of Management and Budget shall review and approve or disapprove each plan submitted, and may modify the plan with respect to the time period for incentives or the coverage of incentive offers.

Section 4 provides that in order to receive a voluntary separation incentive, an employee covered by an offer of incentives must separate from service with the agency (whether by retirement or resignation) within the time period specified in the agency's plan as approved. An employee's voluntary separation incentive is an amount equal to the lesser of the amount that the employee's severance pay would be if the employee were entitled to severance pay under section 5595 of title 5, United States Code (without adjustment for any previous severance pay), or whichever of the following amounts is applicable based on the date of separation: $25,000 during fiscal years 1996 and 1997; $20,000 during fiscal year 1998; $15,000 during fiscal year 1999; or $10,000 during fiscal year 2000.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of the agency head if the individual possesses unique abilities and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same basis. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment and waiver provisions, employment includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the agency who is covered by the Civil Service Retirement System or the Federal Employees Retirement System to whom a voluntary separation incentive is paid under this Act.

Section 7 provides that full-time equivalent employment in each agency will be reduced by one for each separation of an employee who receives a voluntary separation incentive under this Act, and directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated by using the agency's actual full-time equivalent employment levels. For example, if an agency's actual FTE usage in FY 1996 is 1,050 FTEs, and 50 FTEs separate during FY 1997 using voluntary separation incentive payments provided under this Act, then the agency staffing levels at the end of FY 1997 shall not exceed 1,000 FTEs.

Section 8 requires the Office of Personnel Management to report by March 31st of each year to the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight concerning agencies' use of voluntary separation incentives in the previous fiscal year. The report must show, for each agency which had approval to pay incentives, the number of employees who received incentives, the average amount of the incentives, and the average grade or pay level of the employees who received incentives. The report must also include the number of waivers made under the provisions of section 5 in the repayment of incentives upon subsequent employment with the Government, the reasons for each waiver, and the title and grade or pay level of each employee to whom the waiver applied. Section 8 also amends the Federal Workforce Restructuring Act of 1994 (Public Law 103–226), which now requires that reports on voluntary separation incentives under that Act provide data for each employee who received an incentive, to instead require reports on a summary basis for each agency which paid incentives, as provided for the new authority.

Section 9 authorizes agency heads, under procedures prescribed by the Office of Personnel Management, to allow an employee to volunteer for separation in a reduction-in-force when this will result in retaining an employee in a similar position who would otherwise be released in the reduction-in-force. A voluntary release under the provision would be treated as an involuntary separation in the reduction-in-force. The procedures prescribed by the Office will provide that an offer of voluntary participation in a reduction-in-force is made at the agency's discretion, and that no employee may be coerced into accepting such offer. An employee who is voluntarily released would not have assignment (''bump'' and ''retreat'') rights in the reduction-in-force.

Section 10 provides that employees in any agency who are involuntarily separated in a reduction-in-force, or who voluntarily separate from a surplus position that has been specifically identified for elimination in the reduction-in-force, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium.

Section 11 provides that the Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of the Act.

Section 12 provides that the Act will take effect upon enactment and that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2000.

U.S. OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC, May 9, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the President's Management Council, the Office of Personnel Management submits herewith an Administration legislative proposal entitled the ''Federal Employment Reduction Assistance Act of 1996.'' We request that it be referred to the appropriate committee for prompt and favorable consideration.

While total Federal employment is relatively stable at present, the need for employment reductions may vary significantly from one particular agency to another. In the next several years, it is likely that many Federal agencies will need to make significant cuts. The Administration believes that separation incentives can be an appropriate tool for those agencies that must reduce their employment levels, when the use of incentives is properly related to the specific cuts that are needed within the agency and thus will help reshape the agency for the future. Further, it is vital to provide for consistent administration of any incentive programs that prove necessary for different agencies, and to appropriately limit the time period for any incentive offers.

This initiative is based on the Executive Branch's experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994. The Restructuring Act provided Federal civilian agencies with authority to offer voluntary separation incentives for a one-year period that ended

March 31, 1995. We believe that agencies generally used these incentives successfully to help avoid involuntary separations, and that the Restructuring Act provided a useful framework for consistent administration of incentive programs in many different agencies.

This proposal would provide an overall system for the limited use of voluntary separation incentives by Federal civilian agencies. When an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify how the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of incentives, and a proposed coverage for offers of incentives to agency employees on the needed organizational, occupational, and geographic basis. The Director of the Office of Management and Budget would approve or disapprove each plan submitted, and would have authority to modify the time period for incentives or coverage of incentive offers. We believe that these provisions for plan approval will ensure that any separation incentives are appropriately targeted within the agency in view of the specific cuts that are needed, and are offered on a timely basis. An agency's full-time equivalent employment would be reduced by one for each employee of the agency who receives an incentive.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2000. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or whichever of the following amounts is applicable based on separation in accordance with the agency plan: $25,000 in fiscal years 1996 and 1997; $20,000 in fiscal year 1998; $15,000 in fiscal year 1999; or $10,000 in fiscal year 2000. Any employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive to the agency that paid the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

In order to further assist agencies in making needed cuts, the bill would authorize agencies, under appropriate conditions, to allow an employee to volunteer for separation in a reduction-in-force when this will prevent the involuntary separation of an employee in a similar position. In addition, in order to minimize the impact of reduction-in-force actions on employees, the bill provides that employees who are involuntarily separated in reductions-in-force can continue their health insurance coverage for 18 months while continuing to pay only the premium that would apply to a current employee.

The Administration believes that this proposal would provide a very useful tool to assist agencies in making needed cuts under appropriate controls and effective program administration.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

JAMES B. KING,
Director.●

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs

THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT AMENDMENTS

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Environmental General Assistance Program Act of 1992. I am pleased to be joined by the vice chairman of the Committee on Indian Affairs, Senator INOUYE, and my colleagues, Senator SIMON and Senator DOMENICI as original cosponsors of this legislation.

Mr. President, the Congress enacted the Indian Environmental General Assistance Program Act over 4 years ago to correct a serious deficiency in Federal efforts to ensure environmental protection on reservation lands. Environmental problems on Indian lands were virtually ignored until the mid-1980's when the Congress adopted amendments to the Clean Water Act, Superfund and the Safe Drinking Water Act to authorize Indian tribes to obtain regulatory primacy under these Federal statutes. Despite these efforts to ensure that Indian lands enjoyed the same level of environmental protection as the rest of the Nation, there remain many serious environmental threats to Indian lands.

Some of the most severe environmental problems in the United States threaten our poorest communities. It has been reported that at least 600 solid waste landfills exist on Indian lands that do not meet Federal standards. Contamination from unsanitary landfills pose a daily hazard to the Pine Ridge reservation in South Dakota, which is located in one of the poorest counties in America. Mercury pollution on the Seminole Indian Reservation in Florida threatens fishing and the gathering of food. The Navajo Nation estimates that as many as 1,000 abandoned hazardous waste sites polluted with uranium mine waste contaminate its reservation land in New Mexico, Arizona, and Utah. In a 1994 inspector general report, the EPA estimated that at least 75 percent of the reported 530 leaking underground storage tanks on Indian lands have not been cleaned up and many more have not been identified. These additional conditions are intolerable and deserve our immediate action.

The Indian Environmental General Assistance Program Act authorizes the Environmental Protection Agency to award multimedia grants to Indian tribal governments for the purpose of developing tribal capacity to establish environmental regulatory programs. Before the Committee on Indian Affairs, Indian tribes have testified regarding the need for a diversified and flexible funding mechanism to allow for the development of tribal environmental programs across a wide range of media areas.

The General Assistance Program allows Indian tribes to tailor an environmental management approach that is flexible and allows for the allocation of limited resources pursuant to tribally identified environmental priorities. The minimum award for a general assistance grant is $75,000 per year. The act authorizes $15 million per fiscal year to be appropriated to the EPA to administer the General Assistance Program.

Despite these advances in Federal Indian environmental policy, many Indian tribal programs are barely in the infant stages of development. The General Assistance Program provides Indian tribal governments with the necessary technical and financial assistance to enable them to become better environmental managers.

The bill I am introducing is a simple amendment to the act that would authorize the appropriation of such sums as are necessary to implement the Indian Environmental General Assistance Program. This modification will provide greater flexibility to the Administrator of EPA to make awards to Indian tribes under the act and it will enable a greater number of Indian tribes to develop environmental programs.

In the 4 years since its enactment, less than one-fifth of the 557 Indian tribes and Alaska Native villages have been able to receive grant awards under this program. This modification will ensure that more tribal governments will be able to receive assistance to address the many severe environmental problems affecting reservation lands. In monetary terms, the funds that are needed to address these environmental problems are enormous and far exceed the scarce resources of most Indian tribes. Through this legislation, we will ensure that the Federal Government will afford Indian lands the same protection to a clean environment as the rest of the United States.

I am pleased to note that this legislation is strongly endorsed by Indian tribes and the EPA. The EPA has steadily increased its efforts over the past several years to support tribal authority to regulate environmental programs on reservation lands. EPA Administrator Browner expressed her commitment to improving environmental protection on Indian lands by elevating the needs of Indian tribes as a funding priority for the Agency. This commitment is a long overdue, but much welcome change for Indian country.

I urge my colleagues to support the passage of this legislation and join me in this effort to assist Indian tribes to improve environmental quality on Indian lands.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the line-item veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that

if one committee reports the other have 30 days to report or be discharged.

THE LINE-ITEM VETO ACT EXPANSION ACT OF 1996

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to expand the Line-Item Veto Act to cover one of the largest and fastest growing areas of the Federal budget, tax expenditures.

I am especially proud to be joined in offering this legislation by two colleagues who have worked to ensure that tax expenditures receive the scrutiny that other forms of spending receive, my good friends, the Senator from New Jersey [Mr. BRADLEY] and the Senator from Minnesota [Mr. WELLSTONE].

In addition to our effort here in the Senate, I am pleased that my good friend, Congressman TOM BARRETT of Milwaukee, is spearheading this legislation in the other body. Both bills expand the Line-Item Veto Act which was signed into law recently, and which will take effect next January and remain in force for the next 8 years.

Mr. President, both Congressman BARRETT and I supported the new Line-Item Veto Act that was signed into law a few weeks ago. Though it isn't the whole answer to our deficit problem, I very much hope it will be part of the answer.

However, the new Line-Item Veto Act failed to address one of the largest, and fastest growing areas of Federal spending—the program spending done through the Tax Code, often called tax expenditures.

Citizens for Tax Justice estimates that over the next 7 years, we will spend $3.7 trillion on tax expenditures. In the coming fiscal year, it is estimated that we will spend more on programs through the Tax Code, nearly $480 billion, than we will on discretionary spending for defense, agriculture, the Commerce Department programs, education, the environment, health programs including medical research, housing programs, the Justice Department, transportation, veterans affairs, the space program, the entire Federal judiciary, and the entire legislative branch.

Mr. President, despite making up a huge portion of the Federal budget, tax expenditures are off the table with regard to the new Presidential authority which only extends to so-called limited tax benefits, defined in part to be a tax expenditure that benefits 100 or fewer taxpayers. Thus, as long as the tax attorneys can find 101 taxpayers—individuals, corporations, or both—who benefit from the proposed tax expenditure, it is beyond the reach of the new Presidential authority.

Mr. President, it may not even be necessary for the tax attorneys to find that one 101st taxpayer. If a tax expenditure gives equal treatment to all persons in the same industry or engaged in the same type of activity, it is exempt from the new Presidential authority no matter how few benefit from the special treatment.

Also, if all persons owning the same type of property, or issuing the same type of investment, receive the same treatment from a tax expenditure, that tax expenditure is beyond the reach of the President's new authority.

And, there are still more exceptions that make it even harder for a President to trim unnecessary spending done through the Tax Code. For example, if any difference in the treatment of persons by a new tax expenditure is based solely on the size or form of the business or association involved, or, in the case of individuals, general demographic conditions, then the new spending cannot be touched by the President except as part of a veto of the entire piece of legislation which contains the new spending.

Mr. President, we find none of these elaborate restrictions on spending done through the appropriations process or through entitlements. The new Presidential authority is handcuffed only for spending done through the Tax Code.

Mr. President, this raises several problems.

First, and foremost, it partitions off an enormous portion of the Federal budget from this new tool to cut wasteful and unnecessary spending. Citizens for Tax Justice estimates that we are spending over $450 billion through the Tax Code this year, nearly $480 billion next year, and a whopping $3.7 trillion over the next 7 years. If the authority established by the Line-Item Veto Act is to have meaning, it cannot be preempted from being used to scrutinize this much spending.

A second problem raised by the inability of the new Presidential authority to address new tax expenditures is that it creates an enormous loophole through which questionable spending can escape. The current Line-Item Veto Act power given the President formally covers discretionary spending and new entitlement authority. But a special interest intent on enacting its pork-barrel spending could still do so by avoiding the discretionary or entitlement formats, and instead transform their pork into a tax expenditure. As a tax expenditure, most special interest pork is beyond the reach of the Line-Item Veto Act.

Mr. President, this gaping hole is big enough to sink the entire ship.

No matter how powerful this new authority is with regard to discretionary spending and entitlement authority, it is virtually useless against tax expenditures, and thus invites special interests to use this avenue to deliver pork.

Mr. President, a further problem with the lack of adequate Presidential review in this area is the very real potential for inequities in the implementation of the new Line-Item Veto Act authority. These inequities arise in part from the progressive structure of marginal tax rates—as income rises, higher tax rates are applied. In turn, this means that many tax expenditures are worth more to those in the higher income tax brackets than they are to families with lower incomes.

In some instances, tax expenditures provide no benefit at all to individuals with lower incomes.

This is not the case with entitlement and discretionary spending programs—both areas covered by the Line-Item Veto Act. The benefits of those programs often are targeted to those with lower income.

The net effect is that the scope of the current Line-Item Veto Act covers programs that often benefit those with low and moderate income, while it is powerless with regard to programs that often benefit individuals and corporations with higher incomes.

Mr. President, tax expenditures have another feature that makes it especially important that we extend the new Line-Item Veto Act to cover them, namely their status as a kind of super-entitlement. Once enacted, a tax expenditure continues to spend money without any additional authorization or appropriation, and without any regular review. In fact, while even funding for entitlements like Medicare or Medicaid can be suspended in rare instances such as a Government shutdown, funding for a tax expenditure is never interrupted.

Tax expenditures enjoy a status that is far above any other kind of government spending, and as such, it should receive special scrutiny. Extending the Line-Item Veto Act to cover them will provide some of that needed review.

Mr. President, as I have noted, tax expenditures make up a huge portion of the budget. They will soon exceed the entire Federal discretionary budget. Citizens for Tax Justice reports that if all current tax expenditures were suddenly repealed, the deficit could be eliminated and income tax rates could be reduced across the board by about 25 percent.

Clearly, tax expenditures have an enormous impact on the deficit, and we need to pursue two tracks with regard to them. First, we must cut some of the $455 billion in existing spending done through the Tax Code. Any balanced plan to eliminate the deficit over the next few years must contain cuts to spending in this area.

And second, with so much of our budget already dedicated to this kind of spending, we must bring tax expenditures under the Line-Item Veto Act and give the President the authority to act on new spending in this area as he does in other areas.

Our legislation does just that by eliminating the highly restrictive language with respect to tax expenditures.

Mr. President, as with the recently enacted Line-Item Veto Act itself, this bill to extend that new authority is not the whole answer to our deficit problems, but it can be part of the answer, and I urge my colleagues to support this effort to put teeth into the new Presidential authority with respect to the tax expenditure portion of the Federal budget.

Mr. President, I ask unanimous consent that the 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. 1835

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

SECTION 1. AMENDMENT TO CONGRESSIONAL BUDGET ACT.

Section 1026(9) of the Congressional Budget and Impoundment Control Act of 1974 (as added by the Line Item Veto Act) is amended to read as follows:

''(9) LIMITED TAX BENEFIT.—The term 'limited tax benefit' means any tax provision that has the practical effect of providing a benefit in the form of different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers.''.

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL WILD AND SCENIC RIVERS SYSTEM LEGISLATION

Mr. SANTORUM. Mr. President, I rise today to introduce a measure to add 51.7 miles of Pennsylvania's Clarion River to the National Wild and Scenic Rivers System. This bill, which Senator SPECTER has joined as an original cosponsor, is companion legislation to a measure being introduced in the House of Representatives today by Congressman BILL CLINGER.

Our bill designates segments of the main stem of the Clarion River from the Allegheny National Forest-State Game Lands No. 44 boundary to the backwaters of Piney Dam as part of the National Wild and Scenic Rivers System. This designation will help to preserve and protect the significant scenic and recreational values of these segments of the Clarion River.

This measure will conclude work begun by the late Senator John Heinz. It was his legislation to add a portion of the Allegheny River to the National Wild and Scenic Rivers System that also authorized the study of the Clarion River to determine its eligibility. The study was concluded earlier this year. And enactment of the bill that Senator SPECTER and I are offering today will bring Senator Heinz's efforts full circle.

Thank you, Mr. President. I ask unanimous consent that the full text of this bill appear in the RECORD.

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

S. 1836

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

SECTION 1. DESIGNATION OF THE CLARION RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''( ) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 8.6 mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

''(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

''(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

''(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run, as a scenic river.''.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 341, a bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1389

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1389, a bill to reform the financing of Federal elections, and for other purposes.

S. 1610

At the request of Mr. BOND, the names of the Senator from Washington [Mr. GORTON] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors 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. 1661

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1703

At the request of Mr. MURKOWSKI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1703, a bill to amend the Act establishing the National Park Foundation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Arizona [Mr. KYL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.