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# House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 3, 1995, at 12:30 p.m.

# Senate

FRIDAY, MARCH 31, 1995

*(Legislative day of Monday, March 27, 1995)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, our refuge and our strength, a very present help in trouble, You have made this Senate a family in which we not only work together to lead this Nation, but also share with each other the joys and sorrows of life. In times of tragedies and loss, we stand with each other. When one suffers pain or grief, we all feel it acutely.

This morning we reach out with love and empathy to our colleague and friend, Senator ROD GRAMS, as he endures the excruciating grief over the death of his infant grandson, Blake Eugene.

Comfort and encourage the mother. Give her Your strength and peace. Help her to trust You to sustain her through the anguish she is experiencing.

We ask You to give to Senator GRAMS the grace and wisdom he will need to lead his family through this troubled time. Free him from the ''why?'' questions for which there seem to be no answers, to receive the sure answer of Your healing presence. You do not will or cause the untimely death of a child, but You do give us strength to believe that death has been conquered and Blake Eugene is among the cherubim of Heaven.

And now we commit to You the work of this day. Draw us into deeper friendship with You and each other. In the name of Him who gives us eternal life. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders has been reserved. And there will now be a period for morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each.

At the hour of 10 o'clock the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill. At that time, the pending amendment offered by Senator D'AMATO will be set aside so that Senator DASCHLE may offer an amendment.

Therefore, all Senators should be aware that rollcall votes are expected throughout the day. If there is a change in that, or if we get some time agreement on when votes might occur, certainly we will notify the Members expeditiously.

Mr. President, I yield the floor.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I believe the Senator from Nebraska has been allotted 5 minutes of morning business. Is that correct?

The PRESIDING OFFICER. Yes.

## AN AMENDMENT ON ABORTION AND STATES RIGHTS

Mr. EXON. Mr. President, I rise today to introduce an amendment which I will formally introduce later on today or next week depending on flow of the business in the Senate. I filed the amendment at the desk. I will call it up later on during the consideration of the matters after we resume at 10 o'clock today per order of the Chair.

Mr. President, I rise today to introduce an amendment which is intended to clarify Federal law regarding Federal funding for abortion. Essentially, this is a States rights issue. As my colleagues know, the Hyde amendment has long been in place to restrict the use of Federal funds to pay for abortions under Medicaid. Originally, the only exception was for when the life of the mother would be endangered if the fetus were carried to term. Congress passed a modification, one I had long supported, effective October 1, 1993,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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which expanded the exception to pregnancies that were the result of acts of rape or incest. I believe that it was the intent of Congress that that modification be permissive and not mandatory on the States.

The administration responded to the change in the Hyde amendment by issuing a directive dated December 28, 1993, sent to all of the States mandating that they pay for abortions resulting from rape and incest as well as involving the life of the mother. The administration, in my opinion, used a strained analysis to create such a mandate. It stretched the medically necessary justification covering the life of the mother to cover rape and incest, citing what it thought was congressional intent.

The issue of payment for abortions to save the life of the mother has been basically settled. The issue of payment for abortion for rape and incest or other reasons has not. Numerous States are in the midst of that debate now. Prior to the administration's Medicaid directive, most States prohibited the use of public funds for abortion with the only exception being for the life of the mother, and that includes my home State of Nebraska. Only a handful of other States already paid for abortions that were the result of rape and incest. Now several States are under the threat of losing their Medicaid funding because they are balking at complying with the Federal directive. States have been forced into the position of implementing the directive, often in direct contradiction of their State law, or risk losing much-needed Medicaid funding or carry the argument into court.

My amendment will give the States the option of using Federal funds for abortion in cases of rape and incest but will not mandate it as the administration and courts are doing as a result of a questionable interpretation of congressional intent.

This language was adopted on this bill in full committee in the House, but was jettisoned by the Rules Committee. As we know, there is no comparable committee in the Senate, and any Senator has the right to generally bring any amendment on this floor. As a result, I offer this amendment which I believe will clarify the intent of Congress in this matter. This is also a matter of fundamental States rights and the debate should not be preempted by a Federal directive.

Finally, here is an appropriate opportunity to clarify and limit the scope of a Federal mandate and to respect the role of States and their law.

No lengthy debate is necessary. The issue is simple and straightforward. We make no changes in Federal law requiring States to fund abortions under Medicaid when the life of the mother is endangered. We would allow the States, at their discretion, to not fund abortions for rape and incest.

At a proper time I will call up the amendment and urge its adoption.

In addition, let me briefly say in the closing time allotted to me, Mr. President, that at a time when we are hailing the fact that very recently we eliminated by an overwhelming vote in the U.S. Senate and in the House of Representatives the matter of mandates to the States, here is a clear case where we can put our votes where our voices have been in the past. Certainly, we all know that the States pay about 46 percent of all the Medicaid bills. It seems to me that this is a clear case that, if we are against mandates, if we are against continued funding required by the States without full compensation as a result of those laws by the Federal Government, that this is a case where I think we should return to what I believe was the intent of the Congress when we expanded the formally known Hyde amendment to allow States—but not directing them—to fund through Medicaid cases of rape and incest.

I think that was a very important step in the right direction when they provided that, as I have long held. But it seems to me that the administration in this case has misinterpreted a principle, a principle which I thought was very appropriate.

I reserve the remainder of my time, and I thank the Chair.

Mr. THURMOND addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish first to commend the able Senator from Nebraska for the fine statement he has just made. We have to realize that under the Constitution States do have rights. The Federal Government has only the authority which has been delegated to it in the Constitution. States have the balance of the rights, and we must not forget that.

Mr. HATCH. Mr. President, I rise in support of the Exon amendment. Let there be no mistake. This is not a narrow question about whether abortions in the case of rape or incest should be funded under Medicaid. This is instead a question whether the Clinton administration will succeed in a clever but dishonest stealth campaign to override State restrictions on abortion funding and to require Americans to fund abortion on demand. That is what is at stake here. Anyone who says otherwise either doesn't understand the issue or is trying to pull the wool over the eyes of the American people.

Mr. President, let me explain in some detail the mischief that the Clinton administration has engaged in for the last year and a half or so with respect to the issue of Medicaid funding of abortion. Remember, this is an administration that claims that it wants abortion to be rare.

In 1993, both Houses of Congress, by impressive margins, passed into law an expanded version of the Hyde amendment.

This Hyde amendment forbids Federal taxpayer funding of abortion through Medicaid except in cases of rape, incest, or danger to the life of the mother. The very purpose of the Hyde amendment was to respect and accommodate the decisions by 40 or so States to restrict taxpayer funding of abortion.

No one in Congress intended that the Hyde amendment would become a vehicle for overriding State restrictions on abortion funding. But this is exactly the campaign that the Clinton administration, through the actions of its bureaucrats in the Department of Health and Human Services, has waged over the past 18 months. In State after State, the Clinton administration, in concert with pro-abortion groups, has attempted to override State restrictions on abortion funding and to require State taxpayers to fund abortion on demand.

Take, for example, what has happened in my State of Utah. On December 28, 1993, a Clinton administration bureaucrat sent a form letter to the State of Utah's Medicaid Director claiming that the Hyde amendment required Utah to fund abortions in instances where Utah law prohibited funding. In a response dated January 13, 1994, Mr. Rod Betit, the executive director of the Utah Department of Health, complained about the "unconscionable catch–22" that HHS was putting Utah and other States in. Mr. Betit pointed out, among other things, that the HHS pronouncement "ignored longstanding principles of cooperation and consultation," adopted "a questionable mandatory interpretation of previously permissive language," and "issue[d] reporting and documentation requirements that have no basis in Federal law."

Mr. President, I ask unanimous consent that the full text of Mr. Betit's letter be printed in the RECORD.

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

UTAH DEPARTMENT OF HEALTH,
*Salt Lake City, January 13, 1994.*

Mr. BRUCE C. VLADECK,
*Administrator, Health Care Financing Administration, Washington, DC.*

DEAR BRUCE: I appreciate your taking the time to explain Sally Richardson's December 28, 1993 letter during our recent phone conversations. Your assurances that HCFA intends to follow the compliance process with regard to the new abortion mandate in an orderly, nonconfrontational manner is welcome. Nonetheless, I hope that after considering the points in this letter you will agree the prudent course of action would be for HCFA to rescind Sally Richardson's order, and reissue it as an optional policy change after appropriate consultation with the State Medicaid Directors in the form of a true Executive Order.

I share Ray Hanley's concerns about how this policy was announced. HCFA's method of issuing their interpretation of the 1993 Hyde Amendment ignored long standing principles of cooperation and consultation between HCFA and the states and threatens to seriously undermine this cooperative relationship. Not only did HCFA assume the responsibility to issue a questionable mandatory interpretation of previously permissive language, HCFA also took upon itself to

issue reporting and documentation requirements that have no basis in federal law. Further, HCFA completely ignored the box that this preemptive mandate immediately created for Utah and many other states. While HCFA has agreed to give the states time to resolve the dispute, your mandate has left the states vulnerable to legal action from other parties. Why HCFA would knowingly place states in this unconscionable catch-22, completely escapes me and leaders in other states.

Based on research to this point and careful consultation with local and national legal advisors, I continue to believe that HCFA's interpretation of congressional intent may be unsound. The Supreme Court has not decided this issue, having explicitly reserved judgment in *William v. Zbaraz,* 448 U.S. 358, 363 n.5 (1980). The Court has indicated that the intent to mandate abortion coverage should not be presumed, absent clear proof of that intent. *Beal v. Doe*, 432 U.S. 438, 446–47 (1977). Contrary to popular belief, passage of a new federal law does not in and of itself trigger federal supremacy. There has to be clear evidence that Congress intended to override the laws of the 50 states. Sally Richardson's letter indicates that HCFA's interpretation regarding medical necessity is ''(b)ased on the language of this year's Hyde Amendment and on the history of Congressional debate about the circumstances of victims of rape and incest.'' Your assistance in providing specific information to support this assertion is respectfully requested as Utah cannot locate any evidence to support Sally Richardson's claim.

In fact, I have reviewed the language of the Hyde Amendment for each year from 1976 through 1993. I see nothing distinctive about the 1993 language that addresses congressional intent to change a permissive policy to a mandatory one. The State Medicaid Manual indicates that the States ''may choose not to fund abortions to the extent they deem appropriate.'' *State Medicaid Manual*, Part 4, Section 4430. This has been federal policy from 1981 through 1992. I fail to see anything in the language of the 1993 version that dictates a change in that policy.

Further, I have reviewed the legislative history surrounding the adoption of the 1993 version of Hyde and find nothing conclusive there either. Comments from congressional leaders and their staff in the last 2 weeks would also suggest that no clear proof of intent exists. I am therefore persuaded that a permissive interpretation remains consistent with congressional intent. I also fail to see how that interpretation frustrates national policy in the Medicaid program.

Your January 5, 1994 letter to Ray Hanley argues that the absence of Bauman Amendment language since 1983 forces a mandatory interpretation. If this is so, why has the permissive language in the State Medicaid Manual remained unchanged? Further, your interpretation that the Hyde language preempts state law absent an express exception, is in direct conflict with the standard set forth by the Supreme Court in *Beal*. Have you any case law to support this position?

The legislative history surrounding the adoption of the Bauman Amendment in 1981 makes it very clear that it was intended to clarify congressional intent that abortion coverage was permissive. Our research to date, has not uncovered any explicit indication of why it is absent after 1983. Your conclusion that its absence automatically compels an interpretation that coverage is mandatory is highly suspect. It can be plausibly argued, and case law supports the interpretation in appropriate cases, that the failure to repeat such language does not appear after 1983, we would appreciate your assistance in resolving this important question.

As I indicated to you on the phone, and as the media has publicized, the Utah Department of Health is clearly caught between HCFA's mandate and very explicit state statutes. Utah Code Ann. §26–18–4(2)(1989) limits coverage to causes where the mother's life is threatened. Violation of this restriction by a public employee is a Class B misdemeanor and could include forfeiture of office. Utah Code Ann. §26–18–5(3)(1989) anticipates situations where changes in federal law mandate modifications to state law and rule. However, the last clause in this statute says ''providing, the provisions of this section shall not apply to department rules governing abortion.'' I believe the Utah Legislature has clearly indicated that a change, such as coverage for rape and incest related abortion, can only be made after public debate and a decision by that body. This is especially true in this case, where our legal analysis indicates that federal preemption of state law is ambiguous.

Your response to the issues raised in this letter will be very helpful to our Legislature. Our session begins on Monday, January 17, 1994 and runs through March 2, 1994. I am sure that this issue will be discussed. We would like to be able to share your response as part of that discussion.

I look forward to hearing from you as soon as possible.

Sincerely,

ROD L. BETIT,
*Executive Director*.

Mr. HATCH. The State of Utah, to its credit and to the credit of its fine Governor, Mike Leavitt, has refused to acquiesce in the Clinton administration's bureaucratic abuses. Predictably, the Clinton administration has even threatened to cut off Utah's participation in Medicaid unless Utah violates its own laws restricting abortion funding. On December 28, 1994, an HHS bureaucrat cited Utah for supposed noncompliance with Medicaid requirements.

Another key component of the administration's stealth campaign to require taxpayer funding of abortion on demand has been to work hand-in-hand with pro-abortion groups to file lawsuits against States that continued to enforce their restrictions on abortion funding. In January of this year, a pro-abortion group sued to void Utah's restrictions on abortion funding. Similar lawsuits have already succeeded in a number of other States.

Mr. President, Congress did not intend through the Hyde amendment to override State restrictions on abortion funding. Yet the administration has been using the Hyde amendment in pursuit of its agenda of funding abortion on demand. The administration's arguments have, admittedly, been clever. Clever but mischievous. Clever but dishonest. Clever but unfaithful to the clear intent of Congress. Clever but contemptuous of the right of the people in each State to determine whether and when to fund abortion.

To my colleagues, I say that the question on the Exon amendment is clear. If you believe that a policy of requiring States to fund abortion on demand should be imposed by stealth, then vote with the Clinton administration and against the Exon amendment. But if you believe that the rights of State taxpayers and the clear intent of Congress in passing the Hyde amendment should be respected, then join Senator EXON and me and others in voting for his amendment.

I commend the distinguished Senator from Nebraska for this amendment. It is a good amendment. He is a good man. He is doing what is right here, and I support him. I hope that the Clinton administration will back off and realize that the Senator from Nebraska is right.

I yield the floor.

Mr. THURMOND. Mr. President, I rise today to address the future of the Anti-Ballistic Missile Treaty of 1972 and its impact on U.S. national security. In my view, the administration's policy toward the ABM Treaty is fundamentally flawed and should be reconsidered. By seeking to perpetuate and expand the coverage of a treaty that is fundamentally outdated, the administration has created a number of problems. Let me briefly discuss these and offer an alternative approach.

The ABM Treaty was intended to be the central feature of an arms control regime that would balance and stabilize the United States-Soviet strategic relationship. This agreement, as much as anything else, symbolizes the cold war doctrine of mutual assured destruction, or MAD—a belief that if the United States and the Soviet Union remain equally vulnerable to massive nuclear retaliation, neither side will have an incentive to attack the other.

Today the cold war is over. And while the United States and Russia still differ over a variety of issues, there is no reason to perpetuate an adversarial relationship. Unfortunately, many government officials in Russia and the United States continue to cling to fundamentally outdated, cold war attitudes and policies.

The way the administration has handled the ABM Treaty is a glaring illustration of this problem. Rather than seeking to define a new United States-Russian strategic relationship, the administration has decided to reaffirm a relationship based on mutual vulnerability and the threat of retaliation.

Instead of seeking to replace or evolve the ABM Treaty regime, the administration is committed to preserving and even expanding the core principles of the ABM Treaty. It has sought to extend the philosophy of mutual vulnerability in two ways—by agreeing to multilateralize the treaty, and by attempting to extend its limitations to theater missile defense systems, which the treaty does not cover.

By multilateralizing the ABM Treaty, the United States is not only endorsing the continuation of mutual vulnerability, but is also inserting this concept into its relationship with several of the New Independent States of the former Soviet Union. Moreover, by including these countries in the ABM Treaty, we would give them a significant voice in, if not a veto over, key U.S. decisions on missile defense.

This is even more troubling when viewed in the context of what the administration is doing to capture theater missile defense systems under the ABM Treaty. The administration has shown a willingness, if not an eagerness, to include detailed performance limitations on theater missile defense systems. Under the guise of clarification, the administration has come up with nothing short of a new treaty regulating theater missile defenses.

The administration's overall approach to the ABM Treaty poses three overlapping problems, which might be viewed as near-term, mid-term, and long-term problems. Let me address each of these in turn and offer what I believe to be logical and achievable solutions.

In the near-term, the United States must respond to an expanding array of theater ballistic missile threats by developing and deploying highly effective theater missile defenses. These threats are an undeniable and salient part of the new security environment. Thanks to the efforts of U.S. industry and our military services, we are well positioned to acquire highly effective theater missile defenses and to allow these capabilities to grow along with the threat.

Unfortunately, the administration's current approach threatens to preclude promising theater missile defense options and establish an artificial technological ceiling on the growth of those systems that we do deploy. This approach is strategically unwise and legally unnecessary.

The solution to this problem is relatively straightforward. The ABM Treaty simply states that non-ABM systems may not be given capabilities to counter strategic ballistic missiles and may not be tested in an ABM mode. Nothing in the treaty talks about the performance of non-ABM systems and it would be very unwise for us to get into the business of regulating these systems now.

The answer is simply to define what a strategic ballistic missile is and to establish as a matter of U.S. policy or law that theater missile defense systems comply with the ABM Treaty unless they are actually tested against a strategic ballistic missile. A commonly used definition of a strategic ballistic missile, which the United States and Russia have already agreed upon, is a missile that has a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. If this definition were used, the United States and Russia would be free to develop and deploy a wide range of highly effective theater missile defense systems without having fundamentally altered the letter or intent of the ABM Treaty.

Even if we take this step, however, we will still be faced with a mid-term problem. U.S. territory will inevitably face new ballistic missile threats, which our theater missile defense systems are not being designed to counter. North Korea already has an ICBM program in development and other countries will almost certainly be able to exploit readily available technology in order to acquire such capabilities. The administration is simply not preparing adequately for this threat.

If the United States is to deal with this problem in an effective manner, the ABM Treaty will have to be altered to allow for the deployment of a robust national missile defense system. While we can begin immediately with the development of a national defense system that is in compliance with the ABM Treaty, eventually we will need relief from the treaty. This will be necessary in order to cover all Americans adequately and equally. Deployment of several ground-based missile defense sites, perhaps supplemented by enhanced mobile systems, could provide a limited, yet comprehensive defense of the United States. This could be achieved with relatively modest changes to the ABM Treaty, changes that would not undermine United States or Russian confidence in their deterrent forces.

But even if we accomplish this goal, we would still be left with a long-term problem having to do with the fundamental purpose of the ABM Treaty. Ultimately, if the United States and Russia are to establish normal relations and put the cold war behind them, they will have to do away with the doctrine of mutual assured destruction, which lies at the heart of the ABM Treaty. This can and should be a cooperative process, one that leads to a form of strategic stability more suited for the post-cold-war world. Such a form of stability might be called mutual assured security and should be based on a balance of strategic offensive forces and strategic defensive forces. We must once and for all do away with the notion that defense is destabilizing and that vulnerability equals deterrence.

If the United States and Russia are serious about reducing their strategic nuclear forces to levels much below those contained in the START II agreement, we must be able to fill the void with missile defenses. We can do this cooperatively with Russia and other concerned parties, but we must make it clear that the United States is intent on evolving away from an offense-only policy of deterrence. We will undoubtedly require strategic nuclear forces for the foreseeable future to deter a broad range of threats, but in a world of diverse and unpredictable threats, we can no longer rely on these exclusively.

Mr. President, I hope the administration will reconsider the range of problems I have discussed today. I believe that there are reasonable solutions within reach, if only we seek them. An incremental approach that deals with these problems in phases may facilitate cooperation and help wean both sides away from the comfortable yet outdated patterns of the cold war.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

## EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent for an extension of morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

## LEGAL REFORM

Mr. FRIST. Mr. President, I rise today to discuss the need for legal reform in America. Our civil justice system is broken. The changes in our tort law system that were introduced 30 years ago had merit, but like many other aspects of our society, what began as a good idea has been the subject of ceaseless expansion and is now totally out of hand. We are now by far the most litigious country on Earth, and we are paying a huge price as the result.

Mr. President, I come to this issue from a different perspective than most of my colleagues. I am not a lawyer. I am a doctor. I have seen firsthand day in and day out what the threat of litigation has done to American medicine. I have watched my colleagues every day order diagnostic tests—CT scans, blood tests, MRI scans, electrocardiograms—that were many times costly and unnecessary for the good of the patient. They were ordered for one simple reason—to create a paper trail to protect them in the event a lawsuit would ever be filed. It is called defensive medicine, and it happens every day in every hospital throughout America. It alters the practice of medicine and drives the cost of health care higher and higher.

Mr. President, I have also treated patients who were injured by allegedly defective products or in automobile accidents, and I have watched as their families were contacted by lawyers, urging them to sue before anyone knew the real facts of the accident.

Mr. President, I know we will face stiff opposition, but changes must be made in our legal system. It is costing us billions of dollars each and every year and, perhaps more importantly, it is turning us into a nation of victims.

Our product liability laws are a particular area in need of reform. Our present system costs this Nation between $80 and $120 billion a year. A 1993 Brookings Institution survey found that pain and suffering awards alone cost American consumers $7 billion each year.

Mr. President, 50 to 70 percent of every dollar spent on products liability today is paid to lawyers.

What really is the problem? It is fashionable to talk about the big verdict cases, cases like the customer at McDonald's who spilled hot coffee in her lap, or the fleeing felon in New

York who was shot by police, only to recover a $4 million verdict against the police department.

But those cases are just symptoms of the illness. The heart of the problem is that our civil justice system does not effectively weed out specious claims that lack merit.

Our judicial system has built in rules that are meant to do that, but they simply do not work well. The summary judgment mechanism is one and rule 11 of the Federal Rules of Civil Procedure is another. Unfortunately, if you ask most defense lawyers, they will tell you that summary judgments are rarely granted, and rule-11 sanctions are almost never imposed.

As a result, almost any case that is filed today stands a good chance of getting to the jury. And, Mr. President, given the unpredictable nature of juries, not to mention the staggering cost of defense, businesses and insurance companies simply make the decision to settle the case rather than play Russian roulette with the jury. Day after day in this country, insurance companies and businesses pay $25,000, $50,000, $75,000, or more, to plaintiffs who have filed cases which lack merit, either factually or legally.

So who pays for all this? The American people do. Insurance companies simply pass the costs along in higher premiums and businesses pass the higher premiums along in higher product costs. We spend five times more of our economy on tort claims than our Japanese or German competitors. This makes our American products more expensive, and eventually it chases American products from the marketplace.

One example that I am personally familiar with is a device called the left ventricular assist device, essentially a type of artificial heart. The product is housed in a clear polyurethane cover. Without it, many patients would die as they waited for a transplant.

The device allows them to live for weeks and sometimes months as they await a donor heart. Unfortunately, because of the rash of recent lawsuits involving medical devices which contain polyurethane component parts, the polyurethane manufacturers are simply threatening to pull their product from the marketplace saying they cannot afford to produce the product anymore. That means it will not be used in a broad range of devices.

Mr. President, if that happens, who will the makers of this device turn to for that polyurethane housing? And if they are unable to find a supplier, the device simply cannot be made and, I can tell you, based on firsthand experience, that patients will die because they will not have that bridge to transplantation available. I have transplanted these patients before. Without it, they would not be alive today.

Mr. President, to those who say that litigation costs are not the cause of products vanishing from the marketplace, just ask Cessna Aircraft Corp. They quit making small planes 9 years ago because of liability concerns. But thanks to last year's legal reform that limited an aircraft manufacturer's liability for planes over 18 years old, they announced on March 15 of this year that they would, once again, start making planes.

Mr. President, tort reform will make a difference. The real problem is that our juries are taking the place of our legislatures in determining which products offer enough utility that they should remain in the marketplace, despite their risk. We now trust juries to redesign airplane engines, to rewrite product warnings, to second-guess medical diagnoses, and even to place values on the price of a human life.

It is because of runaway jury verdicts that you no longer see many American manufacturers of football helmets, or diving boards at pools of motels, and you can no longer get a money-back guarantee if your pizza is not delivered within a specified time. And maybe—just maybe—those things are good. But the point is that they should not be decided by juries. They should be decided by people through their elected representatives, not by those juries in courtrooms where the rules of evidence are confining and, in so many instances, the real story is never told.

So who stands in the way of legal reform? Who will attack us over the next several weeks as this is introduced? Unfortunately, that great triumvirate of federalism—the plaintiffs' bar, the consumer groups led by Ralph Nader, and President Clinton. In a recent article in the Washington Times, Judge Robert Bork pointed out the fallacy of this newfound federalism argument that has been floated by the plaintiffs' lawyers. Our Framers valued local decisionmaking, and they wanted to avoid a centralized government that would control every aspect of our lives, but they also recognized that Federal regulation can be important.

One important factor that the Framers considered in drafting the Constitution was the need to have centralized control over commerce and trade. Alexander Hamilton, in Federalist No. 11, wrote about his concern that diverse and conflicting State regulations would be an impediment to American merchants. But today, we have a similar threat: Our unrestrained and unpredictable civil justice system.

Today, placing an article manufactured in Tennessee into the stream of commerce will be enough to subject a Tennessee merchant to suits in all 50 States. Aside from the obvious inconvenience, the laws of each of these States may, and in all likelihood will, be different from those laws in Tennessee—laws with which the merchant is familiar and which he may have used as a guideline in manufacturing and selling his product.

If we are going to allow the merchant to be hauled into court in any of the 50 jurisdictions in which this product may eventually be purchased, should we not try to provide some predictability, some centralized manner over the methods by which the dispute will be resolved? Should we not bring some predictability and some common sense to the issue? I think we should, and I think the federalism argument, in this case, is, at best, a red herring.

I fully anticipate that the President of the United States will oppose our legal reform efforts at every turn. But it will not be because he believes the effort is wrong or because he has suddenly found the 10th amendment. Instead, it will likely be because of his cozy relationship with the plaintiffs' trial bar. The American Trial Lawyers Association said in 1992 in a fundraising letter that President Clinton would, and I quote, ''never fail to do the right thing where we trial lawyers are concerned.'' And so far, they have been right, but it is time to change that.

The real victims of our failing justice system are the would-be plaintiffs, the victims themselves. The legislation which has been passed in the House and which will soon be discussed in this body will not prevent a plaintiff with a meritorious claim from suing and recovering. In fact, it will improve his or her chances. The courts will be clogged with fewer spurious lawsuits, and cases that now lag for 2, 3, or 4 years will move more quickly. Plaintiffs' lawyers will no longer be able to disregard reasonable settlement proposals and let cases sit for years. They will be required to evaluate the case in a timely manner and act in a manner that is in the best interest of their client. They will be less likely to simply roll the dice, hoping for the big hit.

The family which has suffered and which has medical expenses and lost wages and which really needs help is at the mercy of plaintiffs' lawyers who have plenty of cases and can afford to gamble. If they lose and they take nothing, they move on to the next case. But their clients have only 1 day in court.

Mr. President, legal reform will not hurt anyone, except perhaps the plaintiffs' trial lawyers, but they have had their way for too long. Simply put, it is time that we stop letting the tail wag the dog.

I look forward to these legal reform hearings, and I truly hope that we will enact meaningful reforms which will make our civil justice system more responsible, more accessible, more predictable and, most importantly, more equitable.

Thank you, Mr. President. I yield the floor.

## REGISTRATION OF MASS MAILINGS

The filing date for 1995 first quarter mass mailings is April 25, 1995. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Morning business is closed.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1158, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

D'Amato amendment No. 427 (to amendment No. 420) to require congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion.

The PRESIDING OFFICER. Under the previous order, the D'Amato amendment is temporarily laid aside in order to consider an amendment to be offered by the minority leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 445

(Purpose: To propose a substitute)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KENNEDY, Mr. DORGAN, Mr. HARKIN, Mr. CAMPBELL, and Mr. KOHL, proposes an amendment numbered 445.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DASCHLE. Mr. President, we have had a good debate now for the last couple of days on the issue of rescissions and the need to provide supplemental funding for the Federal Emergency Management Administration, FEMA.

What we have not had a good debate about, however, is about priorities, and about values, what it is we ought to do with the resources, as limited as they are, that we have available.

It is our view we ought to have a debate of that kind, and we ought to consider where it is we want to put resources, how it is we want to direct those resources to affect the greatest number of people and do the most good.

That is what this amendment intends to do. This amendment recognizes that there really is a twofold purpose in what it is we are trying to do with this bill.

We are obviously trying to ensure that FEMA has the adequate resources necessary to continue the extraordinary job that they do in providing emergency assistance to communities all over the country. But we are also very sensitive to the need to continue to move ahead with meaningful deficit reduction.

This session of Congress has been devoted in large measure to procedural questions about how it is we bring down the debt. I am very disappointed by the fact that, frankly, our best procedural effort to do that in a meaningful way, a budget resolution, which is required from the Budget Committee tomorrow, will not occur at the time required by law.

While we talked about procedure, the majority has been unwilling so far to use the procedure we already have to do exactly what we say we need to do.

Therefore, Mr. President, I am disappointed that we have failed to produce the budget resolution necessary to accomplish what we say we really need here.

Mr. President, the issue of priorities, as we consider deficit reduction, brings Members to the floor on many occasions. Again, it does this morning. We recognize while we need to reduce the deficit, we also recognize that the long-term deficit is going to be determined in part by the needs of Americans who may depend upon the Federal Government, and by the ability they have to go out and become meaningful, productive, taxpaying citizens.

The only way we can ensure working families have the capacity to be productive, taxpaying citizens, is that we invest in their future with what limited resources we have.

The amendment that I am proposing this morning—and supported, I would say, by the overwhelming majority if not all of our colleagues on the Democratic side—is an amendment that simply says ''Whatever else we do to reduce the deficit, the one thing we ought to do is to be cognizant of how important it is that we protect our children and the investment that we need to make in children.''

This amendment would simply allow Members to tell 1 million children across the country that it is our intention to help them, that it is our commitment to them and to deficit reduction, both, that we hope to articulate in this amendment.

Our legislation would provide protection for 5,000 children when it comes to child care. We want to tell working families that we want them to go out there and do the best they can to generate the income that their talents will allow, and we will try to assist where it can be provided with the child care needs they have, in order to be a productive and an involved working citizen.

Child care is the first installment of a multiple array of tools that can help working families do their job better. The same in Head Start. We want to protect 9,000 children in the Head Start Program who otherwise will be cut off, who otherwise will not have the opportunity to begin their early childhood development in a meaningful way, and to ensure that when the time comes they can become good students, good working people and good family members. That is what Head Start does. And we are hoping to protect the 9,000 people who otherwise will be cut out, without the advantages of this amendment.

We are also telling those young adults, those young Americans who want very much to be able to go to college and at the same time help their country, that we remember them as we change our deficit priorities. We want to tell 36,000 young people that it is important to go out through national service and develop the capacity they need, to go to college, to learn skills, to do the things necessary to become important and taxpaying citizens in this country.

No one denies the incredible impact that the Women, Infants, and Children Program has. We will tell 70,000 mothers and children that we will help them as well, not by increasing the deficit.

I emphasize here that this amendment is completely paid for by shifting priorities to allow Congress to reduce the deficit but protect women, infants, and children in the program that has demonstrated a remarkable capacity to assist young families as they begin to meet the challenges of life.

We also recognize that school is critical. If we are going to invest properly in families, in working families, we have to ensure that our investment in education is adequately provided.

Aid to schools, impact aid, is of critical importance. And under the pending bill, $16 million overall will be lost. In my State of South Dakota, over one-half million dollars would be lost. The impact that will have on schools that rely upon this funding, as I indicated

over the last couple of days, would be devastating.

We want to say, without equivocation, when it comes to priorities, education is at the top of the list. Only the educated are free. Only the free can participate adequately in democracy. Only if we ensure adequate educational investment can we ensure the freedom that we so dearly love in this country. Aid to schools, and providing better schools for almost 1 million students is what this amendment does as well.

Mr. President, I will have much more to say about the amendment and about what we are attempting to do later on this morning.

Let me emphasize how important this amendment is. How important it is that we provide adequate funding for FEMA. How important it is that we provide meaningful deficit reduction, but at the same time that we meet those two objectives. It is critical that we protect 1 million children who otherwise would be cut out of needed assistance.

Mr. President, I will return to the floor shortly to say more about the amendment and about our intentions with regard to this investment. I yield the floor.

Mr. KENNEDY. Mr. President, first of all, I want to commend our leader, Senator DASCHLE, for the work in developing this amendment which he has proposed, and which I welcome the opportunity to cosponsor. I find this a compelling amendment, and as Senator DASCHLE mentioned yesterday, I believe that we will develop bipartisan support.

Basically, the focus of this amendment is on children and education. We have some other features in there with such as the national service program, but it is primarily an amendment that reflects our priorities on education and children.

What it is saying regarding these programs included in those rescissions is there were appropriations which went through the legislative process, went through the House and Senate, and were signed by the President of the United States. The programs include Head Start, chapter 1, school reform programs, and day care programs. There are families out there across America that were depending on those programs. There are mothers and fathers who believed that their children were going to be involved in the Head Start Program and they could count on it. There are mothers and fathers who thought that their children would participate in the chapter 1 program, a program redeveloped and redesigned, refashioned with strong bipartisan support last year to improve it. There are parents who had believed they might be able to improve themselves and the lives of their children because day care programs would now be available to them.

I looked forward to the debate on this amendment. The amendment itself was responsible in terms of its offset, although I think it is commendable in any respect. I think it would have been important for us to debate this issue. It has been in the works for some period of time. The leader had indicated yesterday that we were going to offer this amendment. We had heard last night from the majority leader—after there was a whole debate on matters that were not directly related to these rescissions all day long, after many of us had been on the floor in the early afternoon looking for the opportunity to debate this amendment—that we could debate these amendments. Where are the amendments? When are we going to deal with them? Can we get a time agreement?

Now we are notified that that particular measure is going to be pulled, withdrawn, effectively denying us the opportunity to debate this particular measure. As I understand it, in its place is going to be a conference report. I will have more to say about that report, and I think other Members will have more to say about later in the morning about how it treats a handful of individuals who are trying to escape paying their fair share of the tax system and escape all kinds of tax responsibility.

I think one of the key elements of where we are as a Congress has been the issue of priorities and where we are going as a Congress. We had, over the period of this past week, in our committee, our Human Resource Committee, the repeal of Davis-Bacon legislation which had been in effect for some 60 years. This repeal will diminish the economic power of construction workers whose average income is $27,000 a year. We are in the middle of an economic assault on working families.

We have also had the assault on the President's proposal which would ensure that we were not going to further and encourage the whole striker replacement worker phenomenon that has been taking place across this country, weakening the economic rights of working families.

We have seen the purchasing power of average workers in this country decline dramatically over the period of recent years. Many of us have been pointing out that we ought to consider those particular measures against what is happening to the other members of their families, to their children in this instance, to the care of their children and the education of their children. We expected to have that opportunity now to make that case in terms of the Head Start programs, which have been tried and tested and reshaped and supported by Republicans and Democrats, by funding for the chapter 1 programs, by the return of the summer job programs, the voluntary service programs, the President's national service program.

We have seen these programs cut at a time where we see, over in the House of Representatives, the leadership talking about using these cuts to provide tax cuts for the wealthiest individuals and corporations in this country. These are legitimate public policy issues and questions the American people ought to have an opportunity to express their views on through their elected representatives.

I think these are the questions being put to the U.S. Senate today to debate and discuss in this amendment that had been worked by the minority leader. We had heard earlier today, if he offered this amendment, there were going to be parliamentary maneuvers to try to second-degree it so we could not have, effectively, the debate and discussion on it.

Mr. President, we know there is the power to be able to do that. But I, for one, would certainly have urged the leader to continue to offer this particular proposal in form after form until he was at least given the opportunity for an up-or-down vote on his amendment, a position which has the strong support from many on this side and, hopefully, even from some on the other side.

So, Mr. President, I want to just make very clear I am very hopeful we will come back to this measure and that we will debate the rescissions here in the U.S. Senate, that we are going to come back and we are going to have an opportunity at that time to talk about this amendment. It affects $42 million in Head Start programs, $2.5 million in Healthy Start programs that will help 8,000 to 10,000 low-income children who lose nutrition assistance during their preschool years; $8.4 million in child care funds that will deny 5,000 children of working families the support they need for day care.

There are only about 4 or 5 percent of our working families that are able to afford decent child care. We have a program to try to provide assistance to working mothers for child care programs. These funds had been appropriated, and this rescission cuts $8.4 million in that child care program and $1.3 million in children's mental health. It eliminates services in 11 sites and 11 States to children with mental and emotional disorders. The amendment would have restored the funding under chapter 1 for 70,000 educationally disadvantaged children who have special needs, the $55 million in the Goals 2000 that would have provided help and assistance to 13,000 school districts across this country, to try to strengthen, at the local level, academic achievement and accomplishment; the support for safe and drug-free schools.

Those particular funds provide a combination of resources for safety in schools. I will bet there are a score of politicians making speeches right now about the importance of safety in schools. Well, here we had an opportunity to do something about it. We have an opportunity to restore some funds for safety in schools, and $100 million that had been actually appropriated is being withdrawn. We want to put that back.

We have the $30 million School-to-Work Program. The School-to-Work

Program is going to be the basis of a major overhaul of training programs, the concept of which has been basically accepted by Republican leaders in the House and the Senate as being a key element in revamping of youth training programs. School-to-Work has strong bipartisan support to provide some opportunity for the 70 percent of the children who do not go on to higher education, to move them from school into work, the partnership between the private and the public sectors. There was $30 million that would have been eliminated for them.

The amendment would have restored the TRIO Program, $11 million for the TRIO Program which has been one of the most successful programs for the disadvantaged students, to give them the help and assistance in terms of education support and health support.

Education technology—$5 million for education technology. What you learn in the schools is directly related to what you are going to earn. We have a deficiency in terms of technology in the schools across this country and a very significant imbalance in technology availability between the wealthier schools, both private and public, and the most disadvantaged schools. We have developed a small technology program. That program had been cut back.

There is also a cutback in the national service program, even though the service program had been worked out with Republicans and Democrats alike, and we had agreed to phase in the funding—$300, $500, $700 million over 3 years. Yet we see a significant reduction in funding for that program.

We have already seen some positive returns from the national service program, as well as other programs that are related to youth and youth training, programs designed to do something about young people, with a number of them having dropped out of school. We lose about 400,000 young people a year. In many instances, they are individuals who do not have a sense of hope or a sense of opportunity or a sense of future, and they are the ones who fall into trouble in their local communities and are a source of trouble in terms of the law. We have been revamping and reshaping and improving many of these programs. Yet they are being cut.

So many work force training programs are being effectively eliminated, and this eliminates an opportunity to do something for the education and training and employment of young people. The Daschle amendment shows a sensitivity to these programs by restoring them.

Mr. President, I think we should have had a discussion about where the priorities are in this body. We should have been given an opportunity to debate these questions. The Daschle amendment had been thought through, and its shaping had been given a good deal of attention.

It is a thoughtful, responsive amendment that restores many of the cuts that are going to be particularly harsh on children and education. Those are not areas that we ought to be cutting back. Those are areas in which we ought to be investing more. Certainly, just throwing money at problems is not the answer, but how we allocate resources is a pretty clear indication of what our Nation's priorities really are.

What we know is that when you have decent, good, effective education programs and you cut back on them, what is happening is that you are basically increasing social costs and decreasing revenues in the long term for this country. It makes no sense at all.

We, I think, deserve an opportunity to debate these issues. When the measure comes back, we will have an opportunity to do so, not only in this amendment but also in follow-on amendments that will target education and target children's issues. So we will have a chance to speak to these issues.

Mr. President, I look forward to working with the leader and the score of other cosponsors of this amendment in debating these issues later.

I yield the floor.

Mr. DORGAN. Mr. President, last week Republicans in the other body passed a bill that pokes huge holes in the social safety net for America's children. Their welfare reform bill guts the School Lunch Program and other programs that kids rely on for nutritious meals. Now, in the Senate, we are debating a rescissions bill that will slash another set of programs that are so critical to these very same children.

I am talking about Head Start, the Child Care and Development Block Grant Program, and Summer Jobs for Youth, among others.

The rescissions bill cuts Head Start by $42 million, even though the House did not cut funding for this program at all. As a result, 9,000 children will lose the chance to get a head start on learning. Head Start is a comprehensive child development program, addressing a wide range of critical needs: health, nutrition, social. Perhaps most important, it puts a premium on parent involvement and helps to forge a bond between parents and their children's education.

The Child Care and Development Block Grant Program was cut by $8.4 million. Again the House bill had not cut. This 20 percent reduction means that 5,000 fewer kids will qualify for child care assistance. There are an estimated 21 million children who live below 200 percent of the poverty line in this country. About 8 million of them live with a single parent who works at least part time or with two parents who both work at least part time. These 8 million children are members of working families whose income make them eligible for child care assistance. In fiscal year 1993, only about 750,000 of these kids actually got assistance.

Now, we are considering a bill that will drop another 5,000 children from the program. Some of these kids live in homes where, without assistance, their mothers will not be able to afford to work. Low-income families already pay 27 percent of their income on child care—it is ridiculous to think that they can afford to spend more than that.

S. 617 cuts all funding for the 1996 Summer Jobs for Youth. This means that about 615,00 young men and women—1,300 in North Dakota—will not work. According to a 1995 Labor Department report, the program greatly increases the summer employment rates for participating youth. Researchers estimate that, for every three jobs provided under the program, two young people worked who otherwise would not have.

I just do not understand why some would want to slash successful programs like these. I agree with my colleagues that we should pay for what we appropriate for disaster assistance. However, this bill asks that children and low-income families pay a disproportionate share of the check.

I support the Daschle amendment to restore much needed funding for these programs. It channels resources where they belong, in our children. It supports nutritional assistance, training and education, and housing, and it is fully paid for.

Mr. CAMPBELL. Mr. President, I rise today in support of the Daschle amendment to H.R. 1158, supplemental appropriations and rescissions bill, that would restore funding to many important programs that aid children and support housing programs. This amendment restores valuable funding for several programs that support and educate our children. Few programs are as important to the future to our country as the program that assists our Nation's children.

Mr. President, the Daschle amendment also preserves $36 million of funding for the Community Development Financial Institutions [CDFI] Fund. This amount falls short of the original $125 million, however, I believe it is a good first step to address the critical problems that exist in our economically distressed communities.

I have long been committed to empowering disadvantaged and minority communities to help themselves and to invest in their own communities. While I recognize the need to cut the Federal deficit, I believe it is important to achieve the national policy goals of revitalizing communities, increasing access to credit and investment capital, promoting entrepreneurship, and rebuilding private markets in distressed neighborhoods.

As in other States, Colorado's cities have neighborhoods which lack access to resources for business and economic development. I know that many rural communities in Colorado have never had proper access to credit and banking services. Many ofthem have no

lender who wants to give them a chance or give them hope. But, in fact, there are many creative entrepreneurs in our rural communities who are idea rich, but resource poor.

Mr. President, I believe community development financial institutions will open new markets for conventional lenders while giving borrowers access to previously unreachable sources for capital and credit. Community development financial institutions are specifically dedicated to revitalization. They possess specialized expertise in community development and are successful in tailoring loan products and services to meet the needs of low-income and minority communities.

In the case of native American communities, reservations generally are among the most disinvested and poor areas with weak economies. These communities, in particular, are in desperate need of creative banking and financial services. I believe the CDFI fund is a first step and an important step in addressing these critical needs.

The CDFI fund is a next generation Federal initiative that combines private entrepreneurship, extensive leveraging of Federal dollars and a strong commitment to self-help credit. I believe the CDFI fund will fill market niches that banks and other conventional lenders are not serving, especially in native American communities, and provide bridges between unconventional borrowers and conventional lenders.

Mr. President, I urge my colleagues to support the amendment offered by the Senator from South Dakota.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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, what is the pending business?

The PRESIDING OFFICER. The minority leader's amendment is the pending business.

AMENDMENT NO. 446 TO AMENDMENT NO. 445

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 assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for Mr. ASHCROFT, for himself, Mr. KYL, Mr. SANTORUM, Mr. ABRAHAM, Mr. GREGG, and Mr. NICKLES, proposes an amendment numbered 446 to amendment No. 445.

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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DOLE. Mr. President, I say to my colleagues, I am not certain how much longer this bill will be on the floor, because it is pretty obvious to this Senator that what we have here is a political exercise by the other side.

If the President of the United States does not want this bill, it is all right with me. But he is not going to get the other bill, either, the one on defense.

So I would just say to the White House, if they are serious about reducing spending, as the President indicates he is from time to time, and if they really want the first supplemental, the defense supplemental that passed that is now in conference, then I think they had better go to work on what has become nothing but a political exercise. And that is what we are about to engage in here today. That is certainly the right of every Senator.

But my view is that if there is all this concern about children, I did not see it expressed when we had the balanced budget amendment up here. Some of the speakers voted for the balanced budget last year and against it this year. I do not know why they forgot about the children for the next 10, 15, or 20 years if we do not balance the budget and make tough choices. But some never make tough choices. They make tough speeches, and then they want to come back and add some here, add some here, and add some here.

I must say, in every case in the so-called Daschle amendment, there are already additions in spending in all of these programs. But they want to add just a little more so they can come to the floor and make this political argument that somehow they are going to protect the children and we are going to destroy the children of America. I mean, it is nonsense. It is preposterous. It is ludicrous.

So the amendment we have offered will give Senators in this body who want to have real spending cuts the opportunity to vote ''aye''—real spending cuts.

IRS, $100 million—that ought to be a favorite of everybody; AmeriCorps, $206 million; foreign operations, $91 million; Corporation for Public Broadcasting, $47 million—all the President's budget cuts, $337 million. Surely the Democrats will vote for that.

Legal Services Corporation, about $6 million; Radio Free Europe, $98 million; youth bill, $38 million, for a total of $927 million in real cuts. It does not devastate any of these programs, but they are real cuts.

I want to congratulate my colleague from Arizona, Senator KYL, the Senator from Missouri, Senator ASHCROFT, and the Senator from Pennsylvania, Senator SANTORUM, for their initiative.

I guess I did miss a couple. The actual total would be $1.3 billion, which will be discussed by my colleagues from Arizona, Missouri, and Pennsylvania.

We would like to have a time agreement on this amendment. We would like to make some progress on this bill, and we would like to also vote on the Daschle substitute, although there could be additional second-degree amendments to it.

Then at 12 o'clock or shortly thereafter, we would take up the conference report dealing with self-employed. It is very important we do that today because April 15 is not far away and, hopefully, the President—I am certain he would—sign it as quickly as he receives it, so that we will be reinstating the 25-percent deduction. Many people are waiting to file their tax returns.

The Senator from Massachusetts indicated he might want to discuss that at length because of a Senate provision which was dropped in conference. We put the provision in. I feel strongly about the provision, about those who leave the country to avoid paying taxes.

We also put in the committee report, at my suggestion, that any additional legislation would be effective on February 6—February 6. Not next week or not last week, but February 6. So when we address this issue again in the tax bill—it will probably be in the reconciliation package—when we have additional hearings and make certain that we are following the correct procedure, I expect that provision to be in the next package. It was in the Senate package. We did have hearings on the Senate side, but only 1 day of hearings.

There were some serious questions raised. The report will be due in June, so that will give us adequate time to address that issue. So, hopefully, we can pass the conference report with a very brief time agreement. There will be a record vote on the conference report. Hopefully, we will have record votes on the other material.

I say to my colleagues, there will probably be at least two or three votes today and, depending on the White House response—if they do not want this rescission bill or anything in it—then we can continue to have this turkey shoot out here with everybody offering amendments to make a few political points. We already had 8 or 10 on the other side. I assume they have 30 or 40 more. That is fine with me. If we want to make this a turkey shoot, then the White House should understand, that is it and that they are not going to get either bill.

So I will just say to the Chief of Staff at the White House and the President of the United States that if he is serious, we are serious; if he is not serious, that is fine with us.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak in strong support of the amendment of the majority leader which will have the effect of restoring $1.3 billion in disaster assistance for

California. It will have the effect of reducing additional spending from last year's budget in the form of rescissions, including, for example, $337 million in budget cuts that were requested by President Clinton but are not in the rescission package as it exists right now. It further rescinds several other programs to levels near to or the same as the House rescission package. For example, as the majority leader says, it cuts $100 million from the IRS bureaucracy, and makes other changes.

The specific areas in which the rescissions are increased are the AmeriCorps Program, which I will speak to in a moment, the IRS, as I mentioned, some foreign operations matters, which you will be addressing, Mr. President, the Corporation for Public Broadcasting—as I said, $337 million in cuts that were requested by President Clinton—the Legal Services Corporation and a program called youth bill, and some others. The total, as the majority leader said, is over $1.3 billion, close to $1.4 billion.

The majority leader has indicated an interest in having a time agreement and, as a result of that, I think we will begin by being relatively brief on a few of these items. But if it is the desire of those in the minority to debate this at length, then we will be prepared to do that. It is our hope that the majority leader's will is reflected in an agreement by the minority as well.

So let me begin this debate by focusing on the first item on this particular amendment, and that is the AmeriCorps Program, the so-called voluntarism program in this country, which is not voluntarism at all but rather has the Federal Government taking taxpayer dollars to pay people to work as volunteers.

Obviously, that is an oxymoron. You are not a volunteer if you are being paid for your volunteer activity by the U.S. Government. But that is the nature of this program, and that is obviously one thing that is wrong with it.

I think perhaps one of the most important things I will say here, Mr. President, is as follows: This amendment is similar to the amendment that the House passed by a vote of 382 to 23. So the House made the degree of rescissions that we are talking about in this amendment by the overwhelming majority of 382 to 23.

If the Senate cannot reflect that significant consensus of the House of Representatives in a similar number, then I think those who are watching us today may wonder what this body can do. Clearly, we can reflect the same consensus that was generated from the House of Representatives.

What this would mean in dollars is that AmeriCorps funding for fiscal year 1995 would total almost $159 million. During a time of severe budget constraints, we are asking of our programs that are currently funded at one level, can those programs be reduced in their funding to reflect the fiscal position that the United States is in right now? We cannot afford all of these programs, at least to the degree they are being funded.

As a brandnew program, AmeriCorps cost American taxpayers $367 million last year. Now the President wants to increase the cost to over $800 million for 1996. What we are suggesting is, we do not shut the program down, but we reduce the funding of the program to the same level that the House of Representatives voted overwhelmingly to fund.

AmeriCorps is not an effective jobs or education program. We submit that it will not increase voluntarism in our country.

Mr. President, students of history will recall that one of the most profound observers of the American scene, as this country was getting going in the early 1800's, was a French historian by the name of Alexis de Tocqueville. Alexis de Tocqueville came to this country to see what made it so dynamic, why we were seeming to do so well just 50 years after our Revolution, and what experience he could take back to France to tell his fellow citizens how they might improve their society as Americans seemed to be doing.

One of his chief findings was that Americans banded together in all sorts of voluntary arrangements to help each other in their local communities. They banded together in groups with names and just as neighbors helping neighbors—to put up a barn, to help a family, to work in a community, to work in the churches or the synagogues. In one way or another, he observed, Americans volunteered to help each other, and that was one of the significant differences between America and the old Europe from which he came. In fact, he reflected on this by saying, ''America is great because America is good.'' And if America shall ever cease to be good, America will cease to be great. One of those elements of goodness to which he was referring was this dynamic concept of voluntarism that characterized the American society.

That voluntarism has continued until this day. But I submit that the AmeriCorps Program—U.S. Government paid volunteers—undermines the concept of voluntarism, as Alexis de Tocqueville had observed. Groups such as the Salvation Army, Arizona Clean and Beautiful Project, the Crime Victim Foundation, St. Mary's and Andre House food bank, and others all around this country, commit millions of hours to voluntarism every year. Today, Americans, age 18 and up, volunteer, without pay, almost 20 billion hours of their time. That is a 50-percent increase in hours since 1981. Turning voluntarism into a wide-scale public job program, I submit, will undermine public and private philanthropy. It stands the concept of voluntarism on its head.

A final point, Mr. President. It is not just that it undermines voluntarism, and that it is costly. But it is taking money away from other programs which really could be of assistance to America's youth.

The AmeriCorps project is not based on need, as you know. It does not promote voluntarism based upon the need of the people who participate in it. Students are paid $7,400 for work and given $4,750 toward education costs for 2 years. In addition, recipients are guaranteed health and child care benefits, and in some localities, other benefits. For the average $20,000 to $30,000 cost per year, per student in the AmeriCorps Program, eight needy students could receive Pell grants at $2,400 apiece. So we could educate eight needy students in this country for the same thing that it costs us to pay for one ''volunteer'' under the AmeriCorps Program.

This $20,000 stipend is worth more than the individual income of nearly 40 million working Americans.

So, Mr. President, it seems to us that given the fact that it does not promote real voluntarism; that it is costing a tremendous amount of money; that the House voted overwhelmingly to reduce the funding to the level that we are proposing here; that it takes money away from programs which could really assist needy students who need funding to continue their education, we should adopt the amendment of the majority leader, thus reducing the amount of funding for the AmeriCorps Program.

I am going to yield to my colleague from Pennsylvania in a moment. I have one final point here. Over 2,800 volunteers—20 percent of the 20,000 AmeriCorps volunteers—are assigned to Federal agencies. This is a volunteer program designed to help people in local communities, but 20 percent of these people are assigned to the Department of Agriculture, Department of the Interior, National Endowment for the Arts, and others. The federally funded Legal Services Corporation for example has been awarded funding for 44 AmeriCorps volunteers, costing taxpayers almost a million dollars.

This is not voluntarism, Mr. President. This is just one of the programs that we would reduce the spending for in order to achieve the $1.3 billion-plus in rescissions that make up the amendment of the majority leader.

At this time, let me yield to my colleague from Pennsylvania to further discuss this point.

Mr. SANTORUM. I thank the Chair. What I would like to do is talk about what this amendment does. The first thing it does is restores President Clinton's request for $1.3 billion in disaster assistance for California earthquake victims, and disaster relief in numerous other States. The minority leader's proposal would remove that funding that is needed for the victims of natural disasters, and our amendment seeks to restore that money. That was the principal reason this bill was before us—this is a disaster relief supplemental. That is the reason this bill is here. The rescissions has turned into, maybe as the majority leader said, a

''turkey shoot,'' with a lot of other amendments being thrown on. The House decided to do more rescissions, as we are doing here. But the underlying purpose, the reason this bill is here, is that this is a supplemental appropriation bill to provide for disaster assistance. What the minority leader has done is take away the underpinnings for the bill and reduce what the bill is for in the first place and to fund a whole lot of other programs that are in the bill.

Our amendment pays for this $1.3 billion to be put back in, by rescinding some of the provisions here to equal the House level. The House went through and rescinded certain programs. What we do is match their rescissions. The Senator from Arizona talked about one such, the AmeriCorps Program, which I will touch on, and the Corporation for Public Broadcasting was another.

In addition to those rescissions, what we also did was to adopt some of the President's suggested rescissions. The President came forward in his rescission package with $337 million in additional budget cuts. These are things requested by the President. I have taken the opportunity, while sitting here, to examine these rescissions and to find out what these were all about. What I see is really almost a precursor to the line-item veto. These are a bunch of line items that were put in by the Appropriations Committee here in the House, and in the Senate, earmarks—earmarks being things that are put in by certain Members for demonstration projects in your State or in your district, which takes money that is not authorized by the House or Senate and signed by the President, things that are nice little projects for back home. And we have here $337 million worth of these projects that the President, rightfully, said these projects are really the definition in the sense of pork. Let us go after these projects. I agree with the President.

So we put these $337 million of projects in this rescission amendment to restore the money back to California and other States. So this is an attempt not only to try to get some comity with the House and try to reduce the levels of funding to what they have wanted but also to reach out to the President and say we are going to put your disaster assistance money back in, but we are going to adopt your rescissions.

A lot of criticism is made around here of not being bipartisan and playing Presidential politics. We are here with this Republican amendment, offered by our leader, acceding to the wishes of the President. I would be interested to see what the folks in the President's party react to try to do what the President wants to do. That is what we are doing here today. We are trying to work in a bipartisan fashion to craft a good supplemental appropriations bill and rescission package.

Here are a couple things we are not doing in this amendment. We are not eliminating the Summer Jobs Program, and that is almost $900 million. We keep the funding levels up. We are going to get in a fight with the House on that. We keep the LIHEAP Program, which the Senator from Arizona was going to offer an amendment on and deeply wanted to put it in this bill. We kept that fully funded because we feel that low energy income assistance is important. That is another $1.3 billion. So that is about $2.2 billion of additional rescissions which the House requested that we did not because we have set priorities.

Some of our priorities that just did not quite make the grade are things like the AmeriCorps Program. The Senator from Arizona did an excellent job in discussing how the nature of voluntarism is being corrupted by paying volunteers $20,000 a year to volunteer. I wish I got paid that to volunteer my time. That is what this program does. It is a $7,400-per-year stipend to volunteer, plus a $4,750 tuition credit per volunteer, plus medical benefits and child care. All that totals about $20,000 a year. That is not counting the roughly $15,000 a year it takes for administrative and overhead costs per volunteer. It almost costs as much for overhead as it does to pay them.

This is not an efficient program. Roughly half the money being siphoned off here to Washington or other places around the country in bureaucratic payments and the money—hard-earned taxpayer dollars—that could be used to support families and put food on the table is going to pay bureaucrats and people, many of whom in this program are wealthy.

The AmeriCorps Program is not a means-tested program. I am sure a lot of people will find that to be shocking. This AmeriCorps Program is not for the poor. We have doctors, we have people who are spouses of doctors, and children of wealthy people. They all qualify. This is not for young people. Do not think of this as a youth corps of disadvantaged youths that are out there doing the public service. No, no, no, no, no.

I think it is up to 60 years of age, irrespective of income. They can come in, get the stipends, and get up to 2 years of educational grants. We have the Senator from West Virginia, Senator BYRD, who said we could take one of the grants and turn them into five people for Pell grants for every one volunteer we have on AmeriCorps.

No, we will put them to work. Who will they work for? We have 1,200 for the U.S. Department of Agriculture, 1,200 AmeriCorps volunteers; 525 for the Interior Department; 210 for the Department of Justice; 135 for the Environmental Protection Agency; 60 at the National Endowment for the Arts. This is not out there in the community doing the kind of work that this program has been sold as.

Again, administrative costs are high. This is not means tested. Anybody qualifies, irrespective of income, and they get a benefit which is actually even greater than the GI bill. I had the Commandant of the Marine Corps talk to me and tell me that recruitment is being hurt in the Marines and other branches of the service because of the AmeriCorps Program, because they can have a nice job here stateside, doing nice things, maybe doing good kinds of things, and get paid, not only as I said before, their stipends, but $4,725 per year in educational grants, up to 2 years of service, while the GI bill provides not $4,725, what the AmeriCorps bill does provide for, but $4,800, $75 more, for putting 3 years into the Marine Corps.

Now, think about that. No wonder it is hurting recruitment. No wonder it is causing a problem. This is just do-goodism of Government, thinking they can do everything for everybody and pay them at the same time. It is a complete distortion of what I think most people see as the role of voluntarism in America.

We believe that this is a prime target for rescissions. I think we are very generous. We leave the program at least running. We do it at reduced levels. The present level of funding is $370 million, and it is supposed to go up next year to $610 million. We cut that back to actually about $157 million. I think that is awfully generous for a program that clearly is out of step with where America wants to take this country, as far as its allocation of resources and spending.

The other area that I wanted to touch on very briefly, if this debate does go on longer, we will come back and talk about it further, but I know the Senator from Missouri wants to talk on some of the foreign aid/foreign operations matters, the other area is the Corporation for Public Broadcasting.

I have, and I am sure every Member of this body has received numerous letters and phone calls about protecting ''Barney'' and Big Bird making sure that we do not cut out money for Public Broadcasting.

I cannot say it any more plainly. If it comes, and I look at the chart of the Senator from South Dakota about helping children and the things that we need to do to provide money for WIC Programs and food stamps and other things that are so important and essential, if we cannot cut $47 million out of the Corporation for Public Broadcasting, then we have no business standing up here and saying we are serious about reducing the deficit.

That is just amazing to me. We talk about corporate welfare. I hear so much talk over there about we have to get rid of corporate welfare. This is the most outrageous of corporate welfare, for programming and for things that can simply and easily be provided by

the public through public contributions, or with assistance, as we already do.

These are nonprofits. And they already get, in a sense, a Government subsidy. They already get breaks in having to pay for their rights of communication. We already provide certain benefits. To throw additional money at that when they do not take advantage, as they do not, of the royalties available to them from programs like ''Barney'' and ''Sesame Street'' and others, they get virtually nothing back in royalties if showing these programs on their public television stations.

If they are not going to take advantage of the opportunities that are before them to help fund their programming, then why should the American taxpayers, working hard to put food on their families' tables, pay to support Public Broadcasting, when, at least in our area in Pennsylvania, the corporate salaries are similar to those of some of the chief executive officers of some of the major corporations in Pittsburgh.

I think it is, again, I cannot stress strongly enough, if we do not have the courage to stand up and cut funding for a program like the Corporation for Public Broadcasting, when we have some people getting 100-some stations, many of them learning-type stations, educational stations, with the onset, as we will see in bringing up the telecommunications bill next week, of almost the irrelevancy in future years of cable and a lot of other mediums because of direct satellite communication into your home—it will happen very shortly—if we cannot get rid of a dinosaur of a program like funding for the Corporation for Public Broadcasting, then we do not have the right to say we are a Senate that is on the verge of entering the 21st century with setting our priorities.

I will be happy to yield to the Senator from Missouri.

The PRESIDING OFFICER (Mr. KYL). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise in support of the amendment offered by the majority leader. This amendment is critically important, and serves as a continuing demonstration of our willingness to curtail expenditures which we cannot afford.

Much has been said today about the children of America, but the best way to ensure their future is to make sure that we are fiscally responsible. It is important to make the hard choices for the right reasons. That, Mr. President, is the number one investment that we can make in the children of America.

Last night, late at night, this House made a mature and difficult decision about a substantial number of courthouses across the country that we simply could not afford. Mr. President, $1.4 billion was cut, and in the process, a commitment to the next generation was kept.

I rise today, Mr. President, in support of a particular aspect of the majority leader's amendment. Specifically, an additional $91.6 million from the foreign operations budget. I think when we are talking about the children of America, and the future of this country, we all understand that there is going to have to be some sacrifice made on their behalf. To take 1.4 percent out of the foreign aid budget is not asking for too much. It is simply saying that when we are considering sacrifice, when we are considering restraint, people around the world will need to share in that sacrifice.

Some might ask, ''Is this not isolationist?'' I hardly think a 1.4-percent rescission makes an isolationist out of the United States of America. It simply does not, it will not, and it should not. And to argue as such is to fundamentally mislead the American people.

The point is we are going to have to ask our allies abroad to share in the kind of restraint needed to move toward a balanced budget. But of equal importance, Mr. President, I would argue that it may be that the best kind of foreign aid we could ever provide to countries overseas is the kind of benefit they would receive from a stable, fiscally sound U.S. economy.

Mr. President, we are looking at a major restructuring of the way in which we deal with foreign entities. As part of that, it is important that we begin to send a signal, to friend and foe alike, that we are moving to put our fiscal house in order.

It is important to note that all of the funds that were recommended to be rescinded in the House were unobligated funds. The Senate number was $100 million, theirs was $191.6 million. Now, if the House could make those reductions without really impairing priority programs, I think we ought to match their efforts. We are talking about an additional .0067 multiplier, which would provide the additional $91.6 million.

Mr. President, we have spent almost half a trillion dollars over the last 45 years to increase peace and prosperity abroad. Unfortunately, in many cases, there is very little to show for our efforts. We need to think carefully about how we deploy resources and what a strong America, economically, means to the rest of the world. I cannot remember anyone cornering me in a coffee shop in Camdenton, MO, and saying, ''You have to support more funding for U.S. peacekeeping,'' or ''To be sure I am firmly on board when the next AID package comes before the Senate.''

It is time we start to look at our foreign aid budget and begin allocating funds only in those areas in which America has vital national interests at stake. The American people are a generous people, but they want a return on their investment.

Mr. President, when we talk about fiscal belt-tightening and the responsibility associated with it, a minimal reduction in foreign aid must be part of that mix. The House bill cuts foreign aid accounts by nearly $200 million. Our bill only has $100 million. The addition of the $91.6 million would, again, move us in the right direction.

As I mentioned earlier, last evening we started. We started a constructive effort by cutting $1.4 billion in an essential function of Government. The judicial process is one of the most fundamental components of American government. Courthouses are important. But our children and the next generation of Americans are also important. Mr. President, we cannot afford to spend what we do not have. This package represents a small, reasonable step in the right direction.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have been trying to understand the substitute amendment versus the underlying Daschle amendment. I would like to say what I believe, based on about 10 minutes of study, this does.

As I understand it, what the amendment of Senator DASCHLE, the minority leader, does is it takes $1.3 billion from FEMA, fiscal year 1997, and it restores certain cuts that have been recommended for children and educational programs.

What I understand the majority leader's amendment to have done is it restores fiscal year 1997 FEMA funds, $1.3 billion, and it cuts even more deeply. It cuts the children's and the education programs, plus it cuts a whole series of programs including Radio Free Europe, legal services, foreign operations, the biological survey, libraries, the Corporation for Public Broadcasting, airport and airway trust fund, highways, AmeriCorps, and the youth bill. So, essentially, as I understand it, we have two rather clear choices on the floor of the U.S. Senate, one of which is the Dole approach which is much deeper, and the Daschle approach that says let us make cuts but what we cut, let us not cut the most vulnerable in our society, the future of our society—children and education.

I want to take a couple of minutes and speak to that because I think it is a worthy attempt, even as rescissions are being made, to take a good look at what we are doing and saying as we talk about investment in the future. As we talk about investing in economic infrastructure, should we also invest in our human infrastructure of which the most important part is our children? In order to secure the future of our children, the most important part is their education.

I would like to speak specifically to the Dole amendment. We all know that, regardless of what version it is, there is going to be welfare reform in this session of Congress. We all desire it. And so to people in this Nation, as

has so often been said by Senator GRAMM of Texas—the time has come for people to get out of the cart and help push it.

In order to push it, it means go to work. But if you are poor, if you are female, if you have children, and if you are on welfare, you are going to need child care to go to work.

So, does it make sense as we talk about investment in our future to cut child care? I think it does not because we just complicate the problem downstream. So I believe that rescission, that cut, is not a prudent investment in our future.

Head Start—what is Head Start? Head Start is a concept. We have 16 million youngsters in this Nation growing up in poverty. The concept is that if we can get children young with their parents to come in at a very early age, if we can counsel with those parents—these are poor parents, poor children—if we can counsel with them, if we can begin early on to teach them the discipline and structure of learning that when they get into the grade they will be able to keep up with their class instead of what so many know happen, that there is an emotional dropping out followed by an intellectual dropping out, followed by a physical dropping out of children in the elementary school years—guess what? What has been found is that, if you apply the Head Start concept well, not sloppily but well—which involves bringing in the family—children do better. They graduate with higher grades. Guess what? By the age of 19 they are much more likely to get a job. That is the investment in the future. That is what Head Start speaks to. Properly carried out it works.

So I ask the question: Does it then make sense in this rescission package to cut back on Head Start? I answer that question by saying no, it does not. Let us take another one that has been bandied with on the floor. AmeriCorps. I have just heard AmeriCorps is not just for people who are struggling. It is not for the middle class, it has youngsters and adults in it, and it has youngsters whose parents are doctors, or so on. It is my understanding that over 75 percent of those admitted to AmeriCorps thus far have incomes of under $50,000. Do I believe that 100 percent of the parents of the youngsters going into AmeriCorps should have incomes of under $50,000? The answer is, yes, I do. But the vast majority of participants come from moderate- to low-income families, and AmeriCorps is clearly a worthy program.

Let me speak as a mayor who more than a decade ago took $1 million of community development block grant money in San Francisco and began a new program, the first urban conservation corps in this Nation. It has since been replicated by 22 big cities. You can imagine the pride I had when I had Mayor Tom Bradley of Los Angeles come up to San Francisco to learn from us how we took youngsters age 16 to 23, very fragile youngsters with no work ethic, with a background of juvenile delinquency and began to teach them a work ethic and put them to work building bike paths, restoring park areas, painting over graffiti, doing public works projects, repairing places in housing authority projects. And those youngsters learned a work ethic. They went out at the end of the year and could get a job. I think it was the most successful program I did.

This is what AmeriCorps is built on. It is built on the concept of a conservation corps where you take young people, where you teach them a work ethic and whereas they work, they can earn, and in this case earn a college scholarship. It is a vital program. Again, is it as important an investment in our economic infrastructure as free trade may be? I think it is. Because again, it is teaching our young people a skill which they are able to use and then further their education.

Let us take WIC, the Women, Infants, and Children Program. When I was mayor I used to go down to where food was given out in San Francisco. I would see pregnant women come in, again many of them undernourished, again many of them troubled, many of them not able to provide a nutritious meal. Sure. They would go out and buy a bag of potato chips. They would eat high-fat food. But they were not nutritious meals.

What WIC has done is offer an opportunity to develop a cost-effective birth system for people who are poor and deprived in this Nation because they are able to get some foods that are nutritious during the term of pregnancy and produce youngsters who come into this world with a chance. In a way, it is a cost-effective investment in our future.

Let me talk about cuts in education. Today, all across the United States of America we graduate kids from schools that cannot read or write, multiply, divide or add, recognize China on a map, fill out an employment application, or follow a bus schedule. These are actual examples. They are not made up. They are true. It is called the failure of American public education.

Where American public education fails the most is in the elementary school. That is where Head Start and that is where chapter 1 comes in.

Chapter 1 again are funds that go to States for basic remedial and primary education. It is reading, it is writing, it is arithmetic, and it goes to those school districts that have poor children in them. It is a very big ticket item for California, the largest State in the Union.

For me this cut for California schools means a loss of $8.7 million of the anticipated $729 million in fiscal year 1995. If these rescissions are cut, the county of Los Angeles loses $2.5 million for reading and writing and arithmetic for poor children. That is what chapter 1 does.

One of the things that I have believed in is that we should go to a decentralized public education system. We should allow schools to float free. We should provide standards of education for young people. What is the degree of proficiency you should have in reading, in writing, in math for promotion? What is the knowledge of social service? What is the knowledge of science programs that you should have to promote? What Goals 2000 did was provide a voluntary mandate to schools to establish tough curriculum standards. Is that an investment in our future in terms of building a young work corps of youngsters that are able to get a job in an economy that is becoming more and more high-technology, where you have to understand computers to work in factories?

I think the answer clearly is yes, this is the future. So Goals 2000 spoke to that, spoke to tougher education standards. Chapter 1 talks to basic reading skills. I think these cuts are not necessary.

The bottom line is, as I look at the majority leader's amendment and the minority leader's amendment, what I see is the possibility of putting together an amendment that is bipartisan, that could achieve additional cuts, if that is what people are looking for, and not impact children and not impact education.

Now, there are those who believe that education and children are the fuzzy issues in our society. I am not one of them. I speak as a former mayor. I speak as somebody who has seen a lot of trials and a lot of tribulation, who knows the streets. I think the future of America is our kids. I think it is wrong to cut from our kids at this point in time.

Pick up a newspaper today and see where another youngster in Los Angeles is shot in the head standing at the side of his home. That kind of thing must stop. Drug-free and safe schools are cut in this rescission package. If there is anything we should be doing it is ending drug use at school, it is making schools safe. To do it, you have to start early. If you start late, it is too late. If you start in the middle school, it is too late. You must start in the elementary school.

Mrs. Reagan said, ''Just say no to drugs.'' And guess what? If kids believe that early enough, it works. If you wait until it is too late, it does not work. So why at this point in time do we cut drug-free and safe schools? Is that a prudent investment in the future? I think not.

So what I say in a summary sentence or two, just having heard what has happened on this floor this morning, there are things in the substitute amendment that I could buy. There are things in the rescission package that many of us cannot buy. Why not sit down and try to put together a package that protects our future, protects our young people, and protects our education? I think it can be done if there is a will in this body to do so.

I thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Mississippi.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

Mr. PACKWOOD. I now ask that the Chair lay before the Senate the conference report to accompany H.R. 831, the self-employed health care deduction.

The PRESIDING OFFICER. Is there objection to proceeding to the report?

Mr. KENNEDY. Reserving the right to object, I am just wondering—and I do not intend to object—I am just wondering. We had been involved in a debate on the rescission bill. Senator DASCHLE had introduced a measure which he had announced that he was going to introduce. And we had another amendment that was in the second degree and debate was taking place. Many of us had planned to talk and debate.

Could the chairman of the Finance Committee indicate to those of us who were involved in that debate and discussion whether those measures now are being withdrawn and whether we will come back and address them at another time, just as a point of information so that we have some understanding what the matters are before the Senate?

Many of us thought we were going to be proceeding with the rescissions bill. We were given that indication again last night by the majority leader. We came over this morning intending to debate it. Then we had an amendment in the second degree. And now we are going on to a different matter.

I do not intend to object to moving to a different matter, although I would want to be able to speak to the conference report. I am just asking as a matter of information so that we have some understanding about where we are on the amendment of the Senator from South Dakota.

Mr. PACKWOOD. It is our intention to simply lay them aside. We will come back to them as soon as we are done with the conference report. We had suggested, although it has not been cleared I think on your side yet, a half an hour time limit on the conference report, 15 minutes equally divided, so that we would be back to it quite soon.

Mr. WELLSTONE addressed the Chair.

Mr. KENNEDY. If I could continue, I understand then that the request is just to move to the conference report?

Mr. PACKWOOD. That is correct.

Mr. KENNEDY. I would indicate just as one Member, I know the importance and the timeliness of the matters which are included in the conference report and the importance of achieving that. But I do want to indicate that there is a matter that has been raised in the conference report that with regard to the special tax provisions for some of the wealthiest individuals in the country. I know the Senator is familiar with this, and I wish to indicate to the leader that I have every intention of submitting a sense-of-the-Senate resolution on this matter before we reach a final decision. I am more than glad to work out the details with the chairman of the Finance Committee or with the majority leader, but I wish to at least indicate at this time my intention of proposing such a sense-of-the-Senate resolution when the matter does come before the Senate and at an appropriate time after the chairman of the Finance Committee or the members of conference committee have had an opportunity to explain the conference report.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I ask for the yeas and nays on the conference report.

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. It is not in order to object at this point.

Is there objection to proceeding to the conference report?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. PACKWOOD. 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.

The PRESIDING OFFICER. The clerk will report the conference report by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 29, 1995.)

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I think the Senate is very familiar with this bill. We have debated it thoroughly on the Senate floor. We have debated it in committee.

The bill will allow self-employed individuals to deduct 25 percent of the cost of health insurance premiums this year and 30 percent starting next year. This bill makes the deduction permanent. We would like to raise the deduction even more. But this is the first time we have ever made it permanent.

The reason this is so timely is people need to know this to prepare their tax returns. The deadline for filing 1994 tax returns is now only 2 weeks away.

So I hope the Senate would not spend a lot of time on this bill. I think everyone understands the bill, and I would be prepared to vote on the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I was wondering if the chairman of the committee would be willing to describe exactly the circumstances that took place in the conference committee in relationship to what tax payments would be expected from expatriates. A story was included in today's Washington Post and in other newspapers about the tax break that has allowed billionaires to renounce their U.S. citizenship, leave the country, and escape taxes on their profits.

The story reads:

> A Senate proposal to tax such wealthy expatriates was dropped in a tax bill during a House-Senate conference Tuesday night, at least partly because of the pressure from lobbyists . . .

I am wondering if the chairman of the committee could review for the membership exactly what took place in the conference in relationship to that particular measure, and if he could review with us what the considerations were and why a judgment was made in the conference to provide for the elimination of that particular provision which had been accepted and approved in the Senate.

Mr. PACKWOOD. I would be happy to do that, Mr. President.

What happened was this: We added this provision in the Senate Finance Committee without any hearings.

From time to time, we pass things for which we do not know all the consequences. I do not think we know if this unfairly affects American citizens, or how it affect aliens or nonresidents that are living here.

The House had on the floor a motion to instruct its conferees to not accept the expatriate tax provision. That instruction was accepted. So the House was proceeding as they were instructed.

Chairman ARCHER and I agreed to have the Joint Tax Committee study the expatriate provision and report back to us by June 1. The Joint Tax Committee is instructed to study the

ramifications and implications and who is affected, and does it adversely affect American citizens vis-a-vis aliens or illegal immigrants or legal immigrants. The report is due by June 1. After we review the report, any legislation that we consider will have an effective date of February 6 of this year. This is the same date as the amendment that was offered in the Finance Committee. Everyone is on notice—if and when the expatriate legislation becomes law, it will be effective February 6, 1995.

Mr. KENNEDY. There may be reasons for study of this particular provision by the Joint Tax Committee. But I fail to understand the compelling need for study when we are talking about, as I understand it—perhaps the Senator wants to explain exactly what is at risk here.

As I understand it—and I think all of us were surprised when we read about it this morning—we are talking about the fact that individuals who are able to accumulate very substantial amounts of money, capital resources, would be able to, by renouncing their citizenship, escape what other citizens who did not renounce their citizenship would have to pay.

I am trying to understand exactly what is involved here and who exactly is involved. Could the Senator explain?

Mr. PACKWOOD. The Senator asks a very good question. At this point, we don't know who would be affected by the provision and who would not be. That is precisely the reason why it should not be considered today. The provision applies to citizens who renounce their citizenship. Maybe they have moved to another country for reasons that have nothing to do with tax avoidance purposes. They are subject to the tax. There is a possibility of double taxation. There is also the question of what happens to people who come to this country and never become citizens. They make a fortune here but they never become American citizens and they go back to their country of origin. Do they get a tax preferential treatment that an American citizen does not get?

These are questions that ought to be answered and will be answered. If and when we pass a bill, that bill would be retroactive to February 6. But it would be unwise to act when we do not fully understand the consequences.

Mr. KENNEDY. Well, I say to the Senator, why was the provision accepted initially by the Finance Committee and why was it accepted here on the floor if there were all these questions about it? Evidently it was supported by the members of the Finance Committee. It was not challenged during the floor debate, at least not to my memory. We had a very short debate on the legislation, in any event.

I am just wondering why the Finance Committee felt that this was a sufficient loophole that ought to be addressed and accepted the provision, and then in the conference committee the provision effectively was dropped.

Mr. WELLSTONE. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield to the Senator from Minnesota in a moment.

Mr. WELLSTONE. I wonder if I could ask the Senator to yield, and I wonder if the Senator from New Jersey might want to respond as well.

Mr. KENNEDY. Could the Senator maybe explain to me what was the revenue gain expected from closing the loophole? I understand that the 5-year revenue gain was $1.359 billion, that in the next 5 years it was $2.274 billion, and the total in 10 years, $3.633 billion; is that correct?

Mr. PACKWOOD. The revenue estimates have jumped around. The administration estimated its proposal would raise $2.2 billion. Joint Tax estimated it would only raise $1.7 billion. The proposal that was included in the Finance Committee bill was estimated to raise $1.359 billion. The $3.6 billion figure is a 10-year estimate of the Finance Committee proposal.

We also asked Treasury how many people would be affected by the administration's proposal. They said, ''Well, between a dozen and two dozen.'' Now, Treasury is not sure about this number.

This is the problem. We do not know who they are. We do not know if they are American citizens. We do not know if they are illegal immigrants or legal immigrants. We do not know if they are leaving for the purpose of marriage or other legitimate reasons or leaving not to pay taxes.

I admit, I think we adopted this in haste, with no hearings, not fully understanding the consequences of the provision. I apologize for us having done it in this way.

Mr. KENNEDY. I appreciate the Senator's response. I understand that tax measures are always complex and they are difficult. But, as I understand it, we are talking about somewhere between, as the Senator has mentioned, $1.4 and $3.6 billion. Your own estimate, as I understand it, about the number of expatriates each year is about 12.

What is the estimated net worth of each of the 12 people? Could we get some idea about that?

We had just been debating children's programs, education programs. The total value of the programs that we are trying to restore is less than $1.4 billion. Now we are talking about a dozen people who have made a great deal of money here in the United States—and no one has anything against them for making it in the United States—but these people are prepared to renounce their citizenship. They are prepared to reject what every working family in America is committed to—having to pay their taxes—by denying their citizenship and going someplace else.

I commend the Finance Committee for addressing this issue earlier. But I must say that I find it exceedingly difficult to understand why in that conference, the provision closing that loophole was effectively dropped and the loophole failed to be closed.

In particular, I think what this is saying very clearly is, you have one set of rules and regulations for the wealthiest individuals—in this instance the very wealthiest—who are prepared to turn their back on this country, and you have another set of rules for everyone else. We closed that loophole, and now we have opened it up again.

Mr. President, I appreciate the Senator yielding.

I intend, if the Senator would yield for the purposes of sending—I see the Senator seated.

I ask for recognition, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send to the desk a resolution. It is a resolution on tax avoidance by certain American citizens.

It is the sense of the Senate that—

(1) the Congress of the United States should act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by United States citizens who relinquish their United States Citizenship; and

(2) the effective date of such amendment to the Internal Revenue Code should be February 6, 1995.

I send that to the desk on behalf of myself and Senator WELLSTONE.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. Parliamentary inquiry, Mr. President.

On this conference report, is this in order?

Mr. KENNEDY. I cannot hear the Senator.

The PRESIDING OFFICER. It would take unanimous consent to take up the resolution at this point.

Mr. PACKWOOD. I object.

Mr. KENNEDY and Mr. MOYNIHAN addressed the Chair.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection was heard.

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Hearing objection, the clerk will continue to call the roll.

The legislative clerk continued 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, we will be filing cloture on the conference report momentarily. There will be a pro forma session tomorrow, a cloture vote on Monday.

I think it is—I do not know how to describe it. So many self-employed States like Minnesota, Massachusetts, Kansas, New York, Oregon, wherever—wait until you file tax returns. April 15 is very close.

We are playing games. We are playing little games here. We have already said it will be effective the 6th of February. So we will do it the hard way. We will file a cloture motion.

Mr. President, there are 3.2 million people waiting for two Senators to let them file their tax returns—3.2 million. They ought to be dealt with fairly.

The only way I can think to do it is to file cloture. There will be no more votes today, and the cloture petition will be filed. Then we will go out.

Mr. KENNEDY. Mr. President, I want to make it very, very clear that I was prepared to move toward a final resolution on this legislation for the reasons that have been outlined by the majority leader.

I think it is a travesty for this body not to express itself in more than general statements and comments, and not to state its position overwhelmingly about the outrageous tax provisions that benefit not a small group of people but just a handful of very wealthy people who have renounced their citizenship here in the United States.

The best estimates of revenue from this provision are $1.3 billion—that happens to be the same amount that is included in the amendment of the Senator from South Dakota, in terms of funding.

Now, the fact of the matter is the House Republicans had their way with this provision the last time they went to conference. I want to make sure that our conferees, when they go back after the unanimous vote of the Senate—and there is no reason that it should not be unanimous—understand our position. That is why I would urge that the Senate reach a final judgment on the conference report at a time set by the majority leader, but prior to that time that there be an opportunity for this Senate to express itself about this loophole, so that we can, Republican and Democrat alike, speak to that issue, and indicate that we are firmly in support of addressing that loophole in the way that my sense-of-the-Senate resolution suggests.

I do not think that is asking a great deal. This provision that closes the loophole was good enough to be accepted by the Finance Committee and accepted by the U.S. Senate. All we are trying to do is make sure that this provision is going to prevail in the end. We are denied that opportunity because of the parliamentary situation—that the conferees of the House have adjourned.

If there is any time when the rules ought to be adjusted it is in this kind of egregious situation. All our resolution says is that the Congress should act as quickly as possible to amend the Internal Revenue Code to end tax avoidance by U.S. citizens who relinquish their U.S. citizenship, and that the effective date of such an amendment to the Internal Revenue Code should be February 6, 1995.

Let us have a unanimous vote on that, and let us have the vote on the conference report. That is what this is about. And we are prepared to do that at whatever time is convenient—on Monday next, at a time designated by the majority leader.

That is not an unreasonable request, and I hope that will be the way we proceed because this issue is not going to go away.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do not wish to speak at length but I want to make two points.

The first is that the Finance Committee fully intends to close this loophole, if that is the way it is to be described, to collect these taxes that are being avoided. But we would wish to do so and we will do so as of the date the Treasury, in the budget, the executive branch, proposed doing so as part of the President's budget: February 6. But I would like to say something that may not be wholly welcome here. And the Senator from Oregon will recognize it.

When we held hearings on this matter, professors of law and professors of international law came to us and they said: Have a little care in what you are doing. Prof. Robert F. Turner, who is the Charles H. Stockton Professor of International Law at the U.S. Naval War College, gave us a paper called, ''International Law and the Exit Tax. Does section 203 of the Tax Compliance Act of 1995 violate the right to immigrate, recognized in the U.N. Covenant on Civil and Political Rights and other U.S. and international instruments?''

You may recall, Mr. President, that the U.S. Assistant Secretary Shattuck and the Assistant Attorney General have been in the United Nations just this week talking about our compliance with this law.

The Senator from Oregon will recall the observation that human rights and legal rights are most to be attended to when the group involved is despised. That is the test. Nobody much likes a billionaire who renounces his or her citizenship for money. But if there are rights involved they are rights, and we ought to be careful how we proceed. That is the test, not whether these people are popular or whether they are not popular.

We are going to proceed in that way. We are going to have a report. I offered this on behalf of the Democratic Members as a part of a general package, this provision. When it failed, as things do, in a committee divided, the Senator from New Jersey offered it as a freestanding provision, just to raise money for deficit reduction.

It passed. It will pass again. I just wanted to say that, sir.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, my good friend from New York, I think he has yielded the floor, but I would like to congratulate him on what he said.

And then recall—it is funny how time revolves—20 years ago on this Senate floor we were excoriating the Soviet Union for taxing their citizens who wanted to leave as a violation of the most fundamental human liberty. And they were practically confiscating the income of their people, mainly Jews, who wanted to leave because of repression. And we said that was terrible.

We already have on the books now—it is existing law—a provision that says if an American citizen renounces his or her citizenship and leaves the country to avoid taxes, we can tax them for 10 years. That is the law now.

What we did not know, I apologize to the Senate, when we acted in haste—I have made these mistakes before and I will probably make them again—when we acted in haste we probably did not understand the full consequences, or maybe just two or three. If a person comes to this country from Italy, from Poland, from Germany, from Hong Kong, and becomes a legal immigrant, works and is prosperous, and reaches a certain age and the tug of the old home country is strong and that person goes back home, since he or she has never become a U.S. citizen this bill does not touch that person. Those people are free to leave with all their millions or billions or whatever they have because they have never become U.S. citizens.

Now you take exactly the same type of person who leaves Poland or Germany, comes here, becomes a citizen, and the tug of the old home country when they reach close to retirement is such that they leave—they are taxed. We did not grasp that when we passed this. We did not know it. We did not know there was a statute on the books, when we passed this, that you are taxed for 10 years if you leave for tax reasons.

What do you do about the thousands of Cubans, Cuba Libres who came here in the exodus of the 1960's to become American citizens, good citizens, in many cases prosperous citizens? And one day I think many of them would hope to return to a free Cuba. It is an understandable tug. They are now American citizens. They are not leaving to avoid taxes, they are leaving to go home. This bill would tax them. I do not think we intended that. We did not realize it.

So all we are asking—I find it amazing this bill is being attacked and this provision is being attacked by the very

people who were attacking the Soviet Union for doing the same thing 20 years ago. We made a mistake. There is no harm in admitting that. Unfortunately, God has not endowed any of us with perfection, despite what some of us may think. And we need to review it and look at it and see where the errors are. I say again, for those people who now leave the country to avoid taxes, we can tax them for 10 years.

So I am disappointed that the self-employed this weekend, when they are now meeting with their accountants—let us face it, most people do their taxes a week or two prior to April 15. I see one of my young staffers nodding who used to be a practicing tax lawyer. He said yes, this is the 2 weeks. They are not going to know what we are going to do. That is unfortunate, because now we will not get to vote cloture on this until Monday. I hope we would pass this Monday night—but I guess there is nothing else we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to ask unanimous consent that a full statement I have prepared be printed in the RECORD, and a draft of a proposed amendment be printed immediately after my remarks for the purposes of public notice.

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

Mr. GRAHAM. Mr. President, I would like to just make two points. I agree with the point that has just been made by the Senator from Oregon, that the matter as it was passed out of the Finance Committee and by the full Senate was deficient in that it did not reach those persons who have been permanent residents of the United States and who then leave the United States and are able to avoid the tax on the substantial increase in their wealth which they achieved while they were in the United States. It was my intention to offer an amendment to do that on the floor when this matter was presented several days ago. However there was a unanimous-consent request, based on the urgency of passage, that precluded any amendments to the legislation at that time and so, in deference to the urgency of passage, I deferred.

I am filing in the RECORD the amendment that I would have offered so there can be public notice and comment on what I intend to propose at the appropriate time to close the loophole by extending this to permanent residents as well as citizens.

The second point that I would like to make relates to a concern about how this matter was suggested to be handled within the conference report. That was that any additional income that would have been derived from this loophole would have been used to increase a deduction in the underlying bill.

We have had on several occasions, including within the last 36 hours, statements by which the Senate has committed itself to the proposition that, if we reduce spending, the benefits of that reduced spending shall be used for deficit reduction. It is my feeling that we ought to adopt the same principle as it relates to closing tax loopholes. After closing the tax loophole, the primary purpose of those funds ought to be for deficit reduction, not to be added for another tax reduction on a bill that just happens to be coincident with the consideration of the closing of the tax loophole.

So in some ways we have been saved from what I think would have been an inappropriate policy, whatever the merits of the specific proposal, inappropriate policy that funds saved from closing a tax loophole would be shifted to other purposes within the same matter before the conference committee. It is my hope that we will, as a further indication of the seriousness of our intention to reduce the Federal deficit, adopt the same principle for tax loophole closing as we have already done for spending reduction; that is, our priority is to reduce the deficit.

I. ENACT EXPATRIATION TAX

I must express disappointment that Congress has chosen to exclude from this bill a provision that would have imposed a tax on individuals who renounce their citizenship. Bolstering the Treasury's ability to exact Federal income tax from millionaires and billionaires who leave the country is long overdue.

The proposed legislation would have brought the taxation of individuals who renounce their citizenship more in line with the way the Federal Government taxes Americans who remain in the United States. Americans who are fortunate enough to experience significant appreciation in the value of their property usually are taxed twice: A 28-percent capital gains tax when the asset is sold and an estate tax of up to 55 percent upon death.

Even if the Congress had enacted this expatriate tax, individuals leaving the country would be subject to only one tax—at a maximum rate of 39 percent.

In short, the tax burden on departing millionaires would still be less than we currently impose on loyal American taxpayers.

II. NONCITIZEN RESIDENTS

In fact, the provision passed by the Senate did not go far enough. The tax that the Senate passed applied to citizens, but failed to include long-term residents who depart from the United States. Excluding long-term residents would result in the United States treating noncitizen residents more favorably than we treat American citizens. Such inequity cannot be justified.

Therefore, Mr. President, I submit for the RECORD an amendment to the version of the expatriate tax passed by the Senate and dropped by the conference committee. The amendment would extend the tax to departing individuals who are lawful permanent residents and have been taxed as residents for at least 8 of the past 15 years.

Equity dictates that such an individual be taxed on the appreciation of his or her assets. I submit the text of this amendment for the RECORD and invite my colleagues to review and analyze the proposal.

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

On page 13, strike lines 7 through 18, and insert:

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET. IF—

''(A) any United States citizen relinquishes his citizenship during a taxable year, or

''(B) any long-term resident of the United States—

''(i) ceases to be a lawful permanent resident of the United States for any portion of any taxable year, or

''(ii) ceases to be subject to tax as a resident of the United States for any portion of any taxable year by asserting the resident's right to be a resident of a foreign country under the provisions of a treaty between the United States and the foreign country,

then, except as provided in subsection (f)(2), all property held by such citizen or resident at the time immediately before the relinquishment or cessation, whichever is applicable, shall be treated as sold at such time for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—Notwithstanding any other provision of this title, any gain or loss arising from the sale under paragraph (1) shall be taken into account for the taxable year. This paragraph shall not apply to amounts excluded from gross income under part III of subchapter B.

On page 14, line 3, insert ''domiciled in the United States'' after ''die''.

On page 14, line 17, insert ''or on the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)'' after ''citizenship''.

On page 15, strike lines 12 through 14, and insert:

''(e) DEFINITIONS.—For purposes of this section—

''(1) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

On page 15, line 15, strike ''(1)'' and insert ''(A)''.

On page 15, line 20, strike ''(2)'' and insert ''(B)''.

On page 16, line 3, strike ''(3)'' and insert ''(C)''.

On page 16, line 6, strike ''(4)'' and insert ''(D)''.

On page 16, line 8, strike ''Paragraph (1) or (2)'' and insert ''Subparagraph (A) or (B)''.

On page 16, between lines 12 and 13, insert:

''(2) LONG-TERM RESIDENT.—

''(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States and, as a result of such status, has been subject to tax as a resident in at least 8 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a)(1) is treated as occurring.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

''(i) any taxable year during which any prior sale is treated under subsection (a)(1) as occurring, or

''(ii) any taxable year prior to the taxable year referred to in clause (i).

On page 19, line 20, insert ''or the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)'' after ''citizenship''.

On page 20, line 4, insert ''or the date of the cessation described in clause (i) or (ii) of subsection (a)(1)(B)'' after ''citizenship''.

On page 20, between lines 13 and 14, insert:

''(i) ELECTION BY EXPATRIATING NATURALIZED CITIZENS AND LONG-TERM RESIDENTS.—Solely for purposes of determining gain under this section—

''(1) IN GENERAL.—At the election of an individual who was a naturalized citizen of the United States or a resident not a citizen of the United States, property—

''(A) which was held—

''(i) in the case of a naturalized citizen, on the earlier of the date the individual first became a naturalized citizen of the United States or the date the individual first became subject to tax as a resident of the United States, or

''(ii) in the case of a resident who is not a citizen of the United States, on the date the individual first became a resident of the United States during the period of long-term residency to which the treatment under subsection (a) relates, and

''(B) which is treated as sold under subsection (a), shall be treated as having a basis on such date of not less than the fair market value of such property on such date.

''(2) ELECTION.—Such an election shall apply only to the property described in the election, and, once made, shall be irrevocable.

On page 20, line 14, strike ''(i)'' and insert ''(j)''.

On page 21, line 5, insert ''(1)'' after ''(e)''.

On page 21, strike lines 6 through 8, and insert:

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

On page 21, line 11, insert ''(1)'' after ''(e)''.

On page 21, between lines 12 and 13, insert:

(2) Section 6851 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

III. EQUITY

Mr. GRAHAM. I would remind my colleagues that we are not debating a tax on immigrants who come to the United States with little or no assets and who, through hard work, find a way to provide for their families.

Neither are we talking about taxing each and every resident alien who succeeds in establishing a business or making profitable investments while here in the United States and later decides to return to his or her native country.

This tax would apply only if the value of the individual's business or investments had increased by over $600,000. In other words, the first $600,000 in appreciation is fully exempted from the tax.

The expatriate tax would apply only to the rich of the rich who made their fortune as a result of access to the enormous resources of this country.

It is at least ironic, if not deplorable, that Congress is moving to protect millionaires who are fleeing the country while attacking programs benefiting America's poor children.

I understand that the chairmen of the Finance and Ways and Means Committees have charged the Joint Tax Committee with reviewing the taxation of individuals leaving the country, with a report due by June 1.

I will respect that directive, but will urge reconsideration of this proposal at the earliest possible opportunity.

IV. DEFICIT REDUCTION

The exclusion of the expatriate tax from the final version of the legislation dodges another serious issue that we must address.

That issue is whether we are committed to reducing the Federal deficit, or whether we are just committed to talking about deficit reduction.

The revenues generated from the tax were dedicated to deficit reduction.

I will fight to see that the $1.4 billion this tax would raise will ultimately go to deficit reduction.

In fact, I urge my fellow Senators today to make a commitment—that we will dedicate the revenues derived from closing tax loopholes—like the gaping one available to those rejecting the benefits and obligations of American citizenship—to deficit reduction.

Mr. President, with those remarks, I look forward to voting for the legislation at the earliest possible moment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to thank my friend from Florida for making a very explicit point, which the chairman made, which is that, if inadvertently you omitted consideration of a whole possible class of potential taxpayers which we did not deal with, we ought to—in shorthand I think we refer to it as green card issue. The review that is going to come up and which will, whatever we do, be retroactive to February 6, whatever the budget may produce, may produce more revenue than we otherwise would have done in the bill before us. And I think the committee was unanimous that it should indeed go for deficit reduction, in the final vote on the amendment by the distinguished Senator from New Jersey—which stood alone—just not to deal with other matters but simply to reduce deficits.

I yield the floor. I thank the Chair.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, if I could, I would like to take a few minutes to talk about this proposal, since it was the amendment that I offered in the Finance Committee that was adopted, passed the U.S. Senate, and went to the conference committee.

I think this provision, or something very close to it, will pass the U.S. Congress this year. And it will pass the Congress this year because I think that the arguments against it will not stand. The point has been made that this is an exit tax. It is not an exit tax. It is a tax on the accrued gains while someone was a U.S. citizen. When someone opts to leave to escape the estate tax that he or she would otherwise pay, we are saying, no; when you begin the process of renouncing your U.S. citizenship, you will be taxed. This is not a tax on little people. As every Senator who has spoken indicated, this is a tax on the very wealthy.

The amendment that I offered specifically excluded any pensions, any real estate owned by the individual, and $600,000 in gain, which means that the person would have to have assets of about $5 million before they could even reach the threshold of being taxed.

So, I believe that citizenship comes with certain responsibilities. Those responsibilities are to pay one's fair share of tax; that is, both income tax and, upon death, it includes estate tax.

I regret that this was dropped in conference. But I do not have any doubt of the commitment of the distinguished Senator from Oregon to see that this is going to be passed this year. I certainly do, and I say the distinguished Senator from Oregon does as well. I believe that we will see this passed this year. We had a hearing. There was nothing in the hearing that made me believe that we would not pass this in some form. There might be a change here or there. It will be effective February 6.

So the message is out to all those around Washington who might be looking for nice arrangements that there will be no change in this date. If you have begun your renunciation of citizenship on February 20, do not expect the date to slip. It is February 6.

So, Mr. President, I simply want to reassert my belief that this amendment will pass. I will offer it again. We will have a process to look at this. The distinguished Senator from New York, and I believe the Senator from Oregon, will also support this measure and it will pass and become law this year.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I would be happy to yield to the Senator from North Dakota very briefly, about 2 minutes, and then I will reclaim the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I very much appreciate the courtesy of the majority leader.

I support the sense-of-the-Senate resolution offered by Senator KENNEDY. I agree with the Senator from New Jersey that I believe that by the end of this year this will be law.

I also want to say, however, that I hope this afternoon a method is developed by which we can pass the conference report on this matter. We have small business men and women, sole proprietorships, farmers all across this country who are now about 15 months past due and about 70 percent short, even with this bill, of achieving what they ought to have; and, that is, 100 percent deductibility for health insurance. I think time is of the essence.

While I support the sense-of-the-Senate resolution, I hope very much that it will not delay passage this afternoon of this piece of legislation. This piece

of legislation is essential for millions of small business people, and it is very, very time sensitive. I believe that we ought to move it. I hope that a method is found by which we can do that this afternoon.

Let me say one more time that tax deductibility for health insurance for sole proprietors in this country is essential, and it is not just essential in this bill at 30 percent. We need to do more. The next step is to go to 100 percent.

Mr. President, I appreciate the courtesy of the Senator from Kansas.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Is it possible now to pass the conference report by a voice vote?

The PRESIDING OFFICER. Is there further debate on the conference report?

Mr. DOLE. I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I understand the request is to vitiate the yeas and nays. Am I correct?

The PRESIDING OFFICER. That is correct.

Is there objection?

Without objection, it is so ordered.

Mr. DOLE. The question is on the conference report?

The PRESIDING OFFICER. The question is on the conference report.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I have stated earlier, I for one welcome the opportunity to set a time definite for the passage of the conference report so that everyone in this country will know as of now, this afternoon, that this conference report is going through and will be achieved.

I mean, it is interesting in that we have been debating the rescissions. I was here last night. When the majority leader was talking about urging action on the rescissions, I did not hear that, well, we are going to take up the conference report, that there was such a compelling sense of urgency about it. But obviously there is a sense of urgency, and I am more than glad to enter into an agreement that we pass it at a time certain.

I also believe that we should have the opportunity to put the Senate on record, hopefully unanimously, Republicans and Democrats alike, to say with regard to the provision—which passed the Senate—the provision that provides for tax payment from those wealthy individuals who decide to renounce their citizenship—$3.6 billion worth—that we are going on record to insist that this provision is going to become the law.

Now, I have great respect for my colleagues and their desire to make sure that this provision becomes the law, and I know that they can be very persuasive in those conferences. But the fact is, we had the provision in this bill, the bill went to conference, and the Republicans in the House of Representatives had their way and the provision was dropped.

The best way to indicate to the House conferees in the future that we are serious about this is to have a unanimous vote in the Senate. Therefore, I believe that that ought to be the procedure that is followed, that we should have an opportunity—hopefully it would be a unanimous vote—to say that the Senate is going on record in strong support of the provision that would have resulted in $3.6 billion in revenue, according to the Finance Committee—$3.6 billion.

That provision has been dropped. I believe it was a mistake to drop it, and the Senate of the United States ought to go on record with a broad, overwhelming majority to say that we want it reinstated as outlined here, and that 100 Senators believe this to be so.

And I just finally would say I think it is entirely appropriate to go on record at this particular time when we are debating rescissions. As soon as this issue is resolved, we will be talking in this Chamber about the amendment of the Senator from South Dakota which relates to education of children and to child care. The cost of the Senator's amendment is a third of this $3.6 billion cost, a third of this cost. I think it is entirely appropriate that we go on record at this time, Mr. President.

There is no desire to delay. I was glad to stay here and am prepared to go ahead and see votes on the rescissions. I plan to be here. I am here this afternoon. I waited here yesterday to speak for the amendment of the Senator from South Dakota. I waited from 2 o'clock until 10 o'clock last night, to be able to speak for it.

We spoke very briefly on the Senator's amendment. Then we had an amendment that was put right on top of it which precluded us from having any further debate and discussion. Then this measure came right in. I was going to exit the floor at 3 minutes of 12 and then was told that this measure was going to come on in here and was going to be passed in a few moments, and I had to object to it, without having the opportunity to talk to the Democratic Members and others on that conference committee.

That is not how you treat the institution, Mr. President. I am glad to cooperate, and I urge that we set a time definite for the vote and the final disposition of the conference report, and that prior to that time we have an opportunity to express the sense of the Senate—which I hope will be unanimous—in order to reaffirm the Senate's position on the provision that has been reported out favorably—virtually unanimously, Republican and Democrat alike—from the Finance Committee and accepted virtually unanimously by the Members of this body. If we can get that process set up, then I think that would be the best way to proceed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I know the Senator from Massachusetts said he does not have any confidence in anybody on the Finance Committee, either party, so we are going to hold hostage all weekend millions of people out there who want to do their tax returns because we do not trust each other. There are 3.1 million filers and they live in all of our States. We have got them down now to 2 weeks. We are going to squeeze them now, take 3 days away from them. They are going to have to file amended returns, which is going to cost them a lot of money, but it is going to make somebody feel good in the Senate.

That is why the American people are so frustrated when they look at Congress. No wonder it is only a 31-percent approval rating. After today, it will probably drop to 10. Every time we bring up a bill this session we have this turkey shoot. Everybody over on the other side figures out some little political amendment they can offer. And I have served notice on the White House today we are not bringing up any more bills the White House wants until we have some understanding on the legislation that we thought would go through here in a normal way. If the President does not care, that is good enough for me. If he does not want this legislation, we are not going to take it up, but neither will we take up legislation that he wants.

## CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 831, the Self-Employed Health Insurance Act:

Robert Dole, Bob Packwood, John Ashcroft, Orrin Hatch, Richard Lugar, Lauch Faircloth, Larry Pressler, Thad Cochran, Trent Lott, Pete Domenici, Rick Santorum, Larry Craig, Alfonse D'Amato, Hank Brown, James Inhofe, and Slade Gorton.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. It is my intent to either have a pro forma session tomorrow or, unless we can agree to count a day and it will not be necessary to have a pro forma session, come in at 11 o'clock on Monday, and the cloture vote will occur at 12 o'clock.

Now, if those who feel so strongly about this little sense-of-the-Senate resolution want to deny us cloture, why, that is fine. We will explain to the

3.1 million people in Minnesota and Kansas and Oregon and Massachusetts and California and Oklahoma, wherever, what is holding us up, why they are going to have to pay their lawyer, their accountant to file an amended return because some Senators wanted to have a little fun in the Senate and we were not interested in their welfare. We are not willing to take the word of our colleagues on both sides of the aisle about an amendment that already passed the Senate. As we learned since then, it should be corrected as pointed out by the Senator from Florida.

Now, maybe the Senator from Massachusetts feels that he has a special right in the Senate where he can have everything he wants voted on before anything else. It does not work that way. The Senator from New York wanted to have a vote yesterday on his amendment. I did not see anybody letting him vote. We had a filibuster going on on the other side, from Members on the other side of the aisle who would not raise their voice when we were first talking about helping Mexico. We could not get one Member on this side to stand up and say they supported the President of the United States. But they would not let Senator D'AMATO vote. No. That was a very important issue.

We are supposed to hold up 3.1 million filers, about 9 million people, because the Senator from Massachusetts wants to vote on his little sense-of-the-Senate thing first. He does not have confidence, apparently, in those of us on the Finance Committee.

That is his choice. That will be the choice of all those who support the Senator. So the moment of truth will come at noon on Monday when we have a cloture vote.

If we cannot get cloture on Monday, I do not know when the conference report will pass.

I wish to thank both Senators PACKWOOD and MOYNIHAN for their efforts to bring this to the floor and pass it to help millions of people in America. I guess maybe only a third will have to file amended returns. I do not know what it costs any more; probably $50, $100. You can add up the costs going to real people—the taxpayers.

But, again, if that is what the Senator from Massachusetts wants, we will do the best we can. And the best thing I can think of is to do as I have just done: File a cloture motion and indicate there will be no more votes today, and indicate we will be in tomorrow, if necessary. But, in any event, there will be a cloture vote at noon on Monday.

## SITUATION IN HAITI

Mr. DOLE. Mr. President, President Clinton is in Haiti today as part of the transition from American control to U.N. control. All Americans are proud of the performance of the men and women of our Armed Forces in Haiti. As always they have served where ordered with skill and courage. And all Americans are pleased that the occupation of Haiti has gone as smoothly as it has.

We all support democracy in Haiti. That does not mean, however, that we should have occupied Haiti in the first place. And the transition to U.N. command serves as a reminder that all concerns about the Haiti operation are not over.

First, we would do well to remember that the problems in Somalia did not occur under United States command—they occurred after the operation was transferred to U.N. control. We learned the hard way that the agenda of Boutros Boutros-Ghali and the United Nations is not the American agenda. It is true the U.N. commander is an American—Gen. Joseph Kinzer—but the U.N. bureaucrats will be in the loop. The problem of Mission Creep has already been raised—in requests to disarm the Haitian population, for example. In my view, U.N. command of American soldiers should be avoided.

Second, the costs of Haiti are mounting daily; $1½ billion have already been spent on the occupation and nation-building in Haiti. The tab is only going to go up—up to $2 billion or more. In a time of severe budget cuts, and in a time when foreign aid is being reduced, we must ask whether we can afford $2 billion for Haiti.

Third, Haiti still has a long way to go. Elections called for in the Haitian Constitution have been postponed. Political assassination appears to be on the rise. Serious reports of involvement by the Aristide government in this week's murder have been made, and they deserve full examination. Little effort to reach out to parliamentary opponents has occurred. There are disturbing indications that President Aristide or his supporters are subverting the democratic process. Despite the ceremony today, we realize there are real problems in Haiti—and there will continue to be problems, no matter how long the United States or the United Nations stays in Haiti.

We all support genuine efforts at reconciliation and democracy in Haiti. We hope the long-delayed elections move forward in Haiti—that they are free and fair, that the results are respected by all Haitians, and that President Aristide keeps his promise to step down. As a recent article by President Clinton's former envoy to Haiti points out, the hard work of restoring democracy in Haiti was not returning President Aristide from exile—it is in building truly democratic institutions in a country that has never known them.

I ask consent that this article be printed in the RECORD.

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

[From the Washington Post, Mar. 22, 1995]

A VOICE FOR ALL HAITIANS

Operation Restore Democracy landed more than 20,000 U.S. soldiers in Haiti and secured the return of President Jean-Bertrand Aristide on Oct. 15, 1994. ''We have helped to give the people of Haiti a chance to remake the democracy they earned, they deserve and they plainly wish for,'' said President Clinton on the eve of Aristide's return. Today that goal, which appears to have been eclipsed by the Clinton administration's need to portray Haiti as a foreign policy victory, is in danger of being subverted by some of Aristide's most ardent supporters.

The issue before Aristide is the election of some 2,000 local officials, 18 of the 27 senators and all 83 deputies, scheduled to be held June 4. There's little doubt among political observers that Aristide's Lavalas movement will win big. In fact, in some districts four and even five candidates are competing for the honor of representing their movement. But legitimate opposition parties charge that the Aristide government is stacking the Provisional Electoral Council with Lavalas loyalists and making arbitrary decisions that prejudice fair and open elections.

When former President Jimmy Carter traveled to Haiti recently to raise these concerns, he was greeted with obscene graffiti painted by Aristide supporters. The mildest epithets called our ex-president ''a false democrat,'' ''a thug'' and a ''danger to democracy.'' While Aristide praised Carter to his face, his close advisers characterized the ex-president as ''tricky and sneaky'' behind his back. Carter offered to perform the same role he did in 1990, when he and a group of international monitors ensured Aristide's free election in a political atmosphere that was even more problematic than it is now. It's a role he's played in Nicaragua, Panama and Guyana. This time Carter's services were turned down.

Why? Whether Aristide is leading the move to consolidate power at the expense of political opponents or permitting the more radical elements in his Lavalas movement a free hand is not clear. One former member of the coalition that supported Aristide's presidential candidacy in 1990 predicted to us that paramilitary groups would emerge if the political right is not given an opportunity to participate fully in the political process. Political violence and even civil war are possible in this highly polarized society, he says. And legitimate democrats are fearful and frustrated. They see the heavy-handedness of the Aristide camp as a portent of the authoritarianism that has plagued the political history of their country.

The fairness of the June elections raises the larger issue of political reconciliation in Haiti, which has been championed by Haitian politicians on all levels of the political spectrum as the key to the future of democracy in their country. Unfortunately, this goal was abandoned by the Clinton administration almost a year ago, when Aristide lobbied hard for U.S. military intervention to restore him to power. He got his way. Since then he has dismantled the Haitian military. Remnants of the old police force now operate under international supervision. And the new police force that is being trained poses no threat to him. Interestingly, the only attempt to politicize the police force—which the U.S. Embassy, to its credit, put an end to—came from the Aristide camp.

When Aristide's political rivals extended the olive branch in July 1993 during the New York Pact and again in the spring of last year, they were accused of advocating ''power sharing'' and pushed away. This came after first U.N. Secretary General Boutros Boutros-Ghali and then Vice President Gore assured Aristide in person that neither the United Nations nor the United States would accept any agreement that would threaten his constitutional power. It's important to remember that the Haitian

constitution of 1987 provides for a parliamentary system of government with executive authority divided between a president and a prime minister. Political reconciliation is necessary before the larger task of nation-building can begin.

Aristide has the opportunity to initiate a new, constructive phase in Haitian history. But first he must take the lead in creating a participatory political culture in which all Haitians have a voice. The coming elections are an excellent place to start. If he can bring himself to play a historically creative role, he may be able to convince Haitians steeped in cynicism that political comity is achievable. And once the promise of political stability is buttressed by visible signs of political reconciliation, he may find it easier to attract the private investment that his country desperately needs.

Rather than resting on laurels that can quickly turn to ashes, the Clinton administration should view the Carter visit as a wake-up call. It should take the lead in getting more international observers to monitor the June elections. And, more important, it should be urging Aristide to act as a true democrat and president of all the people of Haiti at this critical time.

Lawrence Pezzullo is former special adviser on Haiti to the Clinton administration. He and his son Ralph Pezzullo, an author and playwright, are writing a book on Haiti.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

## ORDERS FOR MONDAY, APRIL 3, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, April 3; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each, not beyond the hour of 12 noon.

At 12 noon, under provision of rule XXII, a live quorum will begin. Following the ascertaining of the quorum, a cloture vote will occur on the conference report to accompany H.R. 831. Additional votes can be expected to occur during Monday's session.

## UNANIMOUS CONSENT REGARDING RULE XXII

Mr. DOLE. Mr. President, I ask unanimous consent that Saturday count as the intervening day necessary under rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank my colleague, Senator DASCHLE, the Democratic leader, because that will save a pro forma session tomorrow.

## OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, Senators are also reminded that the official Senate picture of the Senate in session will be taken on Tuesday, April 4, at 2:15 p.m.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, following the remarks of Senator DASCHLE, Senator KENNEDY, Senator DORGAN, and Senator SIMON, the Senate will stand in recess under the previous order.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

## SELF-EMPLOYED HEALTH INSURANCE ACT—CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I am disappointed with the news that we will not have the opportunity to vote on the conference report. I do not think there is any doubt that when the conference report passes, it will pass overwhelmingly.

There is no need to file a cloture petition. There is not one Democrat holding up the conference report this afternoon—not one. Whenever we have that vote, it will be overwhelming. Cloture will be invoked overwhelmingly. I doubt that even one Democrat will oppose cloture. So to go for a cloture motion at this point is really meaningless. There is no need for it. No one is holding up the conference report.

Cloture is designed to break a filibuster. There is no filibuster. We have not even had a good chance to discuss it, much less filibuster it.

So for anyone to misunderstand what is happening here would be a very significant mistake. The fact is, we are on the floor this afternoon and we are prepared to work.

I had hoped that by now we would be in the middle of a good debate about protecting children. I thought we would have a good opportunity here to talk about helping 1 million children with the Democratic amendment that was offered this morning. That is what this debate was supposed to be all about today. The fact that that debate is not being held is, in and of itself, a very significant disappointment. Because the majority leader saw fit to offer a second-degree to our amendment, I also feel very disappointed.

The fact is that we ought to have an opportunity for an up-or-down vote on that amendment itself. If the Republicans have alternatives, we ought to discuss those. But we will save that argument for another day.

It was the majority leader's decision to take that legislation off the table and then to put the conference report before the Senate for consideration this afternoon.

All we were suggesting as part of that consideration is to deal with the matter the Finance Committee had taken up, and that was to eliminate a tax break providing millions of dollars of benefits to some of the wealthiest people in this country.

The headline in the Washington Post says it all: ''Tax Break for Wealthy Expatriates Sparks Class Warfare Charges: 'Confiscatory Tax' on Rich Who Leave U.S. Denounced.''

What kind of class are we protecting here, for heavens sake? What kind of class warfare is this?

The real class warfare is occurring by many Republicans who will not even allow us to have a vote on the minimum wage issue. That is class warfare; an unwillingness to provide those at the lowest rung of the economic ladder with a meaningful income. That, in my view, is what class warfare is all about.

Every Republican and Democrat ought to be opposed to providing expatriates a huge tax handout. There should not be any question about that.

But let there be no mistake: As strongly as we feel about this, as strongly as we want to address this issue, we are prepared to set it aside, to have a vote at a time certain next week so that we can move along the legislation dealing with the deductibility for the self-employed.

We want that to happen. We are going to vote for cloture on Monday. We are going to support it on Monday or Tuesday, whenever the leader decides to bring it up. And it is our desire to move this legislation along as quickly as possible.

So there is a nice ring, perhaps, to the indignation on the other side, but the fact is that ring rings pretty hollow when the truth is laid out. The fact of the matter is, very clearly, Democrats want just as much as Republicans to pass this legislation.

We offered a vote in relation to both Senator D'AMATO's and Senator KENNEDY's amendments on Tuesday morning and to pass the conference report today.

So the record ought to be very clear about this. We were going to break the logjam the Republicans caused yesterday with the D'Amato amendment. We were going to break the logjam that was created, in part, by the determination by some Republicans to protect the wealthiest among us, and we were prepared to have the votes next week, Monday and Tuesday, just as quickly as we could work out an arrangement for both Democrats and Republicans.

That is not going to happen, and I am disappointed. It is only 1:30. We should not have the afternoon off. We ought to have the ability to debate why we are leaving 1 million children unprotected as a result of the rescissions made in the supplemental that has been pending before the Senate all week.

We ought to talk about the ramifications of 5,000 kids being denied opportunities to get adequate child care and hundreds of thousands of children who

are not going to get the opportunities in education that they should because we are rescinding the funds that provide those opportunities.

Those are the kinds of debates we needed to have this afternoon. It is very unfortunate that we will not be given that chance.

Let me say one more time, without equivocation so that everyone understands, we want the legislation to provide tax deductibility for the self-insured to pass this afternoon. We are prepared to vote right now. We will bring people back and vote as often as we need to to make that point clear, if that is required. But there ought not be any mistake. No one on this side of the aisle is holding that provision up. We want it this afternoon. We will take it on Monday, we will take it whenever it is offered, but it is going to happen, and it is going to happen with overwhelming Democratic support.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator DASCHLE, for a very clear, concise summation as to where we are in the Senate this afternoon.

I might be missing something. I think, given the tone of some of those who have spoken this afternoon, that evidently I am missing something. All week we talked about how we were going to get into the issue of rescissions. That is a matter of enormous importance and consequence. The reason it is of enormous importance and consequence, in many respects more so than regular appropriations bills, is because this is funding that has already been planned to be used.

In particular, when so many of the funding cuts that are included in the rescissions bill affect children and affect education, this is the opportunity for the Senate of the United States to make a statement, to have a debate, and to have accountability—and also, hopefully, to take positive action on those issues affecting children and education.

The Senator from South Dakota indicated earlier in the week that he was prepared to offer an overall amendment to try to reflect the position of a number of different Members of the Senate on these issues affecting children and education and voluntarism. He had stated that earlier in the week.

It was his hope to offer that amendment yesterday but when our friend and colleague the Senator from Connecticut came over here to speak on children's issues, unbeknownst to us, as the debate will show, there was another amendment before us that was not related to the rescission—an amendment that dealt with the Mexican situation. That issue is enormously important and enormously significant.

There was certainly an indication from our side that if the issue regarding Mexico was to be decided and considered as an independent kind of issue, then the matter could be resolved.

But nonetheless, no, we had no opportunity to consider the Daschle amendment.

Last evening, when I was down in the well at about 10 o'clock there was a sense of urgency: ''We have to move ahead with this bill,'' the Senator from Oregon said. ''We are going to stay in all Thursday night and all day Friday.'' Read the RECORD—all day Friday. We are going to stay here even into Saturday if we have to, he said; we have to finish the bill. There was no comment that the conference report was coming up. That is a different issue, but we understood we were staying here to complete the bill.

And then there were the inquiries in the well: ''When are you going to bring that amendment up?'' It was decided that the Senator from South Dakota's amendment would be brought up at 10 o'clock this morning. Many of us who are the cosponsors and have had a longstanding interest, committee jurisdiction interest, came over to be able to debate and discuss these issues—at least to make a case about the importance of Head Start, the importance of chapter 1, the importance of the volunteer community service program.

The minority leader had hardly gotten his amendment in when there was an amendment on top of it—an amendment on top of it. Usually in this institution, you permit the person putting the amendment in and the principal cosponsors to speak in favor. That courtesy was not even accorded. We were off and running on another amendment in the second degree that continued on through the morning.

Many of us stayed here. We continued to think that, because of what the majority leader said, we were going to have an opportunity to make our case. Then at 12 o'clock, with a few minutes notice, we were told we were going to set aside the rescission issue. We were only going to return to the rescissions after the disposition of the conference report, which excluded a very, very important provision that had been accepted here in the Senate unanimously, a provision that was valued at $3.6 billion—$3.6 billion.

Well, Mr. President, on the one hand, the minority leader's amendment is $1.3 billion for children that we intended to battle for. It reflects a very substantial group of the Members here, hopefully bipartisan, but certainly an overwhelming majority of the Members on our side. It is $1.3 billion.

Then we were asked, in a matter of moments, to consider another measure, which I support, which is the deduction in terms of the self-employed. In that particular measure, the conferees had dropped a revenue measure that would have been worth $3.6 billion, almost three times the amount of money that would fund the children's programs. And we are being labeled this afternoon as being somehow not considerate of the small business men and women.

As the leader said, it is 1:30. We are glad to talk about these issues. We are glad to debate them. I am glad to vote on these measures. And suddenly we found out, no, we are not going to do it. After he speaks, after you speak, the Senate is going out and, no, we are not going to give any consideration to these issues, we are not going to debate them.

It is a reasonable juxtaposition—$3.6 billion from wealthy individuals who renounce their citizenship and $1.3 million for children's programs.

The $3.6 billion is on a measure which was accepted unanimously here in the Senate but resisted by House Republicans. We are told, ''Well, we'll do our best, we'll try to come back, the next time we'll do better.'' I do not question or doubt the commitment of those members of the Finance Committee—but I have been around long enough to know that when you go into conference with a vote of 100–0 of the Members, you get more attention from the House. That is the record around here. That is the history around here.

All we are doing is saying let us have a chance to express ourselves on this issue. Let us have a chance to express our view on this provision that was worth $3.6 billion when it passed through here last time and $3.6 billion less when it is considered now this afternoon. We are told that for objecting to that change, we are told by the Republicans that we do not care, we somehow do not really care about the small business men and women. Let me tell you, Mr. President, I propose that we have a vote on adoption at a time certain—at 5 o'clock on Monday—and a 4 o'clock vote on the sense of the Senate.

I am going to vote for the cloture motion. It is going to be agreed to. The minority leader is quite correct, every American ought to understand it is going to go through on Monday at whatever time is established by the majority. It is going to go through. We are all going to vote for it. I do not know anybody who is going to vote against it. That is why this is an extraordinary set of circumstances. I am going to vote for it. Everyone is going to vote for it. But this issue is not going to go away. This issue is not going to go away.

We were quite prepared to have a vote on the measure at a time certain that would accommodate most Members—I would leave that up to the majority and minority leaders on Monday, whenever they want, they know the schedule—and to have a vote on the sense of the Senate at a time certain. We were even prepared to have that vote on adoption of the conference report and then a time certain have a vote on the sense of the Senate. That was certainly acceptable. But we in this body ought to be able to express ourselves on an issue of that kind of consequence and importance; $3.6 billion—here today, gone tomorrow, when

one of the major amendments on the rescissions is going to be $1.3 billion.

There are a dozen other amendments, Mr. President—on the voluntary community service programs, on education programs, children's programs—that are a fraction of that, a fraction of the $1.3 billion. Nobody is interested in an undue delay in the rescissions bill.

But to say that, my goodness, this is somehow out of sync with what has gone on in common debate, and that this is an unusual way to proceed, defies the history of this institution.

I must say, I would think that the parents of those children would have to be asking themselves this afternoon, why is it that my child, who is one of those 70,000 that could have received assistance under the chapter 1 program, or under Head Start, will not be able to get it? Why is the $1.3 billion is not there? My child will not be able to get in a Head Start Program because the resources are not there; my child will not be able to get day care because the money is not there. We are saying, no, your child will not get into Head Start, will not get into chapter 1, we are saying no to the school boards that are trying to have education reform, and no to the school boards and parents, that we cannot afford to provide the already appropriated $100 million for safe schools.

The Senator from North Dakota debated the issue about guns in the schools, and we had a long debate about safety in the schools. And we accepted money for safety in the schools—$100 million is proposed to be cut out of that. Parents are wondering why, if my school board wants to have those programs for safety in the schools, we cannot have it. The money has just been rescinded. We have just said no to $3.6 billion in revenue that was accepted unanimously by Republicans and Democrats in the Senate. That is gone. That disappeared somewhere out there.

To raise the issue that somehow we are not really serious about dealing with this underlying issue, that is hogwash. I do not know why it is that every time you agree with one side of the aisle, you are a statesman or a stateswoman, and when you do not, you are political. Just read the RECORD on that. That was said earlier today. You are political somehow. This is politics. It is about children. When you agree, you are a statesman; when you differ, it is somehow politics. We heard that on the floor. I was not here. I was at another conference dealing with another issue which is affecting working people, the issue on the minimum wage.

Four years ago, the last incremental increase in the minimum wage took place. We have not had an increase in the minimum wage in the period of the last 4 years. Most Americans believe that men and women in this country want to and can work 40 hours a week, 52 weeks of the year, and if they do, then they ought to be able to provide for their families. That has been true under Republicans and Democrats. The last time we increased the minimum wage, we had a Democratic Congress and a Republican President. BOB DOLE voted for the increase and so did NEWT GINGRICH. We are just asking to bring the purchasing power back to where it was 4 years ago. But they say, ''We have no time to debate it. We have no time to consider it. We are opposed to it.''

Evidently, those dozen multimillionaires were able to get their wages or incomes taken care of—to the tune of $3.6 billion. They are able to get their interests taken care of.

Well, I wish that we had on the floor of the Senate the Dowd family—a young, very appealing young man and his wife and two children, making virtually the minimum wage. They spend $75, $80 a month just to repay a student loan. He is making the minimum wage and is still trying to pay a student loan. He did not have enough money to continue his education, and he is trying to pay for it. They are both working, Mr. President, trying to make ends meet.

As we pointed out—and I see my friend and colleague Senator SIMON on the floor here, and he attended that event—the principal problem this family has—even though they could do better in remaining on welfare, they want to work and want to be able to provide for their children—the principal problem they have is that they do not have enough time to spend with their children. The mother's principal concern is that, ''My children will not grow up in a home like I did, where we used to be able to have one meal a day together, dinner. That does not happen in our family because my husband comes home at 3 o'clock, and I leave at 3:30.'' They spend an hour and a half with their children on the weekends.

These are our fellow citizens. They are wondering why some of us are raising the issue of preserving $3.6 billion for a dozen very wealthy individuals who renounced their citizenship and we have no time for these hard-working Americans. They are not out there to renounce their citizenship; they are not out there to try to find loopholes; they are not out there to try to evade the taxes. They are playing by the rules. They are playing by the rules and are honored to be citizens of this country. But we have no time to consider them. We do not have the time. That is shameful, Mr. President.

I am not going to be lectured to by any Member of this body about what is in the interest of those self-employed people. We know what is going on. We know. That is a red herring. That is a red herring for protecting those dozen wealthy taxpayers who want to change their nationality and bug out with all the money that they have made here in this country. That is scandalous.

So I am quite prepared to discuss this issue. There are those who say, oh, well, by doing this we are somehow not concerned. The American people are much more intelligent and much fairer than many in this body give them credit for. And they know, or hopefully they will know, what is at issue here. It is an issue about fairness. You can talk about provisions and contracts and compacts and all the rest of it. But, Mr. President, it is wrong, it stinks.

It stinks when we reject a provision that would have provided $3.6 billion in revenues for the deficit. We are trying to do something about education and children in this country, and this provison, which the Finance Committee said will return $3.6 billion, disappears out there because of some complexity. This loophole remains, and at the same time we are not prepared to get some resolution on the issues that have been talked about in Senator DASCHLE's amendment—the Head Start children in this country, or the chapter 1 kids, or safe schools, or the day care programs. That is just wrong.

This Senator is not going to go along with it this afternoon. We will have a chance to vote in favor of cloture, and that conference report will pass and will become law. Every self-employed person ought to understand that there was not one person on the floor of the U.S. Senate who spoke this afternoon who is not going to vote in favor of and support the conference report. I certainly urge that they do.

This did not have to happen this way. All we had to do was accept the sense of the Senate, pass this measure, and it could have been done this afternoon. We could have done it that way, or we will do it in a different way. We are still going to do it. I regret the inconvenience to Members if their plans have to be altered; but it did not have to be that way. I think the RECORD will show that it did not.

I yield the floor.

(Mr. SMITH assumed the chair.)

Mr. SIMON. Mr. President, before I get into prepared remarks on another subject, let me associate myself with the remarks of Senator KENNEDY. I think we have to ask ourselves why we can be so responsive to a few millionaires who want a tax break that is going to cost $3.6 billion and we cannot respond to millions of Americans who are struggling at the minimum wage?

I think we have to go to two things. No. 1, our system of financing political campaigns. Those millionaires, I am sure, if we look at our financial records, have contributed to Members of the Senate. Maybe to PAUL SIMON, I do not know. They have a voice.

How many people working at the minimum wage have contributed to Members of the U.S. Senate? Not very many, if any, because they cannot afford it.

We respond to those too much, to too great a degree, who pay for our campaigns. That is the simple reality.

I think the second reality is, millionaires can hire the lobbyists. That is

part of our system. I do not suggest that we change that. I do suggest that we change the way we finance campaigns.

What we have to keep in mind is, who is contacting Members? And the people who have real needs, working men and women who are struggling, are they getting their voices through? Too often, they are not.

## FOREIGN AID AND FAMILY VALUES

Mr. SIMON. Mr. President, after I announced I would not seek reelection to the Senate, President Clinton called me and suggested that periodically I should make comments about issues, on the assumption that someone who will not again be a candidate for public office could speak without having the onus of public gain associated with the remarks. This is the second in a series of observations in response to the President's suggestion.

We have heard a great deal about family values during the recent political season. There are few Americans who do not recognize the virtues of family values and treasure them. However, in no other nation do political leaders talk as much about family values as in our country, and in no other Western industrialized nation is there anywhere close to the 23 percent of children living in poverty that we have.

Political leaders talk more about family values than act upon them. Assuming that we are serious in our concerns about family values, we should ask ourselves what that implies in policy.

There are some obvious answers. We will be concerned about one another in a family. Violence will not be part of that family life. Each person will try to live responsibly and help others in the family when there are needs, great or small.

A slight bit of reflection will cause people to recognize, if we follow the finest ethical standards and if we show love and concern for everyone in our household, but ignore the problems of our neighbors, we will not be protecting our family. We will have failed in our attempt to project family values.

If the neighborhood in which we live deteriorates, our family is in jeopardy because of problems of crime, or simply because of a loss of economic value to our home. If an unpleasant atmosphere where we live replaces a pleasant atmosphere, fear will be the unseen companion, as our family members walk the streets of such a neighborhood.

Anyone who professes family values but ignores the neighborhood is betraying the very values he or she professes.

What is true of homes immediately adjacent to that family is also true of homes 6 blocks away. While the threats of crime and economic deterioration are less pressing than to a home next door, the threats are, nevertheless, real. We recognize that family values are not a set of virtues to be practiced in isolation.

On further reflection, we recognize that what is true of immediate neighbors and those who live 1 mile away is true for those at greater distances. Ultimately, people in the Chicago suburbs who wish to practice family values must understand that they have a stake in what happens on the west side of Chicago. People in New York sense that they have a responsibility to themselves to help victims of a flood in California.

''One Nation, under God, indivisible,'' is more than a phrase. To the extent that we create that as a reality, we protect our families. To the extent that we permit the artificial barriers of race or geography or sex or religion or ethnic background to diminish our concern for one another, we diminish the quality of life for our families—all of them.

Concern for others cannot stop at the borders of our Nation if we are to protect our families; 650,000 American homes have experienced grief because of a loss of a family member in military contests with other nations. We have slowly learned that we cannot protect our families when we ignore the threats to nations beyond our borders.

If I were speaking a decade ago, I would have said that the great external threat to the families of our Nation is nuclear annihilation; the United States and the Soviet Union have thousands of nuclear warheads pointed at each other. If that spark had been ignited in some way, civilization, as we know it, would have died.

Today, the great threat to our security is instability in trouble spots around the world. As the only superpower left in the world, we will either provide leadership or there will be deterioration within nations and between nations.

Few thoughtful people in this country or any other would deny that the United States should lead. But there are sizable numbers of observers of the international scene who believe this Nation is too often squandering its opportunity for significant leadership.

Ultimately, the United States, along with the rest of the world, will suffer because of that. I say that with the knowledge that both political parties in this Nation must do better.

President Clinton faced the huge task of moving from Governor of Arkansas to suddenly becoming the most influential person in the world in foreign policy. It is not an easy transition.

In March of 1994, he did a better job than in March 1993. This year, he is doing a better job than last year. A year from now, he will do a better job than he is doing today. That is encouraging. He is a giant on the international scene by reason of his position.

But he is hampered in his effectiveness by limited background and also by the reality that his two key players in international affairs, Secretary of State Warren Christopher and National Security Adviser Anthony Lake, are capable and knowledgeable but both are, by nature, cautious.

The net result from the executive branch is leadership that is generally solid but sometimes not as bold as it might be.

The greater deficiency is with the legislative branch. We too often micromanage. I have been guilty of this myself. A much worse offense is that we pander to public opinion and reduce this Nation's ability to lead more effectively.

A public opinion poll suggests foreign aid is unpopular; we cut foreign aid, even when it hurts our long-term interests. If there is a surge of public opinion suggesting that we avoid sharing risk for peace with other nations, we follow the surge of public opinion rather than national and international need.

When we discover that speeches calling for reductions in what we pay to the United Nations bring applause, we pander to the applause and become the world's No. 1 deadbeat.

What should the United States be doing? Let me suggest three points: No. 1, as a people, we must broaden our understanding of other nations and other cultures.

The provincialism of Congress mirrors our people.

A family cannot be said to truly have family values if they do not understand one another.

That is true within our Nation, where we have far to little understanding between urban and suburban and rural populations and far too little understanding across the barriers of race, religion, sex, and ethnic background.

But it is true beyond the borders of our Nation. The family of humanity needs to understand the hopes and fears, the dreams and problems of those who live in other nations. As we learn, we will be willing to share more than our experiences. But basic knowledge is vital, whether within a single family, a community, a nation, or in the community of nations.

Our knowledge is lacking. That is why the Peace Corps is more important than what our volunteers do for other nations; we gain a sensitivity to other cultures, a major asset to the nation. Colleges and universities can do much more to broaden the understanding of students. Can someone really be considered educated if, upon graduation as an engineer or physician or teacher or journalist or accountant or architect, he or she does not have the most minimal understanding of the rest of the world? We understandably lament the failure of too many graduates having even a cursory understanding of the religious heritage of the United States, but can people who do not have some appreciation of the beliefs of Moslems and Buddhists be expected to deal effectively with other nations?

A fine, small, liberal arts college that I attended for 2 years, Dana College in Nebraska, is seriously considering a program to offer its students assistance which would permit any student, regardless of family income, to study or travel abroad. The theory is that the students would not only enlarge their personal horizons, but when they return to this small campus, they could stimulate others. Dana College has only 600 students, but they come from 27 States and 14 nations. I hope the college can raise the money to do this, and lead other colleges and universities around the nation to do the same.

Our language provincialism reflects our cultural provincialism. In almost every nation in the world—if not all of them—all elementary students study a foreign language. In the United States, only a tiny fraction do. We are the only nation in which you can go through grade school, high school, college, and get a Ph.D., and never have a year of a foreign language. We are also the only nation in which, if we study French or German or some other language for 2 years, we will say, ''I have studied German.'' Or, ''I have studied French.''

It is uninformed provincialism that leads Members of Congress to call for laws prohibiting military leaders of any other nation from commanding our troops in a U.N. operation. Ever since George Washington had French leadership for some of our rebels, we have worked with other nationals. Would there be anything un-American about having a NATO commander who is Canadian or Italian or from some other NATO nation? Will we agree to take part in a U.N. operation only if we're promised a leadership role proportionately much greater than the resources we have committed? Responsible patriotic fervor can sometimes be converted into irresponsible nonsense cloaked in ''patriotism.''

The media of our Nation should do more to inform us, but faced with budget problems, major newspapers, wire services and networks have reduced their overseas personnel.

When critics rightfully note that the U.S. budget and policy do not reflect the tremendous changes that have occurred in the rest of the world, particularly our military budget, part of the reason is that even the people who do not get their news primarily from television bites receive too little information about other nations, unless there is a crisis. The lack of public understanding of the dramatic changes in the world makes it more difficult for leaders in the administration and Congress to alter foreign policy.

That democracy is spreading in Africa and much of the rest of the world is known by only a tiny fraction of the American people who can tell us lurid details of the O.J. Simpson trial.

Editors who rightfully criticize Members of Congress for pandering to public whims defend their obsession and excessive attention to the Simpson trial by telling us, ''We're giving the public what it wants.'' That is an irresponsible answer for politicians and an irresponsible answer for the media.

Commenting on foreign aid, Michael Kinsley wrote recently in the New Yorker:

> Americans are scandalously ignorant * * *. All over the country—at dinner tables in focus groups, on call-in radio shows and * * * occasionally on the floor of Congress—citizens are expressing outrage about how much we spend on foreign aid, without having the faintest idea of what the amount is. This is not * * * a question of being misinformed. No one—not even Rush Limbaugh—is out there spreading the falsehood that we spend 15 percent of the Federal budget on foreign aid. People are forming and expressing passionate views about foreign aid on the basis of no information at all.

If we expect the legislative and executive branches of our Government to build a responsible course of leadership on a base of public ignorance, we ask for far more than we are likely to receive.

My second point: We should be providing more foreign aid, not less.

In probably two out of three of my town meetings people ask: ''Why don't we cut back on foreign aid, and spend the money on our own needs?''

They, of course, have no idea that through our aid programs more than 3 million lives are saved each year through immunization programs; that as we help the other countries survive economically, they frequently become our customers, then lift our standard of living; that much of what we call foreign aid is spent for food and equipment in the United States.

We cannot reverse illiteracy or set up a program to educate people on family planning with a military budget; this takes foreign aid.

When the political parties of democracies in Asia held a conference recently, they closed their meeting by singing, ''We Shall Overcome,'' an expression more of hope than confidence, because democracies in many parts of the world are frail. A little help from the United States as the world's leading democracy means much to them, both for the concrete help and in symbolic terms.

When I ask people at town meetings—and I am sure my colleagues from New Hampshire and Michigan have this same experience—what percentage of our budget goes for foreign aid, usually the guess is somewhere between 15 percent and 25 percent. They are startled with I tell them it is less than 1 percent.

A University of Maryland poll found the same answer. But, then, the University of Maryland asked how much would be ''appropriate'' and the answer: 5 percent. When asked how much would be ''too little,'' they answered 3 percent—more than three times what we actually spend.

If military aid is subtracted from our foreign assistance, less than one-half of 1 percent of our budget goes for foreign aid, to economic assistance.

Because of the huge and growing U.S. debt, this year our gross interest spending will be 22 times the amount we pay for foreign aid. Even more startling, because so many U.S. bonds are now held by the economically fortunate beyond our borders, we will spend more than twice as much on interest to them as we do on foreign aid that is designed in large measure for helping poor people.

We appropriate less of our national income for foreign aid than any Western European country or Japan.

At one point under the Marshall plan, we spent 2.9 percent of our national income helping the poor beyond our borders. And how properly proud we are of it. Today we spend less than one-sixth of 1 percent of our national income on foreign economic assistance. Yet most Americans believe we are the most generous of the wealthier nations. In the Marshall plan years our national income—in inflation-adjusted terms—was approximately 40 percent of our present income. As our income has risen, our response to poor people has diminished.

But something else is significant about the Marshall plan, which rescued Western Europe from communism. When General Marshall announced it at a Harvard commencement, and President Truman followed with more details, the first Gallup Poll showed only 14 percent of the American people supported it.

We had a Democratic President who did not consult with pollsters before he called on the American people, and he had to deal with a Republican Congress. Senator Arthur Vandenberg, a Republican leader from Michigan, did not first ask what the Marshall plan might do to his party's political fortunes or how he might use it against the President. A Democratic President and a Republican Congress did the unpopular, what was right, and served this Nation and the world well. The lessons to be drawn are obvious.

President Ronald Reagan suggested that we should devote 1 percent of the Nation's income to helping the poor beyond our borders, appreciably less than we did under the Marshall plan.

We have not come close to the Reagan standard.

Only Denmark and Norway meet this not-so-high standard. Among other nations that assist more than we do are Sweden, Netherlands, France, Finland, Canada, Belgium, Germany, Australia, Switzerland, Luxembourg, Great Britain, Austria, Portugal, Italy, Spain, Japan, New Zealand, and Ireland.

Canada does three times better than we do.

While we lag behind other nations on economic assistance, we spend almost as much on defense as the rest of the world combined. Looking at our budget, you would hardly guess that the Berlin Wall fell. If we were to reduce our defense expenditures by one-half—which I do not advocate—we would still have, by far, the largest expenditure on

arms of any nation in the world. Unfortunately, we are compounding that problem by pushing many nations to buy arms from our weapons producers, arms that too often destabilize an area rather than stabilize it.

The United States defense budget suggests that the great threat to the world is a Soviet-type attack. The reality is, the great threat is instability. While nations struggle to build democracy, we build more B–2 bombers instead of assisting democracy. Purchasing the B–2 bombers helps the manufacturer, but they are designed for yesterday's defense needs. They were useless in Desert Storm and Haiti. While we blunder ahead with billions on useless bombers, shaky democracies receive our cold shoulder. ''We can't afford to help,'' we tell them. While the swing to democracy around the world has been dramatic, it is not irreversible. Some democracies are likely to fail because of U.S. inattention and paltry financial backing.

Our weak performance in assisting democracies has been compounded by our failure to pass the balanced budget amendment. Instead of lessening U.S. government borrowing and reducing interest rates around the world, we have chosen the high-interest-rate course. That causes higher debt service costs for desperately poor people. The executive director of the International Monetary Fund once told me that facing our U.S. fiscal problems is more important to the developing world than our foreign aid. Yes, we in the United States pay higher interest rates because of our fiscal folly, but so do many nations who can afford the high interest rates less than we can, and they have not caused our national debt. The developing nations now owe $1.4 trillion. If U.S. imprudence forces interest rates up 1 percent, that potentially costs these poor nations $14 billion. If we exercise fiscal prudence and international interest drops 1 percent, that potentially saves them $14 billion, far more than our economic assistance.

In a family in which one person becomes very wealthy, and others in the family are extremely poor, some suffering from malnutrition, they will not continue to be a cohesive family if the wealthy member of the family simply ignores the problems of the poorest. A family member who makes no attempt to understand the problems of the poorest in the family will be regarded by the other family members as arrogant and callous, and when that family member faces problems—which all family members eventually do—the other members of the family are not likely to come to his or her rescue.

It takes no great imagination to see where the United States fits into that picture.

We should play a stronger role in U.N. peacekeeping and peacemaking.

I am impressed by the leadership of Secretary-General Boutros-Ghali. But he has an impossible job if the United States does not play a strong supporting role.

That means paying our dues.

That means contributing more than dollars to U.N. peacekeeping efforts. The latest U.N. report of March 6 of this year shows the following troop contributions to U.N. peacekeeping operations:

| | Country | Strength |
|---|---|---|
| 1. | France | 5,093 |
| 2. | United Kingdom | 3,860 |
| 3. | Jordan | 3,698 |
| 4. | Pakistan | 3,102 |
| 5. | Canada | 2,629 |
| 6. | Bangladesh | 2,208 |
| 7. | Poland | 2,181 |
| 8. | Netherlands | 1,823 |
| 9. | Norway | 1,775 |
| 10. | Ghana | 1,730 |
| 11. | Malaysia | 1,677 |
| 12. | Nepal | 1,607 |
| 13. | Turkey | 1,488 |
| 14. | Russian Federation | 1,487 |
| 15. | Spain | 1,452 |
| 16. | Denmark | 1,368 |
| 17. | Argentina | 1,360 |
| 18. | Sweden | 1,316 |
| 19. | Ukraine | 1,208 |
| 20. | U.S.A. | 1,139 |

Nepal, with a population of less than one-tenth of ours, is contributing 41 percent more troops than the United States. Jordan, with a population of 3.2 million—less than 2 percent of our population—is contributing more than three times as many troops as the United States.

There are 16 U.N. peacekeeping operations underway at this point, and we are contributing troops to 6.

But it is more than the deficiency in the contributions of numbers.

Somalia illustrates the problem. Contrary to the present public image, the Somalia action was one of George Bush's finest moments and something for which the United States should be proud. Our actions saved hundreds of thousands of lives.

I was in Somalia with Senator Howard Metzenbaum early in November 1992. I have never seen anything like it, and I hope never to see anything like it again. We returned to the United States on a Sunday night and, the next morning, called the U.N. Secretary General. Fourteen weeks earlier, the U.N. Security Council had authorized 3,500 troops to go to Somalia to help in the desperate situation there. Weeks later, 500 Pakistani soldiers finally arrived and were forced to hole up at the airport at Mogadishu, the capital city. I told Boutrous-Ghali that he should get the additional 3,000 troops there immediately and that Somalia needed an additional 10,000 troops, a figure based only on instinct. He told us he would send the additional 3,000 troops by ship. When I responded vigorously that untold lives would be lost if the troops did not arrive by plane, he noted, ''Your government charges me very high rates to move troops by plane.'' I asked him if we could use the cost of flights to apply to our past-due bills at the United Nations, and he quickly said yes. I called Secretary of State Larry Eagleburger and gave him the background, asking him to call the Secretary General immediately. I also asked the Secretary of State to discuss the matter with the President, explaining that I would call the President directly, but he was in Connecticut that day for the funeral of his mother. The next day, President Bush asked the Secretary of State to fly to New York to discuss the matter with the Secretary General. Then, President Bush—to his great credit—moved quickly and, that Thursday, announced that the United States would lead U.N. efforts in Somalia. In a few days, troops, food, and medical supplies were in Somalia.

How many lives could have been saved if the United Nations had been able to respond more quickly? Thousands. But no one will ever know the precise number.

Another example: When serious trouble between the Hutus and Tutsis started in Rwanda, Senator JAMES JEFFORDS and I got on the phone to the Canadian Gen. Romeo Dallaire in charge of a small contingent of U.N. troops in the capital city of Kigali. One of the amazing things about our technological age is that you can call from Washington, DC, to a ravaged city in Africa and reach someone by phone. That was on May 12, 1993. He told us that if he received 5,000 to 8,000 troops immediately, he could stop the bloodshed in Rwanda. Senator JEFFORDS and I immediately dispatched a message to the White House, and to other officials, urging quick action. On October 5, 1993—almost 5 months later—the U.N. Security Council authorized action. With unbelievable brutality exploding in Rwanda, nothing happened to stop it for a seemingly endless period of time. To their credit, the French sent 2,000 troops, and later, the United States and other nations sent smaller numbers to protect camps and airports on the periphery of Rwanda, primarily in Zaire.

How many lives could have been saved if the United Nations had been able to respond more quickly? Thousands. But no one will ever know the precise number.

Lesson No. 1 to be learned: The United States and other nations must equip the United Nations to respond quickly to this type of emergency.

I introduced in the last Congress, and will reintroduce in this Congress, a proposal calling for 3,000 volunteers among U.S. service personnel who would be paid slightly more than other U.S. troops, who would be ready on 24-hour notice to go to any place in the world called for by the Security Council and approved by the President of the United States. We should call upon Germany, Great Britain, France, Japan, and other nations to do the same, and smaller nations to have a smaller contingent of troops available on similar, quick notice. Senator JEFFORDS will cosponsor the legislation.

Today, after the Security Council acts, the Secretary General gets on the phone and begs nations for help. It is a time-consuming process when time

means lives. If the United Nations can move more quickly, we can prevent future disasters in places like Somalia, Rwanda, and Bosnia.

There is a second lesson to be learned.

If the United States is to play a responsible role of leadership in the community of nations, some risks must be taken, and when there are regrettable casualties within our Armed Forces, we must stay our course.

Those who enlist for service in the Chicago Police Department know they will be performing a public service, but they also know they will be taking a risk. If some drug smugglers or gang leaders in a neighborhood kill two policemen, the mayor of Chicago will not announce that that area of the city will no longer have police protection because of the casualties.

Somalia illustrates our problem.

Mistakes were made, primarily by a U.S. military man put in charge of part of a U.N. mission for which he had little background. He looked for military answers to problems rather than the diplomatic answers that Ambassador Robert Oakley had adeptly been fashioning.

But when a U.S. serviceman's body was dragged through the streets by teenage thugs, when that man went to Somalia on a humanitarian mission, the American people were appalled, and there were cries in Congress to pull out all our troops immediately.

At that point, we had a new President inexperienced in international relations facing a volatile Congress. Some calming words of explanation to the American people would have been appropriate, explaining that if local terrorists can cause a few American casualties, and we flee the scene, the example will not go unnoticed by others around the world wherever American troops are stationed.

The reality is that fewer American service personnel were killed in Somalia than cabdrivers were killed in New York City that year. That does not make any of the deaths less tragic. But those who enter the Armed Forces must understand that, like the Chicago Police enlistees, they are taking additional risks. And the American people must understand this.

We are in the budget season, discussing whether or not to appropriate money for certain fancy weapons systems. What other nations question is not the technical proficiency of our weapons but our backbone. And the question is being asked, not about those who serve in the Armed Forces, but about the administration, Congress and the American people. Others look at the weakness of both the Bush and Clinton administrations in Bosnia and they wonder. A few terrorists frighten us out of Somalia, and they wonder about our professed resolve elsewhere.

When several Members of Congress issued calls to get us out of Somalia, the administration first called a meeting of all Members of both Houses at which Secretary of State Warren Christopher and Secretary of Defense Les Aspin spoke. The meeting was a disaster. Such a large meeting on a volatile subject should never be called; the noisemakers take over.

Then the White House called a smaller meeting with about 20 of us from Congress with all the key administration people present, including the President. The lengthy meeting, held on October 7, 1993, resulted in a compromise that all U.S. troops would be pulled out by March 31. I was not happy with this, but I agreed to the compromise because it was considerably better than an immediate pull-out.

A few days after the White House meeting, President Mubarak of Egypt visited the United States, and I went to Blair House to pay a courtesy call on him. Just before I got there, an administration official asked me to urge President Mubarak to keep his Egyptian troops in Somalia after March 31. Without quoting President Mubarak directly, it is not violating any confidence to say that the request to have his nation, with its meager resources, stay in Somalia while the wealthy and powerful United States of America wanted to quietly back out, did not impress him.

We must be careful in using our human and military resources, but when we make the decision to use them—preferably in concert with other nations—we should use those resources with firmness and a reliability that other nations, friendly or unfriendly, sense.

Since U.N. efforts at peacekeeping are in our security interest, would it be asking too much for us to suggest that 1 percent of the defense budget be set aside for support of peace keeping? Far from harming our security needs, that would strengthen the ability of the United Nations to respond quickly to emergencies, and that 1 percent would not harm any defense needs that we have.

It is easy for officeholders of either party to appeal to the fears and hatreds of people, to appeal to the worst in us, to ask us to turn inward rather than reach out.

But if we are serious in our talk about family values, we should urge our citizens to reach beyond the artificial barriers that separate people; to be concerned about one another, then, all families will be more secure. Appeals to shortsighted selfishness do not help a family, and a political call for shortsighted selfishness does no favor to the nation. As leaders, we must appeal to the noble in our people, not the worst, and if we apply that to international relations, the United States will benefit, as will the rest of the world.

Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, notwithstanding the previous order, I ask unanimous consent that I be permitted to speak as if in morning business for up to 10 minutes.

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

Mr. ABRAHAM. Thank you Mr. President.

## THE REMARKS OF SENATOR SIMON

Mr. ABRAHAM. Mr. President, I wish to say that I hope other Members will have the chance to read what the distinguished Senator from Illinois has offered us today. I gather he will be making a series of such speeches in the days ahead. As always, his remarks are insightful and thoughtful. I am glad I had the opportunity to hear him today.

## WHITE HOUSE SPOKESMAN'S DISTURBING REMARK

Mr. ABRAHAM. Mr. President, I rise to call attention to a statement made by President Clinton's chief spokesperson Michael McCurry, as reported in the March 22 Washington Times.

In discussing the Republican Presidential field and candidate Pat Buchanan in particular, Mr. McCurry said: ''Mr. Buchanan and his mutaween will be out there parading across America, and we can track them down.''

Mr. McCurry's reference is to Saudi religious officers, to whom I gather he is equating American conservatives who are both religious and interested in playing a role in politics.

With this statement, Mr. McCurry has managed no mean feat: he has slurred religious Americans, he has slurred individuals of Arab descent, and he has misused his position as White House spokesman.

Mr. President, I believe it is wrong to attack those who are religious and involved in politics as zealots and extremists. These attacks are unfair, divisive and destructive. They challenge the right to engage in important moral arguments in public life, to everyone's detriment.

People of strong faith always have been involved in politics and their faith has influenced their political action—to America's benefit.

Even before our Nation was founded, people of faith brought Americans together through their eloquent advocacy of religious, moral and political principles. During the Revolutionary War ministers used political sermons to expound and elaborate on Thomas Jefferson's famous words in the Declaration of Independence—that all men are created equal and ''endowed by their creator'' with rights to life, liberty and the pursuit of happiness. They told Americans that it was their religious as well as political duty to protect their rights and the rights of their children and grandchildren by fighting for independence.

These brave ministers established an American political and religious tradition that continued to thrive, through the Civil War and on into this century.

Martin Luther King, Jr., drew on this tradition. He was, of course, the Reverend Martin Luther King—a religious minister. His crusade for racial justice and equality of opportunity drew explicitly on references to God and God's will.

Reverend King called for racial equality, not because some mere philosophical, academic principle demanded it, but because God demands that we treat one another with respect, according to the content of our character and not the color of our skin. In this way he showed Americans their duty toward one another, and brought us together in pursuit of a just equality of opportunity.

Today, however, conservative people of faith are attacked as intolerant extremists for having the temerity to make demands on our conscience. Mr. McCurry's statement is only the latest in such regard. Peaceful pro-life protesters are condemned as religious bigots for opposing what they feel is a great moral crime. The Christian Coalition and other similar groups are often depicted as a dark force whose participation in the political process is somehow inappropriate.

Mr. President, we must reject this kind of antireligious bigotry in whatever form it takes. After all, should Martin Luther King have been dismissed as an intolerant religious fanatic?

I certainly hope not, for that would have denied our country his moral force, which contributed mightily to the civil rights movement's success. Yet Mr. McCurry's apparent disdain for the involvement of people of faith in the political process would surely have kept Reverend King out of politics, unless, of course, such intolerance only applies to conservative people of faith.

I also am concerned about Mr. McCurry's comments because, frankly, I believe that it perpetuates in American public life the stereotype that anyone connected to the Arab world must be an extremist.

As an American of Lebanese descent, I take great exception to Mr. McCurry's use of his White House podium in this fashion. I believe it is inappropriate to employ ethnic-based references or comparisons as a means of insulting or demeaning others.

Arab-Americans have worked hard to assimilate and succeed in America. According to the 1990 census, 82 percent of Arab-Americans graduated from high school, while more than half, 52 percent had at least a college degree and a full 15 percent held some form of graduate degree. Furthermore 36.4 percent, more than one-third, of Arab-Americans are represented in managerial positions or the professions.

However, it is difficult for any ethnic group to enjoy full acceptance and assimilation if they remain targets of scorn or if people of their heritage are employed as negative symbols. Whenever someone is insulted for being ''stupid'' or ''lazy'' or ''fanatical''—''just like'' people of a certain ethnic group—we reinforce the notion that all the members of the ethnic group so referenced are a people who are stupid or lazy or fanatic. The result is ethnic division, bad feelings and unfounded prejudice.

That is what Mr. McCurry's statement does. Moreover, invoking as it does the prestige of the White House inevitably will heighten anti-Arab feelings in this country and place an unfair burden on people who are hard-working, loyal, tax paying citizens.

Finally, I am concerned about Mr. McCurry's statement because it seems clear to me that a Presidential Press Secretary, whose salary is paid for by the taxpayers, should not engage in such blatantly partisan activity.

I am not here supporting Pat Buchanan's run for the Presidency. But in my view Mr. McCurry stepped over an important line when he attacked Mr. Buchanan in the way he did. The American people are not paying Mr. McCurry so that he can make insensitive stereotyping statements intended, among other things, to help his boss' chances in the next election.

The President has many avenues available to him if he wishes to make campaign statements. He also has the option of going through the steps necessary to make an open bid for reelection. Within this context it would be understandable that his campaign spokesman would make partisan statements.

But to have a public employee making such blatantly political attacks, capitalizing on the media access and prestige of the Presidency for purely political ends, is simply unacceptable.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## SOUTH DAKOTA GRANITE

Mr. DASCHLE. Mr. President, President Franklin Delano Roosevelt once called Mount Rushmore ''the shrine of American democracy.''

Because of his love of that shrine, it is especially fitting that, as we approach the 50th anniversary of FDR's death on April 12, the new memorial that is being built now in our Nation's Capital to honor President Roosevelt will be carved, like Mount Rushmore, out of South Dakota stone.

There is another reason that South Dakota rock is being used for the memorial. It is, as geologists will tell you, quite simply one of the most beautiful granites in the world.

It is called carnelian granite, named for the warm, mahagony color of the rock. It has been quarried in Milbank, in the northeast corner of South Dakota, since 1908.

Because of its rich color and brilliant shine, Milbank granite has been used for public monuments in nearly every State and Canada. In Pierre, the capital of South Dakota, it was used in 1912 to build our statehouse. In Washington, it was used to build the National Catholic Shrine and the poignant memorial to the women who fought in the war in Vietnam.

The Roosevelt Monument, which will be completed in spring 1997, will use 135,000 square feet of Milbank granite. That is about as much granite as you would need to construct an 80-story building.

The memorial will depict 12 pivotal years in America's history through a series of four rooms, each devoted to one of FDR's four terms in office. The granite from my home State will form the walls of those rooms, into which will be carved President Roosevelt's own inspiring words. Among the bronze sculptures to inhabit the rooms will be a statue of Eleanor Roosevelt, a champion of women's rights, who had a profound effect on FDR and on this Nation.

Like Theodore Roosevelt before him, Franklin Roosevelt was always a little awe-struck by the stark beauty of the American West, and particularly South Dakota. In 1944, he suggested that the United Nations be located in the Black Hills of South Dakota so that world leaders might ponder the profound solitude and the magnificence of the Earth as they faced tough issues.

South Dakota is a land of awe-inspiring geological resources: the Black Hills, the Badlands, vast caves and glacial deposits, and of course, the 2½ billion-year-old Milbank granite.

Among the oldest rocks in the world, the South Dakota granite will produce a tribute of geological, almost infinite, duration to an extraordinary President who led this Nation through the depths of the Depression and the horrors of the Second World War to a far better place.

In 1936 when FDR came to Mount Rushmore to preside at the dedication of Jefferson's likeness, he said ''we can mediate and wonder what our descendants will think about us 10,000 years from now when they see this mountain.''

We in South Dakota are proud that future generations will gaze upon the rock of South Dakota when they reflect on the lasting contributions to American society of Franklin Delano Roosevelt.

It is especially appropriate that we honor President Roosevelt now.

There are people in Washington who truly hope and aspire to the great things that President Roosevelt had wanted and to which he dedicated his life. But the fundamental ideals in which President Roosevelt believed—fairness, genuine opportunity for all Americans—go beyond Democratic and

Republican politics. They go beyond the fights that we may have on the floor of the Senate as late as this afternoon. Those beliefs, those strong feelings about the directions this country should take, are every bit as enduring as the hard South Dakota granite. And, like that granite, they will endure long after we are gone.

## PRIORITIES AND DEFICIT REDUCTION

Mr. DASCHLE. Mr. President, relating to the debate that we began this morning, let me say that I hope we can renew our debate about priorities as we approach the last week of this particular session before the Easter recess.

It was a debate about priorities and a debate about the need for deficit reduction and a debate about how we get there.

An amendment that I offered today achieves exactly the same level of deficit reduction as the level proposed in the committee-reported rescissions bill, but it does so without damaging our children's educational and health care needs.

What the amendment was designed to do, without adding one penny to the deficit, in a way that was completely paid for, was to create a better balance between the requirements laid out in the original rescissions package and the objectives that we all have with regard to distributing the burden of deficit reduction fairly. On the list of priorities we say we all share, education is high. But certainly that was not reflected to the degree that it should be if, indeed, our priorities are as we say they are.

We all had hoped we could have a good debate this afternoon with regard to those priorities, with regard to our Nation's values, the values of families, but we were not given that opportunity, and for that I am very deeply disappointed.

The majority leader, as is his right, offered a second-degree amendment that really does not address this issue of education and the needs of working families. Obviously, there are many ways in which to continue to work at meaningful deficit reduction, but that really was not the sole purpose of the amendment on our side.

What we were attempting to say is that you can have good and constructive debate about how we ought to reduce the deficit, and that part of that debate ought to be about the values and the tremendous priorities that we have invested in in the past, with regard to education and children.

We wanted to call upon the Senate to reconsider how we treat working families with children. The response, unfortunately, that we received was a proposal to gut our amendment and have the bill pulled entirely.

I do not know what the other side may be afraid of here, but it seems to me that support for our amendment is very loud and very clear. The support, again announced on the west side of the Capitol this morning in very clear terms, was that we ought to recognize that we have priorities that stand not as mutually exclusive but clearly in tandem—meaningful deficit reduction at the same time we have meaningful investments in the priorities that this country ought to insist upon.

Since we stood up for working families of 1 million children, telephones have been ringing off the hook in the Senate offices across the Capitol. Our amendment is building support because it addresses the need to reduce the deficit at the same time it restores funds that are needed for working families.

If this amendment is not adopted, America's children will pay the price in terms of their education, their housing, their health care, and their child care. We need to invest in our future, and our amendment says going after children's programs first is wrong.

We also need to ensure that we properly fund the Federal Emergency Management Administration so that we meet emergency needs caused by recent natural disasters. Our amendment does that. It is also completely paid for. It restores the $1.3 billion simply by taking what is viewed as excessive funding for FEMA in the years beyond 1996 and dedicating that money, as it should be dedicated, to the investment in children.

The total rescission under this substitute is identical to the level in the pending Senate bill—$15.1 billion, including the money allocated to the Shelby amendment.

The substitute provides FEMA with exactly the same level of funding as the House bill—$5.36 billion.

If our colleagues dispute the level of funding in our amendment, they are also disputing the Republican leadership in the other body, because the figure is identical on both sides of the Capitol.

One million children should not be left out or ignored as we continue the duel on priorities that we have here—priorities that recognize their interests, future needs, and their interest in inheriting a country that is not as deficit-laden as it is today.

So we can do both. I hope that as we work through this rescissions bill, and certainly through the budget priorities we will be debating as we consider a budget resolution later on, we can recognize the need to do both in a meaningful and bipartisan way. That is what this amendment attempts to do. That is what I hope the Senate will do. That is what I hope we have the opportunity to do next week.

## WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 30, the Federal debt stood at $4,852,914,736,954.80. On a per capita basis, every man, woman, and child in America owes $18,421.75 as his or her share of that debt.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## 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–73. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

''HOUSE JOINT MEMORIAL NO. 1

''Whereas, the 1967 United States Supreme Court decision in the case of 'National Bellas Hess, Inc. v. Dept. of Revenue,' (386 U.S. 753 (1967)) denies states the authority to require the collection of sales and use taxes by out-of-state mail order firms that have no physical presence in the taxing state, even though they solicit and obtain significant sales there through the mail and common carriers; and

''Whereas, in its 1992 decision in 'Quill Corp. v. North Dakota,' (U.S.S.C. Doc. No. 91–194), the United States Supreme Court clearly indicated that the Congress of the United States can, consistent with the U.S. Constitution, enact legislation authorizing direct marketers to collect state and local use taxes; and

''Whereas, the inability of states like Idaho to require certain direct marketers and other businesses not physically present, but selling to their residents, to collect sales and use tax places many community businesses that support state and local governments at a substantial competitive disadvantage; and

''Whereas, restrictions on collecting such taxes result in a loss of billions of dollars nationally and millions of dollars in Idaho of legally due sales and use tax revenue; and

''Whereas, according to a recent report released by the Advisory Commission on Intergovernmental Relations, the revenue potential to all states from untaxed interstate mail order sales is projected to be $4.57 billion in 1994 and that the loss of tax revenue to the State of Idaho in the same report is estimated to be $13.4 million; and

''Whereas, organizations representing local retailers, state and local officials and public service recipient groups are working to achieve enactment of federal legislation that would authorize states to require direct marketers to collect state sales and use taxes; and

''Whereas, in the two decades since the 'National Bellas Hess' decision, improvements in communications technology and transportation distribution systems have changed the nature and extent of interstate sales and the recent and projected rapid

growth in interstate sales, through television, mail order, '800' telephone numbers and by other means of electronic communications indicates that, without corrective legislation, collection of sales and use taxes will become increasingly inequitable and unenforceable; and

''Whereas, there was introduced into the Senate of the United States a bill, S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would have allowed state and local jurisdictions to require out-of-state companies to collect sales or use taxes on tangible personal property sold to residents of the state or local jurisdictions if the company's national sales are not less than $3 million and sales into the state are not less than $100,000 and which includes other fair and reasonable safeguards for out-of-state companies: Now, therefore, be it

''*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we respectfully request Congress to enact legislation similar to S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would prevent this state's revenue loss and remove the competitive advantage now enjoyed by some out-of-state businesses, and be it further

''*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.''

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POM–74. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

''ENROLLED JOINT RESOLUTION NO. 2, SENATE

''Whereas, health reform is of vital concern to the nation as well as the state of Wyoming; and

''Whereas, although certain health reform issues are manageable at state and local levels, several health reform matters are more properly addressed at the federal level; and

''Whereas, the Wyoming Health Reform Commission has been appointed by the Governor of Wyoming to address health reform in Wyoming and to report recommendations to the Governor and the Wyoming Legislature regarding health care reform: Now, therefore, be it

''*Resolved by the members of the legislature of the State of Wyoming:*

''SECTION 1.

''1. That the Wyoming Legislature requests the United States Congress adopt legislation which:

''(a) Amends federal law with respect to treatment of flexible spending accounts for taxation purposes to allow accumulation of account funds beyond one (1) year and to allow individual account ownership upon termination of employment;

''(b) Allows individuals to establish medical and educational savings accounts;

''(c) Amends federal law to allow full deduction of medical insurance premium payments by sole proprietors, partnerships and individuals for federal income tax purposes;

''(d) Clarifies the tax implications of accelerated death benefits offered under life insurance policies so that the benefits are not taxable;

''(e) Eliminates limitations imposed upon preexisting conditions for individuals changing employment, location or insurance carrier;

''(f) Amends the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. 1144, to allow states attempting to reform the insurance marketplace to influence, regulate, tax and improve self-insurance plans covered under this federal law;

''(g) Allows the federal Health Care Financing Administration to reimburse medical assistance facilities (limited service rural hospitals) in states beyond Montana;

''(h) Reforms antitrust restrictions on the formation of collaborative partnerships for the availability of health care services in Wyoming;

''(j) Simplifies eligibility requirements under national welfare programs, particularly Medicaid benefits.

''SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.''

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POM–75. A resolution adopted by the Board of Commissioners of Todd County, Minnesota relative to unfunded federal mandates; to the Committee on Governmental Affairs.

POM–76. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Governmental Affairs.

''HOUSE CONCURRENT RESOLUTION NO. 7

''Whereas, we, the Citizens of the Idaho State, find the Tenth Amendment to the Constitution of the United States reads as follows:

'' 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

''Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the States specifically to be an agent of the State; and

''Whereas, many federal mandates directly violate the Tenth Amendment to the Constitution of the United States; and

''Whereas, the United States Supreme Court has ruled in *New York vs. United States,* 112 S. Ct 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States; and

''Whereas, New York, the eleventh nation-state to join the Union on July 25, 1788 said:

'' 'That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness . . .'; and

''Whereas, Idaho was admitted to the Union under equal footing with the original States; and

''Whereas, a number of proposals from previous administrations and Congress may further violate the United States Constitution; and

''Whereas, the fiscal waste, excesses and irresponsibilities of past and present federal legislation have caused the economic decline and hardship to thousands of Idaho Citizens and have permanently indentured our children and their descendants without their consent; and

''Whereas, in recent decades the federal agent has attempted, and largely succeeded, in reversing roles with its Principal, the States, telling them what they can and cannot do, and threatening to withhold ''federal moneys'' from States which do not comply with federal laws and regulations, and usurping undelegated powers from the States and the people until now the people fear, rather than respect and revere their own government and are burdened with taxes some 57 times greater than those imposed upon our Founding Fathers by Great Britain: Now, therefore, be it

''*Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein:*

''(1) That Idaho State and its Citizens hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated in and granted to the federal government by the United States Constitution.

''(2) That this Resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that exceed the scope of its constitutionality delegated powers.

''(3) That should the federal bureaucracy and the Congress or any department or agency of the federal government fail to comply with the aforementioned order, the Attorney General of the State of Idaho is authorized and directed to take appropriate legal action to assure that the State of Idaho's legal rights not be infringed under the Tenth Amendment to the Constitution of the United States; and be it further

''*Resolved,* That the Chief Clerk of the House of Representatives be, and she is hereby authorized to send copies of this Resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate in Congress of the United States assembled, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the presiding officers of each state's Legislature and to the Governors of the fifty states.''

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POM–77. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Governmental Affairs.

''SENATE JOINT RESOLUTION NO. 3

''Whereas, the 10th amendment to the Constitution of the United States reads: 'The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people'; and

''Whereas, the scope of power defined by the 10th amendment means that the federal government was created by the people to be their agent; and

''Whereas, today, in 1995, the states are demonstrably treated as agents of the federal government; and

''Whereas, many federal mandates are directly in violation of the 10th amendment; and

''Whereas, the United States Supreme Court has ruled in *New York v. United States,* 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

''Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States: Now, therefore, be it

''*Resolved by the senate and the house of representatives of the State of Montana:*

''(1) That the State of Montana claim sovereignty under the 10th amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

''(2) That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers.

''(3) That this resolution serve as notice and demand to the federal government to review existing mandates that usurp state sovereignty and to repeal those mandates; and be it further

''*Resolved,* That the Secretary of State send copies of this resolution to:

''(1) the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Montana's Congressional Delegation; and

''(2) the presiding officer of the Nebraska Legislature and the Speakers of the House and the President of the Senate of each other state.''

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POM–78. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

''SENATE JOINT RESOLUTION NO. 405

''Whereas, the highly publicized financial problems of the District of Columbia culminated in a February 21, 1995, federal agency report that declared the District government 'insolvent'; and

''Whereas, the General Accounting Office report bluntly stated that the District 'does not have the cash to pay all of its bills' and that 'the District has cash now only because [it] is not paying hundreds of millions in bills'; and

''Whereas, the amount of the District of Columbia's budgetary shortfall remains disputed, with some estimates exceeding $700 million, but the fact of a budget crisis of massive proportions remains clear; and

''Whereas, Congressional hearings on February 22, 1995, should clarify both the scale of the problems and the proposed solutions; and

''Whereas, the District of Columbia's financial crisis reverberates far beyond its borders, and the city's unique status as the capital of the United States and its close relationship with the surrounding localities in Maryland and Virginia create repercussions at regional, national, and even international levels; and

''Whereas, the economic stability of the Metropolitan Washington area relies to a great extent on the financial viability of the government of the District of Columbia; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That the General Assembly hereby memoralizes the Congress of the United States to move decisively and expeditiously to solve the urgent financial crisis affecting the District of Columbia; and, be it

''*Resolved further,* That the General Assembly urge the Congressional committees and subcommittees, including the subcommittee chaired by Representative Thomas M. Davis III of Virginia, to move with all deliberate speed to assist the government of the District in taking the steps necessary to resolve this crisis; and, be it

''*Resolved finally,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia.''

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POM–79. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

''SENATE JOINT RESOLUTION NO. 358

''Whereas, the 10th Amendment to the Constitution of the United States specifies that the 'powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

''Whereas, the founders of our Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

''Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations, and restrictions upon states and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

''Whereas, the United States Supreme Court recognized in *New York* v. *United States*, 112 S. Ct. 2408 (1992), that the constitutional limitations on federal power have continuing vitality, notwithstanding the general failure of the federal courts to afford remedies to the states and their citizens for violations of the 10th Amendment; and

''Whereas, in holding that the states generally must rely on political processes in Washington for their protection, the federal courts have permitted Congress and federal agencies to treat the states as though they are merely part of the regulated community, rather than as sovereign partners in a federal system of shared powers; and

''Whereas, federal mandates have imposed enormous costs on states and localities, draining away resources and preventing state governments from addressing pressing local needs such as education and law enforcement; and

''Whereas, facing a persistent budget deficit, the federal government has forced the burden of funding federal programs onto state and local governments, resulting in an excessive tax burden at the state and local levels; and

''Whereas, federal mandates and preemptive measures impose 'one size fits all' requirements that deprive state and local governments of the ability to set priorities, thereby diminishing their ability to allocate resources and tailor programs in the way best suited to meet local needs; and

''Whereas, states and localities are burdened not only by federal legislation, but also by mushrooming numbers of costly, complex, lengthy, and often incomprehensible regulations drafted by bureaucrats who are not accountable to the people; and

''Whereas, the exercise of increasing power by Congress, the federal courts, and the federal bureaucracy has diminished the ability of citizens to influence the course of their government and has produced an ever-widening gulf between citizens' demands for change and the ability of state and local officials to effect that change; and

''Whereas, experience has taught that the framers' design of a balanced federal system of shared powers and dual sovereignty can only be restored through federal constitutional changes that secure the rights and prerogatives of the states; and

''Whereas, proposals for structural change likely to be considered by the United States Congress and the Council of State Governments' proposed Conference of the States include constitutional amendments that would:

''1. Require a balanced federal budget;

''2. Prohibit the imposition of unfunded federal mandates;

''3. Require the federal courts to render enforceable decisions in cases or controversies arising under the 10th Amendment;

''4. Give a super-majority of the states the power to initiate constitutional amendments and repeal improper federal legislation, subject to veto by a super-majority of the United States Congress;

''5. Provide other safeguards against unwarranted federal intrusion into the affairs of the sovereign states and their local subdivisions; and

''Whereas, as a sovereign government under the Constitution of the United States, the Commonwealth of Virginia has not only the right but also the duty to defend the prerogatives of the people of Virginia against federal government excesses; and

''Whereas, the Commonwealth of Virginia currently is attempting to enforce the 10th Amendment rights of its citizens through appropriate litigation; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That Congress be urged to observe the principles of federalism as required by the 10th Amendment of the Constitution of the United States over all powers neither prohibited to the Commonwealth of Virginia nor enumerated and granted to the federal government by the Constitution of the United States; and, be it

''*Resolved further,* That this resolution serve as notice and demand to the federal government to cease and desist immediately the imposition and enforcement of mandates that are beyond the scope of its constitutionally delegated powers; and, be it

''*Resolved further,* That the General Assembly of Virginia endorse and support the efforts of the Governor and other representatives of the people of Virginia, including the members of the United States Congress, to secure adherence to and enforcement of the 10th Amendment rights of the Commonwealth of Virginia and its citizens and to secure structural changes at the federal level that will restore the states as full partners in a federal system of shared powers and dual sovereignty; and, be it

''*Resolved finally,* That the Clerk of he Senate transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly in this matter.''

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POM–80. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

''SENATE JOINT RESOLUTION NO. 320

''Whereas, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

''Whereas, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, has rekindled the controversy; and

''Whereas, the restriction on the power of the federal government, so simply and elegantly stated in the 10th Amendment, is the essence of the federalism envisioned by the framers of the Constitution; and

''Whereas, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

''Whereas, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That Congress be urged to

observe the 10th Amendment to the Constitution of the United States. The Commonwealth of Virginia hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution; and, be it

''*Resolved further,* That this resolution serve as the Commonwealth of Virginia's notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it

''*Resolved finally,* That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation, and the Attorney General of Virginia so that they may be apprised of the sense of the Virginia General Assembly.''

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POM–81. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Governmental Affairs.

''ENROLLED JOINT RESOLUTION NO. 1

''Whereas, the United States Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all nondelegated and nonprohibited powers to the states or to the people; and

''Whereas, over many years, the Federal Government has dramatically expanded the scope of its power and preempted state government authority and increasingly has treated states as administrative subdivisions or as special interest groups, rather than coequal partners; and

''Whereas, the Federal Government has generated massive deficits and continues to mandate programs that state and local governments must administer; and

''Whereas, the number of federal unfunded mandates has grown exponentially during the last thirty (30) years and has profoundly distorted state budgets, thereby handcuffing the ability of state leaders to provide appropriate and needed services to their constituencies; and

''Whereas, since 1990, the Federal Government has enacted at least forth-two (42) major statutes imposing burdensome and expensive regulations and requirements on states and local governments which is nearly equal to all those enacted in the prior two (2) decades combined; and

''Whereas, persistent, state-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal Government; and

''Whereas, the United States Supreme Court has repeatedly determined that the states must look to the Congress and related political remedies for protection against Federal encroachments on the reserved powers of the states; and

''Whereas, in recent years, states and local governments have been the principal agents of government reform, and with local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

''Whereas, the Council of State Governments has recognized a sense of urgency in calling for the Conference of the States, whereby each state government would send a delegation to develop a comprehensive action plan to restore balance in the Federal system; and

''Whereas, the Council of State Governments, with its regional structure and groupings of elected and appointed officials from all three (3) branches of state government, reflects an entity ideally suited to promote and facilitate such a conference; and

''Whereas, the Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for state governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the 21st century: Now, therefore, be it

''*Resolved by the members of the legislature of the State of Wyoming:*

''SECTION 1.

''(a) That a delegation of five (5) voting persons from the State of Wyoming shall be appointed to represent the State of Wyoming at a Conference of the States for the purposes described in subsection (b) of this section to be convened as provided in subsection (c) of this section. The delegation shall consist of the governor, or one (1) of the other four (4) statewide elected officials designated by the governor, and four (4) legislators, two (2) from each house selected by the presiding officer of that house. No more than two (2) of the four (4) legislators may be from the same political party. Each presiding officer may designate two (2) alternate legislator delegates, one (1) from each party, who have voting privileges in the absence of the primary delegates.

''(b) That the delegates of the Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire legislature.

''(c) That the Conference of the States shall be convened under the 501(c)3 auspices of the Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy (270) days after legislatures of at least twenty-six (26) states adopt this resolution without amendment.

''(d) That prior to the official convening of the Conference of the States the steering committee created by the Council of State Governments will draft:

''(i) The governance structure and procedural rules for the Conference;

''(ii) The process for receiving rebalancing proposals; and

''(iii) The financial and administrative functions of the Conference, including the Council of State Governments as fiscal agent.

''(e) That the bylaws for the Conference shall:

''(i) Conform to the provisions of this resolution;

''(ii) Specify that each state delegation shall have one (1) vote at the Conference; and

''(iii) Specify that the Conference agenda be limited to fundamental, structural and long-term reforms.

''(f) Upon the official convening of the Conference of the States, the state delegations will vote upon and approve the Conference governing structure, operating rules and bylaws.

''SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Council of State Governments, to the National Conference of State Legislatures and to the Wyoming Congressional Delegation.''

POM–82. A resolution adopted by Council of the City of Hastings, Nebraska relative to the flag; to the Committee on the Judiciary.

POM–83. A resolution adopted by Council of Juvenile and Family Court Judges, Nashville, Tennessee relative to the judiciary; to the Committee on the Judiciary.

POM–84. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

''SENATE JOINT RESOLUTION NO. 341

''Whereas, pursuant to Article 1, Section 8, and Article IV, Section 4 of the U.S. Constitution, the federal government has the sole authority to regulate immigration, to protect states from invasion, and to guarantee states a republican form of government; and

''Whereas, the President and Congress set the limits for the number of legal immigrants who each year enter this country to reside and also require the states to provide education, emergency medical care and incarceration for many undocumented immigrants with little or no reimbursement; and

''Whereas, while professing a moral obligation to reimburse the states for the costs which result from their immigration policy, Congress has continued to renege on its promise; and

''Whereas, many states, especially those with large concentrations of undocumented immigrants living within their borders, have made their complaints in the form of suits in federal courts to recover some of the costs which the states feel result from the failure of the federal government to enforce the nation's borders and provide adequate resources for immigration; and

''Whereas, the federal government has recently begun to review the issue through the creation of a national committee on immigration reform, whose final report is due in 1997, and by providing additional money for some programs, especially border control and reimbursement for the incarceration of convicted offenders; and

''Whereas, many states are being hard hit by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring,* That it is the sense of the General Assembly of Virginia that Congress should honor its obligations, both constitutional and legislative, and reimburse states for the cost of providing services to undocumented immigrants; and, be it

''*Resolved further,* That the Clerk of the Senate shall transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly.''

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POM–85. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

''HOUSE JOINT RESOLUTION NO. 658

''Whereas, each year this nation becomes more deeply in debt as its expenditures repeatedly exceed available revenues so that the total federal public debt now approaches $5 trillion and continues to increase; and

''Whereas, the federal budget fails to reflect actual spending because of the exclusion of special outlays which are neither included in the budget nor subject to the legal public debt limit; and

''Whereas, knowledgeable planning requires that the budget reflect all federal spending and that the budget be in balance; and

''Whereas, attempts to curtail federal spending, confine expenditures to available revenues, and reduce the annual deficit have met with only limited success; and

''Whereas, fiscal irresponsibility at the federal level, with the inflation that can result from this policy, is the greatest threat which faces our nation; and

''Whereas, the requirement to balance the budget and a presidential line-item veto are two measures which will promote responsibility at the federal level, provide checks against unnecessary and costly appropriations, and reinforce efforts to bring about fiscal integrity; and

''Whereas, the Constitution of this Commonwealth provides for both a balanced budget and gubernatorial line-item veto, and these provisions have reinforced the inherent fiscal common sense of spending only funds available and have contributed to the Commonwealth's outstanding reputation for sound fiscal management and policy; now, therefore, be it

''*Resolved by the House of Delegates, the Senate concurring*, That Congress be urged to hereby express its vigorous and continuing support for amendments to the Constitution of the United States to require a balanced budget and provide a line-item veto power for the President; and, be it

''*Resolved further*, That a copy of this resolution be sent to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and to each member of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly of Virginia.''

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POM–86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

''SENATE JOINT RESOLUTION NO. 279

''Whereas, all thirty-three amendments proposed to the United States Constitution since 1788, including the twenty-seven amendments adopted, have been initiated by the Congress; and

''Whereas, more than 400 petitions from the several states requesting a constitutional convention to propose amendments have been filed with Congress but have never resulted in the calling of a convention or adoption of an amendment; and

''Whereas, there should be a careful balance of national and state power in a federal system, and the present mechanisms for the amendment of the Constitution have proven to be incapable of affording the proper balance between the national and state governments in their abilities to propose amendments to the Constitution; and

''Whereas, the envisioned and desirable equipoise between national and state powers requires a means for the several states to be able to propose and adopt amendments to the Constitution; and

''Whereas, the Commonwealth, in 1990, joined with other states to propose an amendment to the United States Constitution to enable three-fourths of the states to amend the Constitution subject to congressional veto and, in 1995, confirms its support for that proposal, 1990 House Joint Resolution No. 140; and

''Whereas, it is proper that alternative proposals to address the issue of how best to restore the desired balance between the states and the national government should be considered; and

''Whereas, the agreement by three-fourths of the legislatures of the several states to the same proposed amendment within a seven-year span should provide assurance that a proposed amendment is the will of the people, and that agreement should result in the adoption of the proposed amendment without the necessity of action by the Congress; now, therefore, be it

''*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly of Virginia request the Congress of the United States to propose an amendment to Article V of the Constitution of the United States which provides for state-initiated amendments to the Constitution. The amendment provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence, as follows:

''ARTICLE V—AMENDMENT OF THE CONSTITUTION

''The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

''In addition, whenever the legislatures of three fourths of the several states shall propose and adopt an identical amendment to this Constitution, related to but one subject, that amendment shall be valid as a part of this Constitution, without any action being required by the Congress, upon receipt by the Clerk of the Supreme Court of certified copies of that amendment from states which represent three fourths of the several states; provided that the Clerk receives such certified copies within a seven-year period beginning on the date he receives the first certified copy of the proposed amendment; and provided that each state shall retain the power to rescind its action to propose and adopt the amendment until the expiration of the seven-year period or the date of receipt by the Clerk of certified copies of the same amendment from three-fourths of the several states whichever first occurs.

''Upon receipt from the first ten states of the identical proposed amendment, the Supreme Court shall within sixty days thereafter rule whether the amendment is, in fact, related to one subject only if the Supreme Court rules that the amendment is related to but one subject, or if the Supreme Court fails to rule on the issue within the sixty days, the amendment shall be conclusively presumed to meet the one-subject standard. If the Supreme Court rules that the amendment fails to meet the one-subject standard, the proposed amendment shall be invalid.

''However, no state, without its consent, shall be deprived of its equal suffrage in the Senate; and, be it

''*Resolved further*, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

''*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Archivist of the United States at the National Archives and Records Administration of the United States, the members of the Virginia delegation to the United States Congress, and the legislatures of each of the several states, attesting the adoption of this resolution.''

## 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. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

By Mr. BINGAMAN:

S. 658. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Energy and Natural Resources..

By Mr. FEINGOLD:

S. 659. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to replace the prohibition on higher State make allowances for the processing of milk with a requirement that the support purchase price for milk be reduced if a person collects a State make allowance that is higher than the Federal make allowance and the milk is purchased by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 98. A resolution relating to tax avoidance by certain American citizens; ordered to lie over, under the rule.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

THE PERSONS WITH DISABILITIES TRUSTS TAX RATE RESTORATION ACT

• Mr. DOMENICI. Mr. President, things aren't always as they seem—especially in the world of tax legislation. Included in the same section that raised the tax rates for higher income individuals were provisions increasing the tax rate for trusts with meager incomes as low as $1,500.

President Clinton campaigned that he wouldn't raise taxes on anyone earning less than $200,000, yet in the law the President signed in 1993, tax bracket increases begin for trusts that have income of $1,500.

This isn't really a tax on trusts. It is a tax on people who are mentally ill and people with disabilities. It is also a tax on education.

The legislation I am introducing today would repeal that tax increase.

Trusts, at first blush, are faceless entities associated with the idle rich. But the vast majority of trusts are long-

term financial planning tools for people with simple goals and very special needs.

Trusts are set up to save for college or to provide a living allowance for people with disabilities or mental illness. It is a way that parents can plan for the time when they have passed on. These are ''worthy purpose'' trusts that are taking a heavy tax hit under the 1993 law.

Increasing the tax rates on these faceless entities called trusts sounds appealing until we stop to realize that the money comes out of the living allowances of individuals with disabilities, or mental illnesses.

I have experienced personally the agony a family faces as they try to adequately plan and provide for the future comfort and financial management of the affairs of a person with a disability or mental illness. Parents of children with special needs feel an indescribable vulnerability and responsibility as they contemplate, ''How can we best provide for our child who has a disability or mental illness when we are gone?'' ''How can we insure that he/she will have an adequate living allowance?'' It is an inescapable worry that shouldn't be compounded by misguided and ever changing tax policy.

The problems are complex. It isn't just having enough money. Money isn't the issue. Taxes aren't the issue. It is a management and caring dilemma. Some loved ones who are mentally ill are not suited to have immediate access to the financial resources that their parents saved for their economic security. A trust is a mechanism to provide the financial resources that parents would provide if they were still alive.

These trusts are not set up because wealthy people are trying to avoid taxes. Most of the tax avoidance schemes were written out of the Tax Code in 1986 anyway. The type of trust I am talking about is set up to provide for a loved one. Our tax policy should encourage family responsibility. Only the family can be counted on to provide financial support.

This is a terrible deed that we did to raise the rates on these trusts. Some of these trusts were set up decades ago to provide an adequate living allowance. They are irrevocable trusts. Once they are set up they cannot be changed.

These trusts are vulnerable to interest rate fluctuations and other economic variables. It is wrong to also subject them to an ever increasing tax burden.

Parents and grandparents like to set up education trusts for their children and grandchildren. It teaches children to save. But under the current law, trust income is taxed much more steeply than in the past. In fact, these tax provisions really clobber these trusts, too.

Under the old law, taxable trusts for college or for the care and maintenance of a person who is disabled or suffers from a mental illness paid a top rate of 31 percent on taxable income of more than $11,250. That was quite steep.

But under current law, it became much, much worse. They pay 39.6 percent on income of more than $7,500.

This means that a very small trust under prior law with income of $2,750 would have paid $562 in Federal income taxes. Under the current law, the trust pays $862—a 53-percent increase.

The bill I am introducing today would repeal that 53-percent rate increase.

Under the new tax law, trusts would pay 31 percent on income between $3,500 and $5,500; 36 percent on income over $5,500 and 10 percent surcharge on income over $7,500 leading to a marginal rate of 39.6 percent.

For a country with a miserable savings rate, this is the wrong tax policy and the wrong message to our children about responsibility, savings and investment.

I would like to think the rate increase for these trusts was an unintended consequence of the tax law. Regardless, it is one provision that should be repealed.

I hope my colleagues will join me in cosponsoring this bill. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 657

*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 ''Persons With Disabilities Trusts Tax Rate Restoration Act''.

**SEC. 2. REPEAL OF 1993 RATE INCREASES ON TRUSTS FOR INDIVIDUALS WHO ARE DISABLED OR FOR COLLEGE EDUCATIONS.**

(a) IN GENERAL.—Section 1(e) of the Internal Revenue Code of 1986 (relating to tax imposed on estates and trusts) is amended to read as follows:

''(e) ESTATES AND TRUSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), there is hereby imposed on the taxable income of—

''(A) every estate, and

''(B) every trust,

taxable under this subsection a tax determined in accordance with the following table:

| "If taxable income is: | The tax is: |
|---|---|
| Not over $1,500 | 15% of taxable income. |
| Over $1,500 but not over $3,500. | $225, plus 28% of the excess over $1,500. |
| Over $3,500 but not over $5,500. | $785, plus 31% of the excess over $3,500. |
| Over $5,500 but not over $7,500. | $1,405, plus 36% of the excess over $5,500. |
| Over $7,500 | $2,125, plus 39.6% of the excess over $7,500. |

''(2) SPECIAL RULE FOR CERTAIN TRUSTS.—

''(A) IN GENERAL.—There is hereby imposed on the taxable income of an eligible trust taxable under this subsection a tax determined in accordance with the following table:

| "If taxable income is: | The tax is: |
|---|---|
| Not over $3,300 | 15% of taxable income. |
| Over $3,300 but not over $9,900. | $495, plus 28% of the excess over $3,300. |
| Over $9,900 | $2,343, plus 31% of the excess over $9,900. |

''(B) ELIGIBLE TRUST.—For purposes of subparagraph (A), the term 'eligible trust' means a trust which is established exclusively for the purpose of providing reasonable amounts for—

(i) the support and maintenance of 1 or more beneficiaries each of whom is an individual who is mentally ill or has a disability (within the meaning of section 3(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102(2)) at the time the trust is established,

(ii) the support and maintenance of 1 or more beneficiaries each of whom is under 21 years of age and whose custodial parent or parents are deceased, or

(iii) the payment of qualified higher education expenses (as defined in section 135(c)(2)) of the grantor's children or grandchildren.

A trust shall not fail to meet the requirements of this subparagraph merely because the corpus of the trust may revert to the grantor or a member of the grantor's family upon the death of the beneficiary.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.●

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By Mr. BINGAMAN:

S. 658. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

THE SANTA FE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

● Mr. BINGAMAN. Mr. President, today I am introducing legislation on behalf of myself and Senator DOMENICI to authorize the Forest Service to acquire land and easements adjacent to the Santa Fe National Forest in New Mexico. The purpose of this legislation is to preserve the Atalaya Mountain area, east of the city of Santa Fe, NM. The tracts of land in question comprise a portion of the eastern scenic backdrop of Santa Fe which provide the physical and visual edge of the city. They are logical additions to the Santa Fe Forest.

The expanded boundary will adjoin existing city-owned lands, and will connect with and contribute to the city's open space plan. This boundary adjustment will provide a more logical exterior boundary for the Santa Fe National Forest, thereby also facilitating management and administration of these Federal lands.

This property possesses outstanding scenic qualities that are presently enjoyed by the general public traveling in the vicinity. In addition, these lands are crossed by historic wood gathering trails, used by Santa Fe residents for over 300 years, and could provide permanently protected public access corridors.

Over the last several months, broad community concern has been expressed over the prospect of development of the west face of Atalaya Mountain. There is strong public support for preserving this property in an undeveloped state for public use and enjoyment. The purpose of this legislation is to protect Atalaya Mountain through acquisition of land and conservation easements by the Forest Service, thus returning the land to the public as open space. This

legislation specifically prohibits the Forest Service from selling this land and endangering it to development in the future. It is our intent that this legislation spur Forest Service acquisition and provide the extra protection that the mountain so richly deserves.

This effort represents a high level of cooperation and compromise among several parties—the current owners of the land in question, Santa Feans concerned about the preservation of open space, and local and Federal governments. I am pleased to support this effort through introduction of this legislation, which will ensure that Atalaya Mountain, one of Santa Fe's natural treasures, will be protected. Let me take this opportunity to thank my colleague, Senator DOMENICI, for his cosponsorship of this legislation. Congressman RICHARDSON has introduced companion legislation in the House of Representatives. It is my hope that we will be able to move swiftly to pass this legislation, and I urge my colleagues to support this bill.

Thank you, Mr. President. I ask that the full text of this legislation be printed in the RECORD.

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

S. 658

*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 ''Santa Fe National Forest Boudary Adjustment Act of 1995''.

**SEC. 2. BOUNDARY MODIFICATION.**

The boundary of the Santa Fe National Forest is modified and expanded as generally depicted on a map entitled ''Santa Fe National Boundary Expansion 1994'', dated July 19, 1994. The map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

**SEC. 3. ATALAYA PEAK EXCHANGES.**

(a) IN GENERAL.—The Secretary of the Interior may exchange public land and interests in land managed by the Director of the Bureau of Land Management for private land and interests in land depicted on the map described in section 2.

(b) WITHDRAWAL.—Upon the acquisition of land under subsection (a) by the Secretary of the Interior, and subject to valid existing rights, such land is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

**SEC. 4. EXCHANGE OF FEDERAL LANDS IN NEW MEXICO.**

(a) IDENTIFICATION OF LANDS.—In conjunction with the exchange of lands under section 3, the Secretary of Agriculture and the Secretary of the Interior shall identify federally owned lands and interests in land that are within the boundary of the Santa Fe National Forest on the date of enactment of this Act and are suitable for transfer to and administration by the Bureau of Land Management. The identification of National Forest System land available for transfer shall be made under criteria that are mutually agreeable to the Secretaries.

(b) LANDS ACQUIRED FOR THE BUREAU OF LAND MANAGEMENT.—

(1) TRANSFER BY SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior, acting through the Director of the Bureau of Land Management, lands and interests in land identified under subsection (a). The transfer shall be effective on publication in the Federal Register of notice of the transfer that identifies the lands and interests in land.

(2) BOUNDARY MODIFICATION.—The boundary of the Santa Fe National Forest shall be modified as of the date of notice under paragraph (1) to exclude lands and interests in land that are transferred to the Secretary of the Interior.

(3) MANAGEMENT.—Lands transferred under paragraph (1) shall be administered by the Director of the Bureau of Land Management as part of the public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))).

(c) LANDS ACQUIRED FOR THE FOREST SERVICE.—

(1) Addition to Sante Fe National Forest.—Lands and Interests in Land—

(A) acquired by the Secretary of the Interior under section 3; or

(B) acquired by the Secretary of Agriculture within the areas identified as ''potential acquisition'' on the map described in section 2,

shall, upon acquisition, be added to and administered as part of the Santa Fe National Forest in accordance with the laws relating to the National Forest System.

(2) MANAGEMENT.—The Secretary of Agriculture shall manage lands and interest in land described in paragraph (1) primarily to preserve open space and scenic values and to preclude development.

(3) AVAILABILITY OF CERTAIN FUNDS.—For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(a)(1)), the boundary of the Santa Fe National Forest, as modified under this Act, shall be treated as if it had been the boundary as of January 1, 1965.

**SEC. 5. SAVINGS PROVISION.**

(a) IN GENERAL.—Nothing in this Act shall affect the authority of the Secretary of Agriculture to acquire lands in New Mexico by purchase or exchange.

(b) MANAGEMENT.—Notwithstanding the Act of June 15, 1926 (16 U.S.C. 471a), all lands acquired before, on, or after the date of enactment of this Act by the exchange of National Forest lands shall be managed as a part of the National Forest System.

**SEC. 6. IMPLEMENTATION.**

The procedures used in carrying out the land transfers under this Act shall be the procedures agreed to between the Secretary of the Interior and the Secretary of Agriculture.●

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By Mr. FEINGOLD:

S. 659. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to replace the prohibition on higher State make-allowances for the processing of milk with a requirement that the support purchase price for milk be reduced if a person collects a State make-allowance that is higher than the Federal make-allowance and the milk is purchased by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ELIMINATION OF DOUBLE SUBSIDY TO DAIRY PROCESSORS

Mr. FEINGOLD. Mr. President, today I am introducing the legislation that will restore some fairness to the Dairy Price Support Program. Previous legislative and administrative attempts to correct the problem in the system have been unsuccessful. It is time to try a new approach.

Under the Dairy Price Support Program, USDA set Commodity Credit Corporation purchase prices for manufactured daily products in order to indirectly support the price of milk. Rather than requiring the processors to pay dairy producers the support price, the Dairy Price Support Program sets the support price for the individual manufactured products at levels sufficient to achieve plant returns that in turn, allow processors to pay farmers the specified support price. This requires a determination by USDA as to the appropriate plant margin. This margin is more commonly known as a ''make allowance. ''

Despite changes in the 1990 farm bill, some States in this country, are still able to set prices for milk used to make cheese, butter, and nonfat dry milk such that processing plants are guaranteed a higher profit margin—or make allowance—for their products than allowed under the dairy price support system. That allowance provides companies in those States with an artificial competitive advantage. At the same time, processors in those States sell significant amounts of surplus dairy products to the Federal Government.

The bill I am introducing today sends a clear message to those States—it says ''You can't have it both ways.''

While the specifics of this issue are complex, the fundamentals are clear and understandable. If States create pricing structures to give their milk processors a leg up, they cannot do so at taxpayers expense.

That is exactly what is happening in the State of California today. Because of the California State pricing system, cheese, butter, and dry milk processors are provided such a high make allowance that they can sell their products competitively on the east coast even with the high cost of transportation. Meanwhile, other States must abide by the manufacturing margin set by the Department of Agriculture.

Currently, the State of California provides their plants with a make allowance that is 57 cents per hundredweight higher than the national make allowance for cheese, and nearly 60 cents per hundredweight higher than the national make allowance for the processing of butter and milk powder.

California processors pay their dairy farmers less for the milk they need to make cheese, butter, and powder, and let farmers absorb the market risk, while taxpayers absorb the cost.

Meanwhile, processors elsewhere in the country who are playing by the

rules, paying at least Minnesota-Wisconsin base price or an associated minimum price for milk used in dry milk production, are forced to compete with California's products in the grocery store's dairy case. If we don't change this inequity, processors and dairy farmers outside of California will continue to lose.

The growth in the California dairy processing industry in the last 10 years has been dramatic—and it is due—at least in part—to the higher make allowance. The higher profitability of the plants drives the need to operate plants at capacity and build even more plants creating a demand for milk that spurs on the growth of milk production. The lack of risk for processors makes dairy manufacturing even more attractive to investors. As one might expect, Mr. President, the sales of surplus dairy product to the Federal Government from California have been dramatic as well.

Between 1990 and 1994 marketing years, one State—the State of California—sold 35 percent of all of the surplus butter purchased by the Federal Government and 42 percent of all the nonfat dry milk purchased by the Government.

Not only does the higher make allowance provide California dairy product manufacturers with an artificial competitive advantage in the market place, it encourages milk production and increases surpluses, driving down national milk prices to farmers.

Congress recognized the importance of this issue in the 1990 farm bill when we prohibited any State from having a higher make allowance than the Federal make allowance. Five years later, the law has not been implemented. The Secretary's attempt to implement the law has already been the subject of seven lawsuits. Complaints about the Department's proposed rule have at the same time charged the rule will have no impact whatsoever or be wholly devastating on both the California processing industry and the national dairy industry. Well, Mr. President, I doubt that both could simultaneously be true, but it is hard to know which will be the final outcome.

It is time to restore some reason to this drawn out administrative process. My bill does that. It simplifies the law by removing the overall prohibition on States having higher make allowances. It eliminates the existing statutory requirements for penalties and it removes the burden from the producer to bring a complaint against his processor to USDA.

My bill simply requires the Commodity Credit Corporation to reduce the price it pays to any plant or person selling surplus dairy products to the Government operating in a state with a pricing system that provides a higher make allowance, by an amount that is equal to the difference between the State and Federal make allowance. Regardless of the point of sale of the dairy products, if they were produced by a plant in a state with a higher make allowance, the CCC purchase price must be reduced.

This bill also explicitly includes cooperatives which have been exempted from the proposed USDA rules. Since dairy cooperatives market most of the milk in California, it is essential that they be compelled to comply with the requirements of this bill.

This bill is based upon a proposal by the Lakeshore Federated Dairy Cooperative in Wisconsin and their member-producers who are fed up with USDA's inability to implement current law, the artificial competitive disadvantages they face in the dairy case, and the bald-faced abuse of the dairy price support system that has gone unfettered for the last 15 years.

The appeal of this approach is obvious. It allows an individual State to have its own pricing structures, but forces them to play by the rules of the Federal dairy price support program if they wish to take advantage of it. States should not be allowed to increase the cost of the dairy price support program to taxpayers and depress national prices to other producers in the process, while providing their own dairy industry with an additional processing subsidy.

The legislation I am proposing not only makes more sense than the current proposal, it also saves money. It has less of an impact on California producer prices and will not lead to significant increases in milk production. In fact, preliminary CBO estimates indicate that this legislation, if enacted, would save upwards of $40 million over 5 years.

I think this is a solid compromise to a long-standing problem that will persist if Congress fails to act. I encourage my colleagues to support this legislation.

I ask unanimous consent that a letter from the Lakeshore Federated Dairy Cooperative be included in the RECORD, and that the text of the bill also be printed in the RECORD.

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

S. 659

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

**SECTION 1. MILK MANUFACTURING MARKETING ADJUSTMENT.**

Subsections (a) and (b) of section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e–1) are amended to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL MAKE ALLOWANCE.—The term 'Federal make allowance' means the allowance for the processing of milk that is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese.

''(2) PERSON.—The term 'person' includes a cooperative.

''(3) STATE MAKE ALLOWANCE.—The term 'State make allowance' means the allowance for the processing of milk that is permitted by a State for manufacturing butter, nonfat dry milk, or cheese.

''(b) MILK MANUFACTURING MARKETING ADJUSTMENT.—Notwithstanding any other provision of law, if a person collects a State make allowance that is higher than the Federal make allowance and the milk or product of milk that is subject to the allowance is purchased by the Commodity Credit Corporation, regardless of the point of sale, the Corporation shall reduce the support purchase price for the milk and each product of the milk by an amount that is equal to the difference between the State make allowance and the Federal make allowance for the milk and product, as determined by the Secretary of Agriculture.''.

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LAKESHORE FEDERATED
DAIRY COOPERATIVE,
*Rockford, IL, March 31, 1995.*

Hon. RUSS FEINGOLD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR FEINGOLD: Lakeshore Federated Dairy Cooperative supports your adjustments to ''Milk Manufacturing Marketing Adjustment'' in your proposed legislation.

The major impact of implementing the ''Milk Manufacturing Marketing Adjustment'' would be on cheese sales to the Commodity Credit Cooperation. The current California make allowance for cheese per hundredweight is $1.94. This compares to the $1.37 per hundredweight used by the CCC in calculating the block cheddar cheese purchase price. This section will eliminate a $0.57 make allowance advantage California has over cheese manufacturing plants in 42 other states.

California's Class 4b make allowance has resulted in the cost of milk to California cheesemakers to fall below the M-W price, which represents the minimum cost of milk to cheesemakers regulated under federal orders in 42 states. This allows California cheese plants to produce cheese at a lower raw milk cost than plants in most other states, because of a government loop-hole.

California has had this windfall for the past 10 years and is using politics and the court system to delay any new regulations.

The dairy industry in California had an opportunity to take care of the California make allowance provision that had come to the attention of the U.S. Congress and USDA in February 1992. California chose to ignore the U.S. Congress and Section 102 of the 1990 Farm Bill. They chose to add 70 cents per cwt. on milk used in Class I and Class II as a surcharge, through an emergency price relief bill passed in 1991.

This price relief bill allowed the California department of Food and Agriculture to increase the cost of milk utilized in Class I and Class II and the fluid milk consumers subsidized the California milk producer and continued to allow a high make allowance to the milk manufacturing industry. This emergency price relief bill was just another California State milk pricing scheme to allow the California milk manufacturing industry to continue to use high state ''make allowance.''

Congress recognized this make allowance issue in the 1990 Farm Bill and instructed USDA to correct the problem. USDA failed to honor the request, as they have done prior to the 1990 Farm Bill. Our cooperative filed briefs with Secretary of Agriculture, Mike Espy, in 1994 on the make allowance issue and as of today, nothing has been done.

The California Department of Food and Agriculture has denied a petition to hold hearings on whether the state's Class 4–A and 4–B milk pricing formulas should be replaced with the Minnesota-Wisconsin price within the past month. There is no doubt

that the California dairy industry has no respect for the U.S. Congress or USDA's internal politics. They had a chance to correct the make allowance inequity this past month and thumbed their nose at the rest of the United States.

Lakeshore Federated Dairy Cooperative is made up of three Capper-Volstead Cooperatives: Manitowoc Milk Producers Cooperative, Milwaukee Cooperative Milk Producers, Brookfield, WI, and Mid-West Dairymens Co., Rockford, IL. The combined membership of the three cooperatives includes 6,200 farm families located in Wisconsin, Illinois, Michigan, Minnesota and Iowa.

The cost to administrate this new section in the 1995 Farm Bill is zero. The CCC will make a calculation once for the States with milk pricing schemes and use the same reduction on the price per pound of products purchased by the CCC. This price per pound reduction will also reduce spending by USDA.

Members of our cooperatives feel there is little downside to your proposed legislation. There have been scenarios as to the shift of milk from cheese to NFDM production or the shift of milk from NFDM production to cheese production. These are unpublished studies with questionable assumptions and conclusions.

We would like to thank you and your staff for supporting this make allowance issue. If our cooperatives can be of any assistance to you, please let us know.

Sincerely,

DENNIS DONOHUE,
*Manitowoc Milk Producers Cooperative.*
JAMES BIRD,
*Milwaukee Cooperative Milk Producers.*
JOHN TREI,
*Mid-West Dairymens Company.*

## ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 252

At the request of Mr. LOTT, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 254

At the request of Mr. LOTT, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 256

At the request of Mr. BRADLEY, his name was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

SENATE RESOLUTION 83

At the request of Mr. FEINGOLD, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 83, a resolution expressing the sense of the Senate regarding tax cuts during the 104th Congress.

AMENDMENT NO. 430

At the request of Mr. MCCONNELL his name was added as a cosponsor of amendment No. 430 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

## SENATE RESOLUTION 98—RELATING TO TAX AVOIDANCE BY CERTAIN AMERICAN CITIZENS

Mr. KENNEDY submitted the following resolution; ordered to lie over, under the rule:

S. RES. 98

*Resolved*, it is the sense of the Senate that—

(1) the Congress of the United States should act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by United States citizens who relinquish their United States citizenship; and

(2) The effective date of such amendment to the Internal Revenue Code should be February 6, 1995.

## AMENDMENTS SUBMITTED

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

### EXON AMENDMENT NO. 442

(Ordered to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the pending substitute amendment add the following:

**SEC. . LIMITATION ON FUNDING OF ABORTIONS.**

None of the funds appropriated under Public Laws 103–112 and 103–333 shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under such Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest: *Provided*, That, effective October 1, 1993, and notwithstanding any other law, each State is and remains free not to fund abortions to the extent that the State in its sole discretion deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term.

### PRESSLER AMENDMENT NO. 443

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Beginning on page 41, line 21, strike "*Provided*" and all that follows through page 42, line 3, and insert a period.

### PRESSLER (AND OTHERS) AMENDMENT NO. 444

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. D'AMATO, and Mr. WARNER) submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 33, strike lines 1 through 5.

On page 12, line 25, strike "$5,000,000" and insert "$21,293,000".

### DASCHLE (AND OTHERS) AMENDMENT NO. 445

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DORGAN, Mr. HARKIN, Mr. CAMPBELL, and Mr. KOHL) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In the pending amendment strike all after the first word and insert the following:

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

**TITLE I—SUPPLEMENTALS AND RESCISSIONS**

CHAPTER I

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

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at

the end, the following: '': *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting ''$85,500,000'' and by inserting ''$110,000,000''. The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

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

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

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

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

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

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

## CHAPTER II

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

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

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

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

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

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

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

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

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

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided,* That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,406,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $372,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,400,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $2,200,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $1,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000.

Arkansas:

Little Rock, Courthouse, $13,816,000.

Arizona:

Bullhead City, FAA grant, $2,200,000.

Lukeville, commercial lot expansion, $1,219,000.

Nogales, Border Patrol, headquarters, $2,998,000.

Phoenix, U.S. Federal building, Courthouse, $121,890,000.

San Luis, primary lane expansion and administrative office space, $3,496,000.

Sierra Vista, U.S. Magistrate's office, $1,000,000.

Tucson, Federal building, U.S. Courthouse, $121,890,000.

California:

Menlo Park, United States Geological Survey office, laboratory building, $6,868,000.

Sacramento, Federal building, U.S. Courthouse, $142,902,000.

San Diego, Federal building, U.S. Courthouse, $3,379,000.

San Francisco, lease purchase, $9,702,000.

San Francisco, U.S. Courthouse, $4,378,000.

San Francisco, U.S. Court of Appeals annex, $9,003,000.

San Pedro, Customhouse, $4,887,000.

Colorado:

Denver, Federal building, U.S. Courthouse, $8,006,000.

District of Columbia:

Central and West heating plants, $5,000,000.

Corps of Engineers, headquarters, $37,618,000.

General Services Administration, Southeast Federal Center, headquarters, $25,000,000.

United States Secret Service, headquarters, $113,084,000.

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000.

Jacksonville, U.S. Courthouse, $10,633,000.

Tampa, U.S. Courthouse, $14,998,000.

Georgia:

Albany, U.S. Courthouse, $12,101,000.

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000.

Atlanta, Centers for Disease Control, $14,110,000.

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000.

Savannah, U.S. Courthouse annex, $3,000,000.

Hawaii:

Hilo, Federal facilities consolidation, $12,000,000.

Illinois:

Chicago, SSA DO, $2,167,000.

Chicago, Federal Center, $47,682,000.

Chicago, Dirksen building, $1,200,000.

Chicago, J.C. Kluczynski building, $13,414,000.

Indiana:

Hammond, Federal building, U.S. Courthouse, $52,272,000.

Jeffersonville, Federal Center, $13,522,000.
Kentucky:
Covington, U.S. Courthouse, $2,914,000.
London, U.S. Courthouse, $1,523,000.
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000.
Maryland:
Avondale, DeLaSalle building, $16,671,000.
Bowie, Bureau of Census, $27,877,000.
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000.
Woodlawn, SSA building, $17,292,000.
Massachusetts:
Boston, U.S. Courthouse, $4,076,000.
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000.
Kansas City, U.S. Courthouse, $100,721,000.
Nebraska:
Omaha, Federal building, U.S. Courthouse, $9,291,000.
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000.
Reno, Federal building, U.S. Courthouse, $1,465,000.
New Hampshire:
Concord, Federal building, U.S. Courthouse, $3,519,000.
New Jersey:
Newark, parking facility, $9,000,000.
Trenton, Clarkson Courthouse, $14,107,000.
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000.
Santa Teresa, Border Station, $4,004,000.
New York:
Brooklyn, U.S. Courthouse, $43,717,000.
Holtsville, IRS Center, $19,183,000.
Long Island, U.S. Courthouse, $27,198,000.
North Dakota:
Fargo, Federal building, U.S. Courthouse, $20,105,000.
Pembina, Border Station, $93,000.
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000.
Cleveland, U.S. Courthouse, $28,246,000.
Steubenville, U.S. Courthouse, $2,820,000.
Youngstown, Federal building, U.S. Courthouse, $4,574,000.
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000.
Oregon:
Portland, U.S. Courthouse, $5,000,000.
Pennsylvania:
Philadelphia, Byrne-Green Federal building, Courthouse, $30,628,000.
Philadelphia, Nix Federal building, Courthouse, $13,814,000.
Philadelphia, Veterans' Administration, $1,276,000.
Scranton, Federal building, U.S. Courthouse, $9,969,000.
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000.
South Carolina:
Columbia, U.S. Courthouse annex, $592,000.
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000.
Texas:
Austin, Veterans' Administration annex, $1,028,000.
Brownsville, U.S. Courthouse, $4,339,000.
Corpus Christi, U.S. Courthouse, $6,446,000.
Laredo, Federal building, U.S. Courthouse, $5,986,000.
Lubbock, Federal building, U.S. Courthouse, $12,167,000.
Ysleta, site acquisition and construction, $1,727,000.
United States Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000.
Virginia:
Richmond, Courthouse annex, $12,509,000.
Washington:
Blaine, Border Station, $4,472,000.
Point Roberts, Border Station, $698,000.
Seattle, U.S. Courthouse, $10,949,000.
Walla Walla, Corps of Engineers building, $2,800,000.
West Virginia:
Beckley, Federal building, U.S. Courthouse, $33,097,000.
Martinsburg, IRS Center, $4,494,000.
Wheeling, Federal building, U.S. Courthouse, $35,829,000.
Nationwide chlorofluorocarbons program, $12,300,000.
Nationwide energy program, $15,300,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

## CHAPTER XI

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

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,460,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $351,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; and except that such rescission should not apply to $100,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement ''mixed population'' plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading ''Assistance for the renewal of expiring section 8 subsidy contracts'' are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized

for such renewals; $335,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

## INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $88,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under ''Research and Development'' in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

**TITLE II—GENERAL PROVISIONS**

**SEC. 2001. TIMBER SALES.**

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term ''salvage timber sale''—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign

all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

''(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.''.

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, ''An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS

SEC. 2010. Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS

SEC. 2011. (a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

**TITLE III—DEFICIT REDUCTION**

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 3001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 3002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

**TITLE IV—IMPACT OF LEGISLATION ON CHILDREN**

SENSE OF CONGRESS

SEC. 4001. It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995''.

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## ASHCROFT (AND OTHERS) AMENDMENT NO. 446

Mr. DOLE (for Mr. ASHCROFT, for himself, Mr. KYL, Mr. SANTORUM, Mr. ABRAHAM, Mr. GREGG, and Mr. NICKLES) proposed an amendment to amend No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

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

**TITLE I—SUPPLEMENTALS AND RESCISSIONS**

CHAPTER I

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

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from ''Nutrition initiatives'', Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7

U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS

PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting ''$85,500,000'' and by inserting ''$110,000,000''. The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

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

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

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

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

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

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $35,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

GENERAL PROVISIONS

**SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.**

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

## CHAPTER II

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

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

Of the funds made available under this heading by Public Law 103–317, $98,000,000 are rescinded.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

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

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

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

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

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

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

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $447,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

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

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 are rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

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

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BAORD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $191,600,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public

Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,0202,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $110,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per

active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

**SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.**

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

## CHAPTER VI

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

### DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $475,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to 2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded,

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

### DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII,

$20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000 title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $7,900,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUNDS)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $403,590,000 of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided,* That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

MISCELLANEOUS APPROPRIATIONS

Of the amounts appropriated under this heading in Public Law 103–211, $36,900,000 are rescinded.

MISCELLANEOUS HIGHWAY TRUST FUNDS

Of the amounts appropriated under this heading in Public Law 103–211, $6,800,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

TAX LAW ENFORCEMENT

Of the $4,385,459,000 made available under this heading in Public Law 103–329, $100,000,000 are rescinded. The Internal Revenue Service shall not hire any additional revenue officers in fiscal year 1995 and any additional revenue officers that have been hired in fiscal year 1995 shall be redeployed as call site collectors. The examination and inspection activities of the Secretary of the Treasury conducted pursuant to the provisions of the Internal Revenue Code of 1986 shall be maintained at not less than the level of such activities for fiscal year 1994.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $121,890,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Couthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle Building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal Building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlottee Amalie, St. Thomas, U.S. Court-house, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

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

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement ''mixed population'' plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading ''Assistance for the renewal of expiring section 8 subsidy contracts'' are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NETHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end of the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $416,110,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000, are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,514,646,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under ''Research and Development'' in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available under September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

**TITLE II—GENERAL PROVISIONS**

**SEC. 2001. TIMBER SALES.**

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term ''salvage timber sale''—

(A) means a timber sale for which an important reason for entry includes the removal of disease—or insect-infected trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act) the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workerforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

''(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.''.

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, ''An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.''.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state

chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995''.

**SEC. 2010. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.**

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under sections 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

**SEC. 2011. FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES**

(RESCISSION)

Of the funds available to the agencies of the Federal Government, $104,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office, including the Office of the President.

**TITLE III—IMPACT OF LEGISLATION ON CHILDREN**

**SEC. 3001. SENSE OF CONGRESS.**

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

**TITLE IV—DEFICIT REDUCTION**

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, March 31, at 9:30 a.m., in SR–332, to discuss agricultural credit in the new century.

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

## ADDITIONAL STATEMENTS

## INDEPENDENCE DAY FOR SOCIAL SECURITY

• Mr. MOYNIHAN. Mr. President, today is a day of independence. Today, the Social Security Administration becomes an independent agency of the U.S. Government. This is an event of historic importance for Social Security and for the Nation.

We have increased the stature of the Social Security Administration, strengthened its leadership, and established a bipartisan advisory board. I am proud to have sponsored the legislation, the Social Security Administration Reform Act of 1994, that brought about these changes, for they were sorely needed. Public confidence in the Social Security system has declined to the point where a recent survey of 18- to 34-year-olds revealed that 46 percent of respondents believed in UFO's, while only 28 percent believed their Social Security will be there when they retire.

Mr. President, there is no greater authority on Social Security in the Nation's Capital, or indeed anywhere in the United States, than my distinguished friend Robert J. Myers. Bob Myers came to Washington in 1934 and was quite literally present at the creation of Social Security. He served as Chief Actuary of the Social Security Administration from 1947 to 1970, and as Deputy Commissioner from 1981 to 1982, after which he became Executive Director of the National Commission on Social Security Reform. Bob Myers is a familiar figure to members of the Committee on Finance, where he is a frequent witness on Social Security matters, and he is well known to many other Members of the Senate and House of Representatives. When it comes to Social Security, he is an institution unto himself. And so when an expert of Bob Myers' vast knowledge and experience speaks out on this subject, we had all better listen closely.

I invoke Robert Myers on this day—Social Security independence day—because he has just written an outstanding commentary in response to a recent Time magazine article entitled ''The Case for Killing Social Security.'' The cover of the March 20 issue of Time depicts a Social Security card torn into pieces. The lengthy Time article argues that in the next two decades, Social Security will ''be lurching into its final crisis.''

Well, Mr. President, the ''case for killing Social Security'' is weak indeed, and Bob Myers has demonstrated this as only he can. His paper makes clear that, far from being close to demise, the Social Security system will remain solvent with only minor adjustments. Yes, reasonable, measured changes will need to be made in order to assure solvency over the long term. But Congress and various administrations have never shirked from this bipartisan responsibility in the past, and we will not do so in the future. Social Security is not at risk, and we need to say so—as Bob Myers has done with great clarity.

Mr. President, I ask that the text of the commentary by Robert J. Myers be printed in the RECORD.

The commentary follows:

COMMENTARY ON TIME MAGAZINE'S COVER STORY ON THE SOCIAL SECURITY PROGRAM

(By Robert J. Myers)

The cover of Time, the Weekly Newsmagazine, for March 20 was captioned ''The Case for Killing Social Security.'' The contents featured a nine-page article going into detail as to why the program should be drastically changed, even eliminated, by moving to an entirely different system based on individual savings accounts. Unfortunately, the article involves many half truths, errors, and omissions of pertinent facts and is not well balanced.

The general thrust of this article is well shown by its introductory sentence—''You know a government program is in trouble when it's less credible than a flying saucer.'' The basis of this remark is from the results of an opinion survey of persons aged 18–34 made by the Third Millennium. This showed that 46% of the respondents believed that UFO's exist, while only 28% thought that Social Security will still exist by the time that they retire.

A very knowledgeable senator has made the comment about this so-called analysis of the financial sovlevency of the Social Security program that those who believe in the existence of UFO's are ''dopey''. Accordingly, their views on such a complex matter as the long-range viability of the Social Security program cannot be taken too seriously. Or their views as to UFO's may be considered as an attempt to be funny—under the theory ''ask a silly question, expect a silly answer.''

The article then states that, in about 20 years, Social Security ''will be lurching into its final crisis'' and will ''collapse altogether''. It immediately contradicts this ''certainty'' by saying that this can be avoided by benefit reductions or tax increases, although asserting that these would have to be ''stunning'' and ''huge''. The article fails to recognize that the program is not—and has not, in the past, been—unchangeable. Further, such changes (which, admittedly, are very likely needed) do not involve great

shifts at one time, but rather deferred and gradual small ones. The Social Security program is not—and was never intended to be—one that is of an unchangeable, contractual nature. Rather, it can be—and has been—adjusted from time to time to reflect changing demographic, economic, and social conditions.

Next, the article asserts that, beginning now, some retirees are getting a ''bad deal'', because the value of their benefits (taking into account interest) will be less than ''the sum of their lifetime contributions, plus interest.'' And, further, it is stated that this deplorable situation will get much worse as time goes by.

Unfairly, it is not pointed out that by ''contributions'' is meant both the employer and employee contributions. Economists will generally say that employees really pay the employer contribution, because it is part of total remuneration. I assert that, while this may be true in the aggregate, it is not necessarily the case on an individual-by-individual basis. Many private employee benefit plans (such as defined-benefit pension plans and health benefits plans) do not give each employee benefit protection financed by the employer that has a cost as a percentage of salary which is the same for all employees. For example, health benefits plans have a higher value relative to salary for low earners than for high earners, because for persons of a given age and family composition, the value of the benefits in the dollars is the same.

Even more importantly, Social Security is not—and never was intended to be—a system involving complete individual equity, under which each participant would get exactly his or her money's-worth in benefit protection, no more and no less. Rather, it is intended to contain elements of both social adequacy and individual equity.

Under the social adequacy principle, relatively large benefits in relation to contributions are paid to several categories: participants who were beyond the normal entry age into the labor market when they were first covered (a common practice in private pension plans); lower-paid workers; and workers with dependents. The individual-equity principle is present in that, for a particular category of workers, the larger the earnings on which contributions are paid, the larger will be the benefit amount, even though not proportionately so.

The money's-worth situation under Social Security is far less extreme than is the situation for school taxes. Such taxes are paid, directly or indirectly, without regard to whether the payer has children currently, or has had children, or will have children. Moreover, the amount of the taxes bears no relationship to the possible ''benefit'' protection.

Following this incomplete, even inaccurate, money's-worth discussion, the article goes on to state that, ''almost unanimously'', scholars and policy analysts believe that the Social Security program is doomed and is ''ripe for retirement'' now. This unsupported statement is outrageous! Scores of scholars and policy analysts (including those persons who have a good knowledge of the structure and history of the Social Security program) do not hold this view, and only a handful of persons who are qualified by their knowledge and experience would support it. I am confident that, if a survey on this matter were made among actuaries (who are the ''social engineers'' in the general pension area), no such ''doomsday view'' would be overwhelmingly held, or even supported by many.

These ''experts'' whom the article has found proclaim that the present Social Security program should be replaced by a two-tier system—a public-assistance needs-tested safety net under a mandatory private savings plan involving complete individual equity. Ignored in this proposal are several important matters. One is the huge general-revenues cost of the safety net, whose costs would have to be met indirectly by the higher-paid persons, who would think only that they are getting their money's-worth from the mandatory savings plan. Further, there would be great disincentives for saving by lower-income (and even middle-income) persons, because they would get little more by doing so than they would by utilizing the safety net only. And, still further, fraud and abuse would abound as persons would be tempted to hide income or transfer assets to their children and receive the income back ''under the table.''

Moreover, the proposed ''simple solution'' fails to recognize the problem of providing adequate disability and survivor benefits for persons who have such an event occur at the young or middle ages. In such cases, the mandatory savings will not have built up to a high level and thus will not ''purchase'' adequate benefits.

Next, the article proclaims that the Social Security trust fund (another display of ignorance because there are two trust funds—one for retirement and survivor benefits and the other for disability benefits) is an ''empty cookie jar,'' because ''the Treasury has already raided it for hundreds of billions.'' This is patently false! The bonds and notes held by the trust funds are just as valid as any government securities held by banks, insurance companies, mutual funds, you, and me. They pay an equitable rate of interest and are part of the recorded National Debt. Certainly, the money that went for them (the excess of income over outgo of the trust funds) was spent. But the same thing is done by the Treasury with the proceeds of any bonds which it sells to the public—or, for that matter the same as a corporation does when it sells its bonds, or a savings bank does with your deposit (it ''spends'' the money by lending it to somebody else).

The article then bemoans the problem, some 20–25 years hence, when under present law, the bonds will begin to have to be redeemed in mass. To do so, such action as raising income taxes or floating new loans from the public will be necessary. But this is no different than what has to be done when government obligations held by the general public come due. And it is most important to note that, if the trust funds had not had the money to purchase the bonds in the beginning, the general public would have had to have done so, and there would still be the same problem of redeeming the bonds at some time.

Further, if changes in the Social Security program are made in the next few years—as I believe that they should be—this situation of a dismantling of huge trust-fund balances would not occur. In fact, if Senator Moynihan's proposal, made about five years ago, to slightly lower contribution rates now and slightly raise ones many years hence—thus returning to pay-as-you-go financing—were adopted, this problem would not occur. And further, the true magnitude of our horrendous general-budget deficits would be apparent.

A minor error, and yet one that clearly displays the ineptitude of the article, is the statement that maximum Social Security payroll taxes ''have already multiplied 10 times since 1950.'' Such tax in 1950 was $90 (3% of $3,000) and is $7,588.80 in 1995 (12.4% of $61,200). The correct ''multiplying factor'' is thus 84.3, not a mere 10!

The next cry of ''doom and gloom'' in the article is that, some 35 years from now, if nothing is done in the meanwhile, the trust funds will be exhausted, and the Social Security tax rate will have to be increased to 17%. This is reasonably correct (although I would have said 16% initially and 17% some years later) under the conditions stated. However, such conditions are most unreasonable! Congress, which almost always acts reasonably and responsibly (although not always promptly enough!), will undoubtedly act well in advance of such a cataclysmic event. True, an increase of about 4% in the combined employer-employee tax rate in a single year might ''devastate the economy'', as the article claims.

But what should be done—and likely will be done—is to transition in some benefit cost reductions (like an increase in the Normal Retirement Age, so as to recognize increased longevity) and some contribution rate increases (like 1% each on employers and employees, in steps over a period of years). This would have little, if any, adverse effect on the economy.

Next, the writers of the article had the temerity to wander into the actuarial field by quoting figures as to the probability of a new-born baby reaching age 65 (better would have been the higher probability for a person entering the labor force at age 20) and the expectation of life at age 65, for both 1940 and 1990. Not surprisingly, most of their figures are in error, as shown below:

| Sex and year | Percent surviving to age 65 | | Expectation of life at age 65 (years) | |
|---|---|---|---|---|
| | Time figure | Correct value | Time figure | Correct value |
| Male, 1940 | 54 | 55.8 | 13 | 12.1 |
| Female, 1940 | 61 | 65.5 | 15 | 13.6 |
| Male, 1990 | 72 | 74.1 | 15 | 15.1 |
| Female, 1990 | 84 | 85.1 | 20 | 18.9 |

Out of eight figures, the article had only one which was even nearly correct.

Then, the article re-writes history by asserting that, in the early years of the Social Security program, Congress could increase benefits easily every few years (and thus garner votes), because there were few beneficiaries relative to the number of contributors. Not so! Most of the benefit increases were made to reflect changes in the cost of living, and they were financed by the accompanying increases in the level of wages that were taxes. At all times, Congress was very conscientious about the cost implications of the changes, not merely as to the next year or two, but also as to the long range (75 years).

Further, the article asserts that the 1983 Amendments were based on ''rather minor cutbacks in benefits and very major increases in taxes, the last of which took effect only in 1990.'' In the first place, the 1983 Amendments did not increase the tax rate in 1990 over what it was in previous law. Further, reductions in benefits played a major role in saving the program by the 1983 Amendments. If the income taxation of benefits is considered as a ''benefit cut'' (because, in effect, the money remained in the trust funds), then 48% of the solution in the short range (10 years) was due to tax increases and 52% to benefit cuts, while for the solution over the long (75 years) only 23% was due to tax increases, with 77% due to benefit cuts. On the other hand, if the income taxation of benefits is considered as a ''tax increase'' item, then 70% of the solution in the short range was due to tax increases and 30% to benefit cuts, while for the long range, 54% was due to tax increases and 46% to benefit cuts. In any event, the benefit cuts were by no means ''minor''.

The article next describes several ways to modify the Social Security program without ''killing'' it. Just before this, the article

quite properly (and in contrast to the slogan on Time's cover) points out the disastrous weakness of the Heritage Foundation's proposal to let people opt out at will; this would set up a vicious circle of actuarial anti-selection, because the low-cost persons (young and high-paid) would drop out, and the high-cost ones would remain in, with resultant financial collapse.

The proposals for change include the following:

(1) Raise the Normal Retirement Age (which solution is my choice).

(2) Raise the Early Retirement Age (which may be desirable, but does not lower overall costs, because the reductions are on an ''actuarial'' basis).

(3) Reduce Cost-of-Living Adjustments, presumably by giving less than the CPI increase (which is undesirable, because it most adversely affects the oldest beneficiaries, who are least able to do anything about their situation—because of the compounding effect).

(4) Means-test the benefits (which is a bad idea, because it would discourage low- and middle-income persons from saving, and it would encourage fraud and abuse by beneficiaries).

Next, the article seems to look favorably at a proposal by Senators Danforth and Kerrey to reduce the employee Social Security tax rate (but not the employer rate) from 6.2% to 4.7% and then require that the 1.5% reduction be put into a private investment fund, with future Social Security benefits being ''reduced to reflect the drop in taxes.'' Certainly, IRAs and so-called 401(k) plans are very desirable and should be encouraged, but they should be kept separate and built on top of a uniformly applicable Social Security program. The actual mechanics of the foregoing proposal, however, are faulty (and really cannot be perfected). It would work out reasonably well administratively for high-paid workers, but would be a disaster for low-paid, intermittently-employed workers. The proceeds from a 1.5% contribution, coming in dribbles over the year, would be ''eaten up'' by the administrative expenses of handling, recording, and reporting them. Mutual funds generally require fairly sizable deposits—not anything like the roughly $20 quarterly payments (varying each time) for a $5,000 worker.

The article mentions that the estimated long-range financial status of the Social Security program has worsened over the years since the 1983 Amendments. However, it fails to point out that the actual short-range experience has been more favorable than estimated in 1983 (the current fund balance being more than $100 billion higher than estimated).

In summary, it is really outrageous that, by incomplete and erroneous reporting, the article casts so much doubt on the long-range financial viability of the Social Security program. This is despite the fact that, by very careful reading of the end of the article, it could be concluded that reasonable small, gradual changes could be made—without changing the basic nature of the program—that would very likely ensure its viability.

Finally, the article is supplemented by a note, ''How Chile Got It Right.'' This describes the new Chilean social security plan instituted in the early 1980s. It replaced a traditional social insurance system that was some 60 years old, but that was in great financial and administrative difficulties due to inflation (which raised benefits greatly and, at the same time, made the accumulated assets worthless) and extensive coverage noncompliance.

The Chilean article is quite correct that the new plan reasonably well solved the problem, although this was not the only way in which that could have been accomplished. However, this article, too, contained many errors and omissions that glossed over some of the weaknesses in the new plan and other elements of it that make it not necessarily a desirable course to follow for other countries, let alone the United States.

A number of factual errors occur in describing the current Chilean plan. These cast doubt upon the credibility of the analysis. First, the contribution rate for retirement pensions is not 12%, but rather it is 10% (with an additional approximately 3.5% for the build-up of disability and survivor pensions).

Second, the plan is not a ''two-tier'' one, consisting of a small flat stipend funded from general revenues for only the poorest pensioners and the accumulation of employee contributions in private investment funds. Rather, it involves the accumulation of employee contributions in such funds, plus the provision of sizable prior service credits financed from general revenues, plus a guarantee of a relatively sizable minimum pension being produced for persons with at least 20 years of coverage, financed from general revenues. Such minimum pension is 85–90% of the legal minimum wage, which in turn is about 30–40% of the average wage in the country. Thus, the minimum pension is a quite large amount, so that many people will be affected.

Third, the article states that retirement benefits under the new plan at present are 40% higher than under the old one. Actually, they are about at the same level (as was intended), although disability and survivor pensions are much higher (because they are financed currently and are not as much affected by past inflation).

Several serious errors of omission are present, so that elements are not brought out that would argue against the Chilean approach being applicable in all other countries. First, there are the mammoth general-revenues costs to be met for prior service credits and for all time to come for the large minimum pensions. Few countries—and especially the United States—have large surplus amounts of general revenues readily available.

Second, the fact the employees contribute, and employers do not do so any more, is not what it seems. When the new plan was established, the government required all employers to give a more-than-offsetting 17% pay increase to all employees.

Third, the administrative expenses of the new Chilean plan are about 13% of contributions for the retirement portion—as against 1% in the U.S. system.

Fourth, coverage compliance is poor under the Chilean system. Only about 80% of those who should be contributing actually do so. Further, many low earners contribute on much less of their wages than the actual amount, because they will get the minimum pension in any event.

Fifth, by no means is all the money piling up in the investment funds being used to promote the economy. Much of the money is ''laundered back'' to the government to pay the huge costs of prior service credits and minimum pensions.●

## RHODODENDRON PRINCESSES RECOGNIZED

● Mr. HATFIELD. Mr. President, it is always a pleasure to recognize excellent students from the State of Oregon. However, I am especially honored to praise five young people who have distinguished themselves in the areas of scholarship and service, thus reflecting a sincere interest and involvement in their schools and communities.

Emily Anthony, Tracy Holman, Brandi Kekua, Lelia Lowe, and Rovina Murti are all winners in the Rhododendron Scholarship Program. This program is part of the Florence Rhododendron Festival held annually in Oregon and second in size only to Portland's Rose Festival. By receiving scholarships, these five young women form the 1995 rhododendron royalty court.

The Rhododendron Scholarship Program's goal is to raise over $10,000 for academic and vocational scholarships. This royalty court works with local businesses, individuals, colleges, schools, fraternal organizations, and other groups to raise these scholarship funds.

I commend these young women for their earnest work, heartfelt generosity, and outstanding success. Furthermore, I applaud the perennial work of the Rhododendron Scholarship Program for the importance it places on higher education and for the intense, local effort it makes to support the education of its students. It is a model program worthy of duplication.

Mr. President, I ask that brief descriptions of each 1995 rhododendron princess be printed in the RECORD.

The material follows:

RHODODENDRON SCHOLARSHIP PROGRAM—1995

PRINCESS EMILY ANTHONY

Emily Anthony, 17, plans a career in the field of health care.

A student at Siuslaw High School, she has also been a student of ballet for ten years. Her training includes Ballet West (University of Utah), North Carolina School of the Arts and Joffery Ballet School (New York). She has toured with the Eugene Ballet Company's ''Nutcracker'' for two years, and now is in her third year of teaching ballet to young children.

A member of Siuslaw High School's Jazz and Symphonic bands for four years, Emily also has won numerous academic awards including the Honors Global Studies Award and Biology Awards. She is a three year member of the National Honor Society. A student leader, Emily was Freshman Class President and Student Body Treasurer and serves on numerous school committees.

Emily maintains her academic ranking and schedule in addition to her ballot activities while working part-time.

PRINCESS TRACY HOLMAN

Tracy Holman, 17, plans a career in television broadcasting after completing her education.

Tracy's accomplishments and activities include: Oregon Girls State Delegate, National Honor Society (3 years), Key Club Community Service Award and the Rotary Youth Merit Award. She has also received numerous academic awards and has been in Who's Who Among American High School Students for three years.

Her community involvement includes being Cadet Girl Scout Assistant as well as activity in the Church Youth Group. She served as Delegate to World Youth Day in 1993. She is also involved with the high school T.V. News show. Tracy's other interests and activities encompass Forensics, Cheerleading, Junior Varsity Golf, Band and Key Club.

While maintaining her academic standing and other activities, Tracy also works as a Loan Processor in a local bank.

PRINCESS BRANDI KEKUA

Brandi Kekua, 17, plans to attend Willamette University, majoring in Political Science with minors in Rhetoric and Media Studies. Her career goal is to work as a Political and/or Communications Consultant.

A 1995 Future First Citizen Nominee, Brandi has also received awards for outstanding achievement in Forensics and is the recipient of an Outstanding Actress Award. She served as World Affairs Leadership Seminal Ambassador and as Model U.N. Ambassador to Austria and has numerous academic awards.

Additionally, Brandi is a Peer Counselor and Peer Tutor; is on Student Council, the Key Club and is involved with the high school T.V. News show. She is also active in high school drama projects and community theatre and arts groups. Brandi has been recognized by Who's Who in American High School Students for four years.

Her other community activities include Bible Camp Counselor and Easter Seals Camp Counselor. She enjoys aerobics and golf in her spare time.

PRINCESS LELIA LOWE

Lelia Lowe, 17, plans to attend Willamette University where she will major in Rhetoric and Media Studies and Child Psychology with a PhD in Rhetoric. Her career goal is to be an administor or teacher at the college level.

Lelia's achievements include receipt of numerous Forensic Awards over the past three years, as well as numerous academic awards at local, District and State levels.

Her extra-curricular activities include National Honor Society and Odyssey of the Mind Knowledge Bowl. She also has taught Vacation Bible School Classes and has been an active volunteer at Siuslaw Public Library.

Sports-minded, Lelia enjoys rollerblading and running to balance her interests in drama and theatre. She also enjoys creative writing.

PRINCESS ROVINA MURTI

Rovina Murti, 17, plans to study Child Psychology as a prelude to attending Medical School and becoming a Pediatrician.

Rovina has been recognized for her achievements in Forensics, having received the Forensics Scholastics Award, Second place at District level competition and as a competitor at the State level. She has been involved in school activities, including the Yearbook Staff and the Junior/Senior Prom Fashion Show.

Rovina has taught Sunday School for four years as well as having worked with varied Senior Citizen projects through Senior Services. Other interests and activities include the writing of short stories and traveling.

She maintains her academic standing and other activities while working part-time.●

## REMEMBERING FATHER MICHAEL LAVELLE

● Mr. GLENN. Mr. President, I rise today to sadly note the death of Father Mike Lavelle, president of John Carroll University in Cleveland, OH. Father Lavelle was an important leader of our community.

Rev. Michael Joseph Lavelle, S.J. Ph.D., a native of Cleveland, joined the faculty of John Carroll in 1969 and served as president of the university since 1988. After collapsing from an attack of cardiac arrhythmia on February 27, Father Lavelle never regained consciousness and died last Saturday.

I had the great privilege to work closely with Father Lavelle in a number of areas affecting higher education. He was a tireless advocate for programs and services helping students, faculty and John Carroll University.

Most recently we worked together to establish a Veterans' Teacher Preparation Program at John Carroll University. Father Lavelle was instrumental in the development of this program to assist retiring military personnel to obtain the necessary certification to teach high school science or mathematics. This program which turns ''Troops to Teachers'' is just one example of the vision and commitment of Father Lavelle to help improve Cleveland.

The death of Father Lavelle is a great loss and we will miss him. Annie and I extend our sympathy to his sister, Helen, and the rest of his family at John Carroll University and throughout Cleveland.

Mr. President, I ask that an article from the Cleveland Plain Dealer, March 26, 1995, be printed in the RECORD.

The article follows:

JCU'S LAVELLE DEAD AT 60—LEADER IN ACADEMIA AND JESUIT ORDER

(By Richard M. Peery)

UNIVERSITY HEIGHTS.—The Rev. Michael J. Lavelle, a Jesuit priest whose long and distinguished career led him to the presidency of John Carroll University, died yesterday at the A.M. McGregor home in East Cleveland.

He never regained consciousness after collapsing Feb. 27 from severe cardiac arrhythmia, while working out at the university's physical fitness center. He was 60.

''Father Lavelle was a strong visionary, capable president, and he was also a friend,'' said Frederick F. Travis, acting JCU president. ''He was very well liked on campus and was a popular choice for president in 1988 among both faculty and staff.''

During Lavelle's tenure as the 21st president of John Carroll, the freshman class enrollment grew from 500 to more than 700. He was instrumental in having two dormitories built to house the influx of students.

He also helped initiate the movement of John Carroll's athletic teams from the President's Athletic Conference to the Ohio Athletic Conference. The change led to competition with Baldwin-Wallace, Mount Union, Wooster and Muskingum colleges.

In 1983, Lavelle was elected to the 33rd General Congregation of the Society of Jesus, which established the direction of the worldwide Jesuit order for the last 12 years. He also served as one of a dozen advisers to the American Catholic Bishops Committee on their pastoral letter on the economy in the 1980s.

An economist and an expert on Eastern Europe, he traveled to Soviet bloc countries more than 20 times, expanding his expertise in Soviet and international economics and working with this fellow Jesuits in those nations, many of whom had been driven underground.

The Cleveland native grew up in the Lakeview Terrace public-housing complex on the West Side. His father worked for the old Cleveland Transit System for 42 years, 28 of them on the Detroit Ave. and Clifton Blvd. streetcar lines.

Lavelle, a 1953 graduate of St. Ignatius High School, distinguished himself as a member of the school's football team, which won the 1952 West Senate League championship. He was voted the West Senate Most Valuable Player and was named to the All-Catholic High School football team. An all-scholastic offensive guard who also played defense, he received All-Ohio honorable mention.

Lavelle was a member of the school's track team for four years, played basketball for one year and played sandlot baseball in the summer.

He was inducted into the St. Ignatius Athletic Hall of Fame in 1988.

Several years ago, Lavelle had a quadruple heart bypass operation, but he could still be found in the gymasium during many lunch hours playing pickup basketball with faculty members.

But it was another school activity that made the deepest impression on Lavelle as a teenager. One holiday, while delivering food baskets to the needy, he went to the home of a woman on Scovill Ave. who lived with just a mattress on the floor, a table and one chair. She cried when she received the food.

Lavelle said the experience made him decide to go into a profession where he would help people. The summer after he graduated from Ignatius, he decided to become a priest.

''Sure, my parents were surprised, and some girlfriends too,'' he recalled years later.

Lavelle attended Xavier University Cincinnati from 1953 to 1957. He earned degrees from Loyola University of Chicago and a doctorate at Boston College. He also studied at Harvard University's Russian Research Center in Boston and at the Sankt Georgen theology school in Frankfurt, Germany, where he was ordained in 1968.

He planned to say his first Mass on his father's birthday in 1969. But Lavelle returned to Cleveland early that year and delivered his first Mass at his father's funeral in Ascension Catholic Church.

Lavelle joined the John Carroll faculty in 1969 as an assistant professor of economics. He became chairman of the business department in 1973 and served as the dean of the School of Business from 1975 to 1977.

He left John Carroll to serve for six years as provincial superior of the Detroit Province of the Society of Jesus. He was the religious leader of 350 Jesuit priests and brothers in Michigan and Ohio.

He returned to John Carroll as academic vice president in 1984. Two years later, he took on additional duties as executive vice president for day-to-day operations. He was named president in 1988, succeeding the Rev. Thomas P. O'Malley, who resigned to take a teaching assignment in Africa.

Lavelle's inaguration was marked by his pledge to increase the university's commitment to community service and multicultural development. It was celebrated with a variety of ethnic foods and entertainment.

The multilingual priest, who was fluent in German and could read French, Italian, Czech and Russian, was known for his love of ethnic art, tradition and food. At the start of each school year, he distributed to new faculty members a list of local restaurants known for their ethnic cuisine.

An amateur cook, he was known for preparing dishes such as linguini with red clam sauce. For many years, he volunteered as a cook for the Friends of Templum House benefit.

Lavelle was a trustee of Boston College, Xavier University and Magnificat High School. He was a former trustee of Canisius College, the University of Detroit, Loyola College in Maryland, St. Joseph's University

in Philadelphia and the Jesuit School of Theology in Berkeley, Calif.

He is survived by his sister, Helen of Chicago.

Services will be at 10 a.m. Wednesday at Gesu Catholic Church, 2470 Miramar Blvd., University Heights.

Schulte & Mahon-Murphy Funeral Home in Lyndhurst is in charge of arrangements.●

## EIGHTH GRADE YOUTH ESSAY CONTEST

● Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1994–95 Eighth Grade Youth Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme ''Indiana Farmers—Producers of Food, Jobs, and World Trade.'' Students were encouraged to consider and creatively express the role of Indiana agriculture in our country and in the world marketplace. I would like to submit for the RECORD the winning essays of Jamie Shonk of Clay County and Joe Roth of Pulaski County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized today, Friday, March 31, 1995, during a visit to our Nation's Capital.

The essays follow:

### INDIANA FARMERS—PRODUCERS OF FOOD, JOBS, AND WORLD TRADE

(By Jamie Shonk, Clay County)

Indiana agriculture has a far reaching effect on Hoosier economy and world trade. Indiana is one of the top five corn producing states in the United States. Corn production influences the Indiana job market and economy in various direct and indirect ways.

Corn production begins with research in test plots, laboratories, and Purdue University, where germination testing is done. Planting seed corn requires laborers and detasslers. It is processed, bagged, and distributed, meaning jobs for sales people, secretaries, truckers and advertising. Farmers purchase seed, chemicals, fertilizer, fuel and equipment. Average costs per acre is $135.00. At harvest, grain is either stored or sold to local grain elevators. From there, corn is shipped by train or truck to central elevators. Corn is then sold to cereal mills and food processors. High oil corn is sold for livestock feed. Brokerage firms benefit because more farmers are selling on the futures market and the board of trade. Farming magazines, radio, and T.V. brings revenue to the advertising industry. Corn is also used to make ethanol.

Corn is also a major source of food, from the Corn Flakes we eat in the morning to the oil we use for cooking. As Americans are becoming more health conscious, we are shifting away from animal fats to corn oil.

Corn is sold to other countries where crops cannot be grown, and is profitable to Indiana in world trade.

Modern corn production in Indiana involves high technology, business, marketing, research, advertising, and labor. This will be demonstrated in 1995 by the Farm Progress Show at the Jarvis Farm in Terre Taute. Area motels were booked full four hours after the location announcement. Corn production touches all Hoosiers some way by food, jobs, or trade.

### INDIANA FARMERS—PRODUCERS OF FOOD, JOBS AND WORLD TRADE

(By Joe Roth, Pulaski County)

I am a bushel of corn. On October 16th I was harvested from a farm in North Central Indiana. I was put in a bin on that Indiana farm where I was dried to a suitable moisture for safe keeping until January. Already in my short life I have helped employ several people. People who design, build and maintain farm equipment, and people who manufacture, sell, and transport fuel for this harvesting equipment and gas for the drying process.

Come with me on the rest of my journey until I have become a finished product. From the farm I am loaded into a tractor trailer truck that transports me to a large elevator. Here at the local elevator some of the corn is ground for feed for local livestock feeders, but I am being sent to the East Coast for export to a foreign country. I have been weighed, checked for moisture and quality, and loaded into a 100 car train. Here I have helped employ several more people. Once I arrive at the Baltimore seaport, I am unloaded from the train. Again I am checked for quality and loaded into a large cargo ship. My destination is a corn processor in Europe. Soon I'll become feed for livestock, or if I'm good enough, maybe corn flakes for human consumption.

Along the way I have helped employ hundreds of people, people involved in the manufacturing, sales and service of farm machinery, transportation equipment, fertilizer, seed and agronomy people, the petroleum industry, people who labor in the feed mills and the elevators, people who work in the commodities trading business, and last but not least, the people who work in the food processing business.

I am just a bushel of corn, and right now I am only worth $1.86, but if you stop and think about how many people I help employ, you will soon realize just how important I am to these people. I help make Indiana and the USA the greatest supplier of food in the world.

#### 1994–95 DISTRICT WINNERS

District 1: Jenny Marsh, Joe Roth.
District 2: Allison Westrem, Charles Geller.
District 3: Amanda Miller, Tony Goyer.
District 4: Miriah Chapman, Brett Steffen.
District 5: Ashley Beth Greenwood, Adam Chandler.
District 6: Becky Black, Patrick Aitchison.
District 7: Jamie Shonk, Gregory James Scott.
District 8: Lori Parcel, Justin Russell.
District 9: Katie Parker, Jeff Buchanan.
District 10: Hannah Dunn, Adam C. Cord.

#### 1994–95 COUNTY WINNERS

Allen: Allison Westrem, Charles Geller.
Bartholomew: Melanie Foster, Marcus Chui.
Benton: Grant Miller.
Carroll: Melissa Wise, Tony Goyer.
Cass: Amanda Miller, Ryan Baker.
Clay: Jamie Shonk, Gregory Scott.
Dearborn: Elizabeth Fricke, Joseph Berndsen.
Decatur: Julie Kiefer, Bob Johannigman.
Delaware: Sarah Reiley, Clayton Callan.
Elkart: James Phillips Mauck, III.
Fayette: Justin Russell.
Franklin: Kylene Kaiser.
Fulton: Army Runkle.
Greene: Kellie Abel.
Hancock: Valerie Vail.
Harrison: Marissa Joyce, Marc Richardson.
Hendricks: Adam Chandler.
Henry: Casey Ash, Patrick Aitchison.
Jackson: Kirstie L. Hackman.
Jay: Miriah Chapman, Jeremiah Roush.
Jefferson: Melinda Duncan, Matthew Barron.
Johnson: Lori Parcel.
Knox: Anna Marie Cardinal.
Kosiusko: Cherish Beam, Mike Shingledecker.
Lake: Tina Srisuwananukorn, Mirko Acomovich.
Lawrence: Megan Synder.
Madison: Kylie Barker.
Marion: Becky Black, Kyle Mallison.
Marshall: Wendy Wagner, Drew Hudkins.
Monroe: Michele Renee Knoy.
Montgomery: Kyle Smith.
Morgan: Joseph Crone.
Newton: Natalie Clark, Eric Dombroski.
Parke: Dane Leatherman.
Pike: Dezarae Miller.
Posey: Amanda Greenwell, Jeff Buchanan.
Pulaski: Jenny Marsh, Joe Roth.
Spencer: Amanda Wilkinson, Nick Kern.
Starke: Brooklyn Boo, Mark Childers.
St. Joseph: Alissa Brasseur, Eric Vandewalle.
Switzerland: Michelle Duckworth, Adam Cord.
Vanderburgh: Katie Parker, Garret Swartzentruber.
Wabash: Sarah Smith, Matt Dillman.
Warrick: Libby Schmidt, Adam Tieman.
Washington: Kelly Hoar, Josh Elgin.
Wells: Susan Barth, Brett Steffen.●

## DIRECT LOAN PROGRAM IS GOOD DEAL FOR ALL

● Mr. SIMON. Mr. President, one of the controversies we will face in the Senate before this session is out is whether to follow the advice of the bankers and the secondary markets and cut back on the direct loan program.

Direct loans are a great thing for students, their parents, the colleges and universities, and for the taxpayers.

To cave in to the financial interests, who want to keep their Federal subsidy—often the same people who denounce welfare for the poor—is something I hope the Senate will not do.

Recently, the Chicago Sun-Times, which originally opposed the direct lending program, had an editorial supporting the program now.

The experience in the schools that have it is so positive, I hope we will listen to our colleges and universities and not to those who are eager for profits at the taxpayers' expense.

I ask that the Sun-Times editorial be printed in the RECORD.

The editorial follows:

[From the Sun-Times, Mar. 29, 1995]

### DIRECT LOAN PROGRAM IS GOOD DEAL FOR ALL

Under the guises of deficit reduction and reduced government, Republican forces in Congress are pressing for changes in student loan programs that would impose onerous new costs on college students and stall broader availability of direct loans, the plan sponsored by Sen. Paul Simon (D–Ill.) to eliminate middlemen.

Both proposals are without merit and should be ''zeroed out,'' to swipe a phrase from the new congressional vocabulary.

Efforts to eliminate the federal subsidy of interest charges on student loans come at a time when rising college costs are forcing more students to borrow money to pay for their education. The American Council on Education reports that 6.6 million students took federal loans this year, up from 4.5 million in 1988. Meanwhile, the dollar amount increased from $11.8 billion to $25.8 billion. The government eases that burden by paying interest on loans while the student is in school. Without the subsidy, the debt of an undergraduate who takes out the maximum loan amount for four years would increase 20 percent, the ACE says.

These subsidies are costly—$2.2 billion this year—but they are based on sound public policy: providing access to higher education.

Elsewhere in Congress, moves are afoot to limit the direct loan program, which Simon sponsored to allow students to get loans directly from the federal government. The program, which is being phased in over five years, is strongly opposed by banks that have risk-free profits under government loan guarantees, and by the huge public-private agencies that administer the program and run profitable secondary loan markets. Having failed to block the original legislation, opponents now seek to limit direct loans to 40 percent of student loan volume, arguing that private enterprise works better than government.

Although we would like to see stronger guarantees that schools are not ripping off the direct loan program—as many for-profit trade schools did under the subsidized bank loan program—we believe the record of the direct loan program to date calls for its continued expansion. Students and participating schools, including the University of Illinois at Champaign-Urbana, report fewer hassles with direct loans.

More important, the program is expected to save money. The Clinton administration estimates $5.2 billion would be saved by 2000, if the direct loan program were fully implemented by the 1997–198 school year. That's a good deal for the schools and a good deal for the taxpayers. The program should continue on schedule.●

## RESOLUTION OVER UNDER THE RULE

The PRESIDING OFFICER. Objection having been heard to the immediate consideration of Senate Resolution 98, that resolution will go over under rule XIV.

## RECESS UNTIL MONDAY, APRIL 3, 1995, AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., Monday, April 3.

Thereupon, the Senate, at 2:52 p.m., recessed until Monday, April 3, 1995, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 31, 1995:

### NATIONAL COUNCIL ON DISABILITY

MICHELE DRISCOLL ALIOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE MICHAEL B. UNHJEM, TERM EXPIRED.

### THE JUDICIARY

WILEY Y. DANIEL, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO VICE SHERMAN G. FINESILVER, RETIRED.

### STATE JUSTICE INSTITUTE

TOMMY EDWARD JEWELL III, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE JANICE L. GRADWOHL, TERM EXPIRED.

TOMMY EDWARD JEWELL III, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS, OF THE STATES JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

### THE JUDICIARY

DIANE P. WOOD, OF ILLINOIS, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE WILLIAM J. BAUER, RETIRED.

### IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

*To be lieutenant general*

MAJ. GEN. LEONARD D. HOLDER, JR., 000–00–0000, U.S. ARMY.