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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 15, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

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

AMERICANS ARE GETTING SMART ABOUT THE BUDGET

Mrs. SCHROEDER. Mr. Speaker, I am very proud to take the floor today to talk about how fortunate we are that the American people are so smart. I mean, as we go into this budget debate, there are a lot of people who think they were not paying attention. But when you look at the polls today, let me tell you, they were paying attention. They figured it out, and they do not like it.

Sixty percent of Americans in the polls released today reject both the Senate and the House Republican budgets. Now, why do they do this?

Well, we have heard over and over again that they should be very happy because the cuts are going to be distributed across America, and that the Democrats are terrible people because they are inciting class warfare and they are doing all sorts of things like that.

Well, OK, so now the American people have figured out, yes, the cuts really are distributed across the entire economic gambit of Americans. But it is for middle- and low-income people. They are cutting programs, such as cuts in Medicare, cuts in school lunches, cuts in student loans, cuts in all sorts of programs that have helped them, that have helped them get up.

Now, what do the rich people get in the line of cuts? They get tax cuts. Would you know, they have all figured out that tax cuts are a whole lot better than program cuts. And guess who comes out on the short end of those cuts?

Well, once again, it is the middle class who is going to come out on the short end of those cuts. We are having to cut like mad so people over $200,000 a year are going to get these phenomenal tax breaks. I think that is totally unfair. But it is not just what I think, now the American people are beginning to agree.

If you look at student loans, for example, in my State of Colorado there are almost 90,000 people on student loans. So they are saying the minute they get them they should start paying interest. It is absolutely no different than when you get a car, except when you get a car, you get the car. You get to use it right away. So it makes sense to start paying interest right away, because you are using the car right away.

When you are going to school, you cannot use that education until you get to the end of the schooling and you get diploma in hand. That is why we have not charged people interest until they had diploma in hand. That is like having the real car.

So when they try to tell you this is the same, it is not the same at all. And it is going to end up causing people to borrow even more money to pay interest on the money that they previously borrowed.

I think it is outrageous that these young kids are having to graduate from school owing so much money. No wonder they do not dare get married before they are 40. I mean, the next thing we are going to have to do is figure out how octogenarians can be fertile or nobody in the middle class is going to be able to afford a family until they are in their eighties at this rate.

I think American families have figured this out, and that is why the polling numbers today are very different. The average American family feels like a squirrel in one of those wheels. They run and they run and they run, and they run harder and harder and harder every year. And you know what? At the end of the year, they are even more exhausted than they were the year before, their tongue is hanging out, and they never get out of the bottom of the wheel.

If they are suddenly going to have to deal with cuts in their parents' Medicare so that they have got to start picking that up and helping them out to the tune of about $1,000 extra a year, if their kids are going to get double whammied with interest from the time they take the loan out so they are going to have to borrow even more, if all of these things come crushing in on them and they see many programs in schools that have enriched the schools through science, nutrition standards, and so forth being cut, guess what? They are going to have to run even faster, and they are still not going to get out of the bottom of the wheel. But

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meanwhile, those equal cuts that went to the rich means they are going to get $20,000 more in their pocket per year.

That is not a fair deal. I was accused of being a socialist on this floor the other day by a Member, and I must say what I want to say is the other side in their budget is socialism for the rich. No one has ever seen socialism for the rich. But this is a whole new Republican program, socialism for the rich so they can get richer. Those are the cuts that help them.

Well, I am not that kind of socialist, I can tell you, and I will make it very, very clear over and over again. That is not my program. I think Government is there to help people who need help, to teach them to fish, to get them on their legs and get them going, and I think the time has come and the American people have figured it out.

WE HAVE TO MAKE RESPONSIBLE CHOICES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning business for 3 minutes.

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to the words of my colleague from Colorado, and would propose to offer to the American people, Mr. Speaker, that we see another sterling, yes, even a textbook example of why there is a new minority in the Congress of the United States on that side of the aisle. It is fascinating to listen to this almost instant revisionism of history, socialism for the wealthy.

Well, that is a very interesting point of view, and I guess in terms of playground name calling, that certainly may have some validity in a nonsensical sort of way. One analog that does pertain, however, is the notion of the American family being put into a cage. The American family has been enslaved, but it has been enslaved by those proponents of big Government who believe that always there must be tax increases, that always people need to take out their wallets and give more and more money to Washington. And the facts speak for themselves.

Mr. Speaker, it is a well-known fact that in 1948 the average American family sent 3 percent of its income, the average American family of four paid 3 percent of its income in taxes to the Federal Government. And yet by 1994, on the heels of the largest tax increase in American history, the average American family paid 24.5 percent of its income in taxes to the Federal Government. And this was not class warfare, this is virtually everybody, with a quantum leap in what they had to pay to the Federal Government. And now, fresh on the heels of a nonsensical, dishonest school lunch scare program, the new minority, the guardians of the old order, are trying to scare seniors and students.

The fact is that we are not taking away student loans of the new majority, but it is also the fact if we do nothing, if we allow the status quo to persist, there may not be university systems, there may not be a constitutional Republic in 5 to 10 years to have a worthy educational system to begin with.

To those who would always use the scare tactics about school lunches and claim cuts when there are increases, let me simply say this: The fact is we have to make responsible choices. The fact is that even in increasing funding or changing the method of supplying funding to give the money to people on the front lines, we are transforming what is done. We are making programs more effective to ensure that we may save them. And no clearer tactic or example can we see than in the realm of Medicare, where in fact my colleague, the preceding speaker, the gentlewoman from Colorado, tried to scare seniors and claim there are cuts.

Friends, we are making rash on America reasonable increases to save the Medicare Program. We are not making cuts. That is what we must do: make responsible choices, not come in and carp and complain and hope against hope that somehow in November 1996, the voters of America will return to a bankrupt policy of always and constant growth of Government.

GUAM COMMONWEALTH

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

Mr. UNDERWOOD. Mr. Speaker, I rise today to call attention to the lack of action on the part of the administration in fulfilling its responsibility to the people of Guam in appointing a special representative for the Guam Commonwealth.

The special representative would complete the discussions that were initiated in 1993 with the Guam Commission on Self-Determination on the issues that the Guam Commonwealth Act raises in defining a new relationship between the Federal Government and the people of Guam. Congress has deferred its action on the Guam Commonwealth Act, H.R. 1056, until the discussions with the administration's special representative are completed. However, it is impossible to complete the Commonwealth discussions when there is no one to discuss these issues with. A dialog, by definition, requires two parties.

Mr. I. Michael Heyman, the special representative who began these discussions with Guam in December 1993, announced his intention to resign on February 7 of this year. We have been waiting patiently for the administration to name a successor to Mr. Heyman. It is now 95 days later, and we are still waiting. There have been hints, rumors, and meetings, but no appointment. There have been assurances that issue this is receiving the highest attention, but still no appointment. In short, there has been a lot of activity, but no action.

Mr. Speaker, the Guam Commission on Self-Determination and I have been extremely patient with the administration, but our patience is wearing thin. We can understand their wanting to find the right person for this job, but we question this excruciating and time-consuming scrutiny worthy of a Supreme Court nomination. In an administration not known for its speed in filling vacancies, we fear that the search for Guam's special representative is setting a new speed record, one that we are not particularly fond of holding. We'd rather leave the distinction of longest vacancy in the administration not filled to other more worthy contenders.

Mr. Speaker, the quest to establish a new self-governing Commonwealth for the people of Guam is of paramount importance to us, and is also important to the national interest. A prosperous, new Commonwealth of Guam, possessing the economic tools to secure a good future, will serve the interests of the United States in the western Pacific and the Far East into the 21st century. But none of this can happen if we don't conclude the ongoing discussions between Guam and the administration. These discussions must come to some conclusion so that Congress would have a better sense of how the important issues of self-governance can be resolved.

I, therefore, call on the administration to name a special representative for Guam Commonwealth, and to resume the important discussions that have been delayed for the past 3 months. And I again remind the administration that time is running short to complete this process within a timeframe that allows the 104th Congress to also begin its important review of the Guam Commonwealth Act.

FISCAL YEAR 1996 BUDGET RESOLUTION

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

Mr. ALLARD. Mr. Speaker, I am very proud of the budget that the Republicans on the House Budget Committee have produced.

It produces a balanced budget in 2002—just as we promised.

This will be the first balanced budget in 33 years. That is right, 1969 was the last year the Federal Government balanced its books.

As a member of the Budget Committee, I can say we have worked tirelessly since January to produce a plan that is fair and honest.

The plan has the unanimous support of the committee Republicans, as well as Democrat MIKE PARKER of Mississippi. Opponents are already attacking this plan, and distorting what it

really does. That is why I want to get out the facts.

To those who oppose this plan I say, what is your alternative? Where's the Beef? How would you balance the budget?

The President's plan produces $200 billion deficits as far as the eye can see. He never balances the budget.

Now, let us talk about this budget. First, as we promised, Social Security is off the table.

Second, we freeze defense, and make clear that defense spending will continue to undergo the kind of scrutiny of other aspects of the budget.

Third, we reduce all discretionary spending, including foreign aid.

We abolish three Cabinet agencies: Commerce, Energy, and Education.

This plan also eliminates 283 programs, 14 agencies, and 68 commissions.

Overall this budget simply slows the growth in spending to just over 2 percent a year. The difference is that under current forecasts we grow over 5 percent a year.

This plan is not perfect. But it is far superior to other options, and far superior to doing nothing. This is the best plan that has been put on the table in years. It produces a balanced budget. It is a budget for our children.

Now let me talk about health care. This is important because it will be the source of much distortion in the coming days.

First, we do not cut Medicare or Medicaid, both grow under our plan. Let us look at this chart. It shows why we have to slow the rate of growth in Medicare and Medicaid. Both programs are growing at over 10 percent a year.

The rest of the Government is growing at much slower rates. This is not sustainable.

In fact, the Medicare Trustees Report, released in April, and signed by three members of the President's Cabinet, says that Medicare will go broke in 7 years if we do nothing. That is why we slow the growth in both programs.

Let me focus on Medicare. We slow the growth to 5 percent a year. This means we will increase Medicare spending over 7 years, from $4,700 per beneficiary today to $6,300 per beneficiary in 2002. This preserves the solvency of Medicare.

Now, enough statistics. Why are we doing this? Why is a balanced budget so important for our children and grandchildren?

Alan Greenspan, Chairman of the Federal Reserve, summed it up very well when he testified before the Budget Committee earlier this year.

Let us go down the list on the chart.

If we balance the Budget:

One, our children will have a higher standard of living than their parents.

Two, there will be improvement in the purchasing power of incomes.

Three, a rise in productivity.

Four, reduction in inflation.

Five, strengthening of financial markets.

Six, acceleration of long-term economic growth.

And most important, seven, a significant drop in long term interest rates.

Now, what does all this mean to American families. It means a higher standard of living.

It means families will pay less for their home mortgage because of lower interest rates.

It means more families will be able to afford college for their children.

It means lower car payments.

This week's Time magazine has an excellent article on this topic.

It explains how balancing the budget can help revive the American dream.

The article talks about how lower deficits mean lower interest rates, and therefore more job creation by U.S. business. The article provides one very specific example of a young couple who are considering a new home.

Under a mortgage rate of 8 percent, they would pay $734 a month on a $100,000 mortgage. If interest rates are 1 percent lower, this payment if cut to $665.

This would save $28,000 over the life of the mortgage. This would be enough to put one of their future children through a year of college.

Similarly, I have been using the example of farmers, because there are reductions in agriculture subsidies in this budget.

However, it is estimated that a 1.5-percent reduction in interest rates would save the farm sector over $10 billion in interest payments on their debt over 5 years. This more than offsets the reduction.

These are examples of what it means to balance the budget. This is not just an exercise in accounting. It really matters. It will make a difference in the lives of every American. It will particularly, make a difference in the livers of our children and grandchildren.

I urge my colleagues to join me in supporting the first balanced budget in 33 years.

A CRISIS OF LEADERSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning business for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, good morning. It comes to mind, as I have seen the week's last activities, that there is a crisis of leadership amongst those who would claim themselves bearers of the Constitution and members of the National Rifle Association. Interestingly enough, it is because of this Constitution that we allow those who have certain ideas to gather together.

But yet as we gathered to acknowledge and honor our mothers, on this past Sunday, Mother's Day—nurturers to a one, those who love children, promote peace, and work to comfort their young ones, we are bombarded with newspaper articles evidencing the self-righteousness of an organization who would be so irresponsible to send letters out claiming that Federal law enforcement officers are just ''boot-wearing thugs.'' And, yes, they have the sheer audacity to claim that the former President of the United States of America, George Bush, should reconsider his membership in the NRA.

I simply say to that Texan and my neighbor, George Bush, thank you for having the integrity and leadership to recognize that sometimes we simply have to stand for what is right. How appalled I was to see in the Houston Chronicle a letter to the President from the NRA suggesting that he just wait and see what proposed hearings on Waco might bring about, then he would realize how right the NRA was.

I simply say to the National Rifle Association, the Constitution reigns. I keep it close to me. You have a right to organize and associate. The first amendment protects your free speech. But it does not give you the privilege of crying ''fire'' in a crowded theater, of fostering hatred and antagonisms against people who are designated to uphold the law.

As an African-American, I know full well the abuses that can come about through excessive government. But I also know how Federal officers went into the deep South and protected those young students going into universities who would foster segregation. I do know that there are heroes and heroines in our law enforcement officers. I support them and they support us everyday. If there is abuse, I simply say to you we do have to stand up against such abuse, and I will tell you that good law enforcement officers likewise do the same.

We have a task force in the House to rid us of the assault weapons ban. How frivolous and ridiculous. Not only are they opposing the assault weapon's ban, but they are going into your neighborhoods and telling you laws to prevent guns in schools are illegal. That is part of the proposed legislation. Not only is the task force saying that, but gun safety and responsible legislation, some of which I passed as a council member, preventing young children from getting guns, the task force will be taking the Federal Government into your homes to intrude by saying those laws to protect your children are illegal. How ridiculous.

Then my Republican colleagues want to come forward and suggest that we have hearings on Waco. I say fair enough. As a member of the Committee on the Judiciary, I am willing to own up and look at issues that affect the American people. At the same time, let me say to you, where are they on the issue of hearings on the militia? For Waco is absolutely no excuse for Oklahoma City. And I will stand here in the well of the House and claim to you that those lives that were lost, over 160 lives, children, hard working individuals, the devastation to Oklahoma City and the State of Oklahoma, the fear

that has been perpetrated on the American people, is absolutely no excuse for Waco.

And I feel for the people of Waco. Friends of mine that I loved were lost at Waco. But this is a crisis of leadership. It is ludicrous. And this fascination with guns is not propelled by the Constitution of the United States. A concealed weapons law being discussed in Texas is not called for.

Oh, yes, we have the right to have a militia to protect the security of this country, and we should not infringe upon your right to safely own guns. But to perpetrate violence, to have children trying to understand why adults are calling law enforcement officers just boot-wearing thugs? And putting it in print is not called for.

I call upon this Congress to be responsible. Vote against the repealing of the assault weapons ban. We have lived freely without the perpetration of mass gun warfare in this Nation. Let us not have a crisis of leadership.

Former President Bush, I thank you, and I ask you, the American people, to keep your voices raised high. President Clinton, I thank you for your opposition to this kind of talk because this is not a political issue. It is a question of security and life and liberty. It is a question of our children. It is a question of responsible speech. It is a question of integrity. And I maintain, have hearings on the militia now. Understand that gun warfare is not called for in this Nation, and let us wrap ourselves in the Constitution, yes, for freedom and liberty, but for safety and the future of this Nation.

COMMENTS ON THE BUDGET

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

Mr. HOKE. Mr. Speaker, I have some charts that I wanted to share with you this morning that talk about the budget, because we are going to be talking about the budget all week and are going to be passing for the first time since 1969 a balanced budget resolution. It will show a very important number at the end of the year 2002. It is a small number, it is a round number, it is the zero number, and that is going to be the amount of the deficit in 2002.

I want to show you this chart to begin with because I think it pretty well delineates where the problems are with the budget that we have to get control of. This is essentially the President's budget here. What you see is projections from 1995 to 2002. You will see the two accounts that are increasing or projected to increase twice as fast as any others, and those are Medicare and Medicaid, the medical accounts. Ten percent for Medicare, 10.3 percent for Medicaid. What about Social Security? Five point three percent.

One of the arguments that you are going to hear this week from the other side repeatedly is that well, we cannot possibly slow the rate of growth of health care spending, Medicare and Medicaid, because of the demographics, more people coming into the system, and because of inflation. Your numbers do not take that into account.

The fact is that Social Security takes that exactly and precisely into account, and, as you can see, the Social Security number increases at 5.3 percent per year. That is in the projected budget. This is our number, this is the President's number, this is current law. This is the say that it is, because we are not touching Social Security in this budget.

Yet, adding the same new seniors, because you qualify for Medicare at the same time you qualify for Social Security, and taking into account a cost of living adjustment, a COLA, and that does not even reflect the small adjustment we are projecting is going to take place in CPI, you can see that clearly Social Security does not run out of control, but Medicare and Medicaid do. So this is where the problem is with the Federal budget. This is where the challenge is in getting it under control.

The other here, which is everything else, is at 4.1 percent. If we move that down to about a 2-percent rate of growth, we win. Winning means winning for our children, it means winning for the future of this country, and winning for the next generation.

Let us look at the trust fund itself. This is the part A trust fund, Medicare. Empty in 2002. You can see, according to the projections, if we do not change things, this is where we will be in 2002. There will not be any money in that trust fund account.

I think better than the graphic illustration of it is exactly what the Medicare trustees concluded on April 3, 1995. This is under the worst case scenario. They said, ''The fund is projected to be exhausted in 2001.''

Now, who said this? Is this a partisan statement by Republicans who are trying to fearmonger so that senior citizens are worried they will not have Medicare to look forward to? Is that who is saying this? Is this created by Citizens Against Government Waste or the AARP? Has this been created by the Heritage Foundation or Cato Institute? Is it an interest group?

No, it is not. It is the trustees, the President's trustees, the trustees that must be appointed to guard the assets, to safeguard the future of the Medicare trust fund. Robert Rubin, Robert Reich, Donna Shalala, three members of the President's Cabinet. The fund is projected to be exhausted in 2001.

So what do we do? What is our solution? What we say is we are going to increase spending from $158 billion in 1995 to $258 billion in 2002. We are going to increase spending at the same rate of growth that Social Security is increasing, is growing. In other words, the same rate of growth that a very similar program that is a Federal program is increasing at, 5 or so percent. That is what we are increasing Medicare. That is not just on a gross basis, but also on a per capita basis, from $4,700 to $6,300 per recipient in the budget we are going to pass this week. It increases about 5 percent per year, the same amount as Social Security.

I bring this to your attention because what you are going to hear from the other side this week is a repeated chorus, a litany, over and over and over again, that we are cutting Medicare and that this is going to hurt seniors. These are the facts. Keep the facts in mind.

A SMALLER, LESS-INTRUSIVE GOVERNMENT

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

Mr. HUTCHINSON. Mr. Speaker, the House Committee on the Budget under the very capable leadership of JOHN KASICH is to be commended and congratulated for producing for us and for the Nation a credible balanced budget plan. As the budget plan was released last week amid the howls of those who would defend the status quo, one could almost sense a collective nationwide sigh as it sank into the American people that at long last there is a Congress that is dead serious about balancing the budget and confronting our debt problem.

The litany numbers had become all too familiar to millions of Americans: Seventeen percent of Federal revenues for interest on the debt; $200 billion deficits as far as the eye can see, $1 trillion of new debt in the next 5 years. We will pay more on interest than on national defense by 1997. The impending bankruptcy of Medicare is spelled out by President Clinton's own trustees; $18,000 in debt assumed by every new baby born in America.

But there is a glimmer of hope in America this week as we prepare to vote on this budget plan. Oh, it is mixed with a lot of skepticism. Twenty-five years of deficit spending breeds a lot of skepticism.

But there is a feeling that maybe, just maybe, this Congress means business. Under the GOP budget plan there will be a smaller, less intrusive and more efficient Government. It forces us to do what scores of corporations have had to do, and that is downsize and eliminate wasteful spending. It terminates 283 programs. As I talked about the budget in my district this past weekend, it was that line that received the most applause, above all others, 283 programs eliminated. It eliminates 14 agencies and 68 commissions. It makes real cuts in discretionary spending. And the squealing has already begun. We will hear from the ''Prince of Wails'' over and over this week as the defenders of the past wail ''You can't do this.''

Sure, there are provisions in the budget I wish were not there. But that is the beauty of it. Nothing is excluded. Everyone will feel the squeeze. While Federal spending increases each year under the plan, it increases at a slower rate to allow revenues to catch up with spending, or, as William Safire wrote yesterday of the civil war general, who instructed a gunner to ''elevate them sights a little lower.''

Under the plan, power and money are shifted back to the States and local communities. In welfare, Medicaid, nutrition programs, and job training, there is consolidation, elimination of needless duplication, and block granting to the States.

The budget plan would save Medicare from bankruptcy. On April 3d of this year, the Medicare trustees, three of whom are Clinton administration appointees, sounded the alarm with their warning that Medicare part A would run out of money in 2001. this budget plan puts a tourniquet on Medicare to stop the hemorrhaging while a task force develops long-term solutions. Meanwhile, the President has been unwilling to assist in finding those solutions. Here again, expect the fear mongers and the scare tacticians to be out in force.

Under the Committee on the Budget assumption, spending on every Medicare beneficiary would actually increase, from an average of $4,684 now to almost $6,300 in the year 2002.

But I believe that the most important feature of this budget plan is the tax relief for the hard-pressed American family. This budget plan provides for the full $500 per child tax credit. It provides for our correction of the marriage penalty. It allows the implementing of the adoption tax credit and the elder care credited. It allows for the raising of the earnings limit on Social Security recipients. These very meaningful pro-family policies will only be a reality if we pass the House GOP budget plan.

It was Alan Greenspan who, in pointing out some of the benefits that would happen if we balanced the budget, said if our economy was not constrained by Federal deficits, the balanced budget would mean a lower interest rate, higher productivity, improved purchasing power, reduced inflation, and accelerated long-term economic growth. Paul Johnson, the noted historian, asserts that the legitimization of envy is that which a stable society should fear the most. And there are going to be repeated efforts to legitimize envy by pitting one group of Americans against another group of Americans.

I think Thomas Jefferson, one of our Founding Fathers, said it best when he said, ''To preserve our independence, we must not let our rulers load us with public debt. We must make our choice between economy and liberty, or confusion and servitude.''

That is the choice that this Congress will face this week. I believe that most Americans know in their guts, most Americans know instinctively, that balancing the budget is the right thing to do, and we must do it for our children and for our grandchildren.

PRESERVING MEDICARE

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

Mr. FOX of Pennsylvania. Mr. Speaker, my colleague that just spoke certainly has eloquently expressed the importance of making sure we preserve, protect, and make sure we continue Medicare as we know it here in the United States.

Medicare provides an important source of health security for 32 million of our Nation's senior citizens and 4 million disabled persons. But Medicare spending has been rising 10 to 11 percent a year, and if costs continue to soar, everyone will have to pay more.

Medicare can be preserved, protected, and improved while increasing its spending, but at a slower rate of growth. Last year in its annual report, the Social Security and Medicare board of trustees projected that part A trust fund, the hospital insurance trust fund, starts going broke in 1996. Next year the Medicare part A trust fund will spend $1 billion more than it takes in. The trustees who included Labor Secretary Robert Reich, Health and Human Services Secretary Donna Shalala, and then-Treasury Secretary Lloyd Bentsen, all members of the Clinton Cabinet, concluded that the Federal hospital insurance trust fund, which pays inpatient hospital expense, will be able to pay for only about 7 years, and is severely out of financial balance in the long range.

Again, Just last month, the trustees, including now-Treasury Secretary Robert Rubin, replacing Bentsen, issued an equally gloomy forecast, which indicated that the part A trust fund would be bankrupt by 2002.

The trustees have called for prompt, effective, and decisive action to save the fund from insolvency.

Despite recommendation of this Presidential commission and the disclosure by his own Cabinet officials, President Clinton has failed to act on Medicare. What is more, the financial pressure on Medicare will only grow when baby boomers start to retire.

Our efforts to protect Medicare from bankruptcy and to balance the budget by the year 2002 are taking place simultaneously. It is crucial that the American people understand that Medicare has to be reformed, irrespective of the budget deficit. Even if we had a zero deficit today, we would still have to take action that is prevention for Medicare's bankruptcy. It is a fact if Medicare goes bankrupt by law, no payments can be made for hospital care for Medicare beneficiaries or from any other trust fund paid services.

Just a few weeks ago it was not well known about this impending disaster because the Clinton administration had swept it under the rug. As Medicare travels the road toward bankruptcy, President Clinton has been AWOL, absent without leadership. He has even refused to participate in a bipartisan effort to save Medicare. Not until the Republicans stepped forward to talk openly and honestly about the Medicare crisis was anybody aware of the extent of the problem.

Republicans believe we owe it to our senior citizens to save Medicare from bankruptcy. House Republicans have determined to save Medicare by using new approaches, new management, and new technologies, to improve it, preserve it, and protect it. Congress has an unprecedented opportunity to want to take a fundament reform of the Medicare Program. Action on Medicare will run parallel to and occur during the same period as action on the budget.

One of the steps we will be taking is to create a Medicare preservation task force to look at the various proposals and determine what steps need to be taken to eliminate fraud and abuse in the system, and to make sure it is more efficient.

One of the other creative thoughts on the system is to make sure that we give our senior citizens incentive to cure the system by paying them 25 percent of any waste or fraud that they can find in their own bills. It would be one way to strengthen and empower our senior citizens in making sure a better system is improved.

House Republicans will increase Medicare spending, from $4,700 per retiree today to $6,300 per retiree by 2002. That is a 34-percent increase in Medicare spending per retiree. There is no proposed cut in Medicare. We will preserve the current Medicare system for seniors. No one will be forced into the system. But at the same time we need to develop a new series of choices so senior citizens can control their own destiny.

We want to enter into a dialog with the people and to make sure Medicare, that is important to all of our seniors, is, in fact, preserved.

We as a nation must undertake this effort to continue the dialog, to work together for change, and to make sure that both sides of the aisle are working to make sure that Medicare is preserved, protected, and, in fact, is even stronger in years ahead.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 42 minutes a.m.), the House stood in recess until 10 o'clock a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 o'clock a.m.

PRAYER

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

We pray, O God, for the spiritual virtues that are the gift of Your hand and the promise of Your word. For faith to reach beyond the usual barriers of time and space, we offer our thanksgiving; for hope to see Your assurances and to claim Your promises, we offer our praise; for love to know fulfillment of all our endeavors and to relate to others in freedom and trust, we offer our adoration. May these gifts, gracious God, be on our lips and written in our hearts that we will be filled with Your gifts and enjoy Your peace that passes all human understanding. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 1-minutes on each side.

AN ABSENCE OF LEADERSHIP FROM THE WHITE HOUSE

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

Mr. HOKE. Mr. Speaker, Thomas Jefferson said, ''We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.'' And yet——

At the end of Friday, the national debt stood at $4,859,130,968,274 and 89 cents, an increase of roughly $2.3 billion from the day before.

The debt burden for each individual American, including those babies born over the weekend, now stands at $18,537 and 2 cents.

In the time it takes me to finish this short 1-minute speech, the national debt will have increased by another $1,597,222 and 20 cents.

Despite the financial and moral imperative to act, President Clinton has failed to demonstrate even the slightest interest in this matter.

It has been 75 days since we challenged the President to present his plan to balance the budget and 19 days since we asked him to help us help fix Medicare.

In the absence of leadership from the White House, Republicans have offered a blueprint to balance the budget by 2002 so that our children will have a future free from debt and a standard of living better than our own.

Mr. President, where is your plan. We are still waiting.

MEDICARE TAX CUT

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

Mr. GUTIERREZ. Mr. Speaker, the Republicans have now unveiled their slash-for-cash budget.

The Republicans will slash Medicare by nearly $300 billion to get the cash for a tax cut of that same amount.

How?

It's simple.

If you are a senior citizen, you will just have to cough up about $3,500 in out-of-pocket costs to pay for Medicare cuts.

Then, the top 1 percent of the wealthiest American families can rake in over $20,000 each in tax cuts.

See? Simple. Slash for cash.

In fact, the Republicans could make the whole process much simpler.

With this handy envelope.

Elderly Americans—those who guided us out of a depression and through a world war, those who educated us, fed us and led us—you just put your money in here.

Then send if off to the wealthy, in care of the Republican Party, here inside the beltway.

But, look at the bright side.

If the Republicans are feeling generous, maybe they will kick in for the stamps so that you seniors can send in your money.

NO WHITE HOUSE LEADERSHIP ON SAVING MEDICARE

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

Mr. BOEHNER. Mr. Speaker, this January, Mexico was near bankruptcy, and the Clinton administration mounted a furious effort to save it.

He might have been misguided or wrong. But at least he had the courage to be a leader.

Where is the President now that Medicare is on the same path to bankruptcy as Mexico?

He has made no proposals to save Medicare, even though his own Cabinet officials say it is going bankrupt.

He is not even willing to negotiate with Republicans who are trying to save it.

Mr. Speaker, the President is willing to save Mexico, but not the millions of senior citizens who rely on Medicare.

THE BUDGET

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

Mrs. SCHROEDER. Mr. Speaker, we have now seen a new kind of socialism introduced in this new budget. It is called socialism for the rich. You cut the middle class so you can cut the richest's taxes. Yes, everybody gets cuts, but there is a big difference between a tax cut that equals $20,000 a year for people making over $200,000 a year and the cuts that are going to come to the middle class, which means the average family is going to be straining to help mom and dad pay the additional Medicare costs, the kids paying additional student loan costs, kids paying additional school lunch costs.

I do not think this is fair. I think the polls today show the Americans have figured it out. They do not think it is fair either. Let us go after some of those pet rocks in the budget that will put this budget in balance. We need it in balance, but not on the backs of the middle class so the fat cats can get one more tax break.

HISTORY

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

Mrs. SEASTRAND. Mr. Speaker, we are on the verge of making history. For the first time since my 25-year-old son was born, Congress actually has a plan to balance the Federal budget. We made a promise to balance the budget and protect Social Security. We kept that promise. We made a promise to save Medicare from bankruptcy, and we are keeping that promise to preserve, protect and improve Medicare. This week we will vote on our plan to balance the budget and save the future for our children.

While we are making history, where is President Clinton? He is defending the status quo over change and defending big government over local solutions. That is not leadership, and that is ignoring a crisis and turning your back on the next generation.

We have several choices: savings Medicare or allowing the problem to become a crisis; giving the next generation the family farm or simply handing them the mortgage; putting the Federal Government on a sensible diet or allowing big government to eat Twinkies off the taxpayer's plate.

Mr. Speaker, I urge my colleagues to consider history this week and vote with me to provide opportunity for the next generation.

THE EPA AND SAN DIEGO

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

Mr. TRAFICANT. Mr. Speaker, check this out. A Mexican spokesman said,

Mexico has no money to honor NAFTA, and Uncle Sam will have to clean up the pollution on the border. Now that means that millions of gallons of raw sewage from Tijuana will contaminate the beaches of San Diego. It also means that San Diego will have to come up with $16,000,000 to build the treatment plant because Mexico was supposed to but they cannot. But the EPA says, in any regard, no one is going to build a treatment plant down there because you will endanger the habitat of the pocket mouse.

Beam me up. People in San Diego are swimming in raw fecal matter, and the EPA is worried about the pocket mouse. Ladies and gentlemen, why don't we let Mickey Mouse take care of the pocket mouse and EPA take care of the American people like they are supposed to.

I say maybe it is time we enforce NAFTA and also pass the clean water bill. It is a commonsense bill.

A BALANCED BUDGET

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

Mr. JONES. Mr. Speaker, this week the House of Representatives will make history. For a quarter century Government has been the problem rather than the solution. Government policies have squandered our children's future, stagnated our workers' wages, assaulted our families' values and eroded our citizens' freedoms.

This week, once again the people will govern. We will vote on a program to transform the Federal Government by making it work for the people. Our plan will balance the budget for the first time in 25 years by making Government responsible.

Our balanced budget restores our children's American dream by ending the practice of squandering the children's inheritance on big government. It returns power to the people by ending the micromanagement of intrusive Washington bureaucrats. It prepares for the future by saving programs that would otherwise go bankrupt like Medicare. It restores democracy by making government officials public servants. The people of America want a balanced budget.

MEDICARE AND THE REPUBLICAN BUDGET

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

Mr. HINCHEY. Mr. Speaker, Speaker GINGRICH and the House Republicans are pulling a fast one on senior citizens by drastically cutting Medicare and using savings to fund a $350 billion tax cut for the wealthy. The Gingrich-Kasich budget plan will cut health care services for 37 million seniors receiving Medicare benefits.

Under this plan, Medicare growth will not keep pace with the rising cost of health care, the growth in the number of beneficiaries and the inflation rate.

The result of these cuts will be an additional cost to Medicare recipients of $1,000 a year—out of their own pocket—by 2002. To inflict these costs on seniors living on fixed incomes is inhumane.

Where I come from, a person is only as good as their word. The U.S. Government has made a covenant with senior citizens and I implore my colleagues to make sure the Congress honors Medicare promises.

By breaking this promise of a healthier life for tax cuts for the wealthy will mean turning our back on senior citizens and working American families.

By slashing Medicare to pay for tax cuts for the wealthy, Speaker GINGRICH is ensuring that the wealthy get a gold mine while senior citizens get the shaft.

URGING SUPPORT FOR A BALANCED BUDGET

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

Mr. RADANOVICH. Mr. Speaker, President Clinton claims he wants a Government that is lean but not mean. Today the Federal Government is big and mean. It takes 1 of every 4 dollars the average family earns. That is mean. The average family has to spend more to pay for the cost of Government than on anything else.

Big government is not just mean to our families. It is nasty to our children. This year the Federal deficit will skyrocket to $176 billion. The debt will explode to $4.7 trillion. That is $75,000 of debt for every family of four. Families beware—the Democratic leadership does not help you—they thrive on you.

There is a better, leaner way, and we are voting on it this week. It is our balanced budget and it puts the big, mean old system on a diet. Our balanced budget ends deficits by 2002, returns power, control, and money to families and restores the American Dream to our children.

I urge my colleagues to vote for leaner, not meaner, Government. Support our balanced budget.

REPUBLICANS AND MEDICARE

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

Ms. DELAURO. Mr. Speaker, the public is not fooled by the Republican shell game.

They oppose Republican plans to pay for a tax break for the privileged few by cutting Medicare.

Today's Washington Post tells us that 56 percent of the people are opposed to the Republican plan to cut Medicare. They are not fooled by Republican claims of fixing Medicare. The public is on to the Republican scam of using Medicare as a piggy bank to pay for their tax breaks for the privileged few.

Rather than wiping out billions of dollars in tax cuts for large corporations, Republicans chose to slash support for the old and the sick.

The Republican chairman of the House Ways and Means Committee says he will not touch the billions of dollars of tax breaks for wealthy corporate special interests.

Mr. Speaker, let us go after the billions in corporate tax breaks before we stick a ''sick tax'' on our parents and grandparents.

MEDICARE GOING BROKE

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

Mr. RIGGS. Mr. Speaker, let me just respond to the previous speaker by pointing out the Washington Post also says, in a column entitled Which Budget, referring to the lack of any proposal from the House Democrats, ''Democrat complaints about Republican budget plans have a hollow and unpersuasive ring.''

Mr. Speaker, the silence of those on the other side of the aisle about Medicare is deafening. All we hear from them is more distortions, more hot air, no solutions. But do not take our word for it about the condition of the Medicare trust fund. Take the word of the Medicare trustees who said in their April 3 report, and I quote, ''the present financing schedule for Medicare is sufficient to ensure the payment of benefits only over the next few years.''

The bottom line? The fund is projected to be exhausted in 2001. This conclusion was reached by three of the President's own Cabinet Secretaries who also double as Medicare trustees: Secretaries Rubin, Reich, and Shalala.

Mr. Speaker, the American people are tired of this evasion. They are tired of the posturing. They sent us here to Washington to handle the Nation's problems, not to avoid them. Republicans are providing leadership while the White House and the House Democrats are providing scare tactics and class warfare demagoguery.

PAIN FOR SENIOR CITIZENS

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

Mr. GENE GREEN of Texas. Mr. Speaker, what the Republicans really want to do over the next six years is privatize and eliminate Medicare. A couple of weeks ago I saw Speaker GINGRICH on TV saying the cuts in the budget were going to be large but painless. Painless for whom, I wonder, Not painless for seniors and not painless for children.

The cuts in the budget are certainly not painless for the seniors in my district or across the United States. In fact, the Republican majority has proposed to slow growth or, as most of us would say, dramatically cut billions from Medicare over the next 7 years.

The Republican cuts would result in an increase in copayments, deductibles, and premiums for senior citizens in Houston, TX and across the country. The budget plan is a broken promise to working families and their parents.

The Republican majority has promised us they would balance the budget without devastating families and senior citizens. That is one promise they cannot say they kept. While I understand and promote the need for a balanced budget, there is a right way and a wrong way to do it. Balancing the budget on the backs of senior citizens while you give tax breaks is not what the American people want or hopefully the Republican majority would want.

BASIC MATH

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend is remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I spent 24 years of my life as a teacher, and I thought for a few moments today we might go back to school.

Here, as you might remember from kindergarten, is a number line. What we were supposed to learn from that was that 3 is greater than 2 and 6 is greater than 4. But apparently some of us are slow learners.

As you will see from this next graph, these are the numbers for Medicare payments per recipient. On a scale that is uninterrupted so it is not distorted, as a result of the Republican plan to balance the budget. Please notice that we are now spending $4,700 per recipient in Medicare. By the year 2002, that will increase to $6,300. That is bigger than, larger than $4,700.

Let us see if we have got it right now: $6,300 is bigger than $4,700. So Republicans are not cutting Medicare.

HANG TOUGH ON AUTO TRADE SANCTIONS

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

Ms. KAPTUR. Mr. Speaker, at this very moment our United States trade ambassador is announcing proposed trade sanctions against Japan for its unfair trade practices. After a decade, the executive branch of our Government has taken seriously Congress' mandate to open Japan's auto market.

Imposing penalties on Japan has my full support. In the weeks ahead, as Democratic cochair of the auto caucus here, I urge United States representative Mickey Kantor to hang tough for America and fight as hard as he can to increase our access to Japan's market. If this Nation were to achieve auto trade equity with Japan we could build 100 new factories in this country, each employing 5,000 people. That is how big the gap really is.

The United States has trade balances with every other major trading partner in the world but for Japan. So for Japan, the time has come.

□ 1200

TOP 10 TACTICS OF THE NEW MINORITY IN THE POSTCONTRACT PERIOD

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

Mr. HAYWORTH. Mr. Speaker, from the home office in Scottsdale, AZ—here are the top 10 tactics of the new minority in the postcontract period.

No. 10. Change the name of ''Medicare'' to ''Mediscare'';

No. 9. Hire Freddy Krueger as the new liberal Democrat spokesman;

No. 8. Get Leon Panetta to take likeability lessons;

No. 7. Set up a new political action committee—the ''Whine producers''—w-h-i-n-e;

No. 6. Insist that it is relevant to carp, complain, and sit on the sidelines instead of offering policy alternatives;

No. 5. Put an ostrich ranch here on the Hill to mimic the practice of putting heads in the sand to hide from problems;

No. 4. Insist that a bigger Federal Government is the only way to meet any challenge;

No. 3. Get the Department of Education to change the name of ''addition'' to ''subtraction'';

No. 2. Revise history to say the credibility gap was a good thing;

And the No. 1 postcontract tactic of the new minority—grouse, grouch, grumble, and mumble—do anything but cooperate.

SIMPLE ARITHMETIC: TAX BREAKS FOR THE WEALTHY PROVIDED BY BUDGET CUTS

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

Mr. VOLKMER. Mr. Speaker, and people back in the Ninth District, those who I talked to while I was out there, it is flim-flam time. You heard the Republicans on the other side say they are not cutting Medicare. CBO says they are cutting Medicare. They say the increase they give is far below the level that is estimated that is needed to maintain the current level of Medicare benefits required under current law. They say ''Yes, we are increasing it,'' but what about all the other people, for current beneficiaries, they say, ''What about all the other people that are coming?''

Mr. Speaker, if you take the tax break, the big tax break out of the budget, out of their budget, there is no need to cut Medicare one penny. There is no need to cut student loans, there is no need to cut agriculture and veterans' benefits, there is no need to do those things. They are doing it in order to give tax breaks to the wealthy.

It is very simple arithmetic. We had a gentleman there talk about classrooms. Yes, do the arithmetic. Take the tax break for the wealthy out of the budget and see what that equals. That equals more than the Medicare cuts for the elderly and the agriculture cuts and the student loan cuts.

IT IS TIME TO BALANCE THE BUDGET

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

Mr. CHABOT. Mr. Speaker, once again I think we can see clearly that Medicare spending goes up from $4,700 per recipient up to $6,300 per recipient. It is not a cut, it is as simple as the figures right here.

Mr. Speaker, in 1969 Neil Armstrong set foot on the moon. Joe Namath predicted a Jets victory in Superbowl III and my home State, Ohio State, won the Rose Bowl. In 1969, that was the last time that Congress passed a balanced budget.

Today, 26 years later, the Republican majority is trying to repeat history. We have submitted a historic plan to once again balance the Federal budget. For the past 26 years, Congress let the Federal budgets grow and grow and grow. The social spending programs of the sixties ballooned and blossomed. They raised taxes, but they could not kick the spending habit. It is time, finally, that we balance this budget. We begin this week.

THE BOLD REPUBLICAN BUDGET

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

Mr. WISE. Mr. Speaker, we have seen the charts, but there is one line they do not have on the charts, where they say that there is an increase because it goes up to $6,300 by the year 2002. They do not have the chart that shows where there is a $1,000 cut for every senior citizen beyond what their expenses would be. They do not have the chart that shows the increased co-pays for senior citizens. They do not have the chart that shows the increased deductibility. They do not have the chart that shows the increased insurance premiums, not only for senior citizens, but for all insurance premium payers. They do not have those charts, because they do not want to show them to you.

The fact of the matter is cutting Medicare goes for a tax cut for the upper income. Mr. Speaker, I have

heard a lot of talk about how bold this budget is. Congratulating the Republican leadership for being bold by presenting this budget is like congratulating Lizzie Borden for being on the cutting edge.

BEING RELEVANT VERSUS BEING CONSIDERED RELEVANT

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

Mr. LEWIS of Kentucky. Mr. Speaker, it has come to my attention that some politicians are only concerned about being considered relevant rather than being relevant.

According to Webster's dictionary, relevant is having significant and demonstrable bearing on the matter at hand.

Relevant is improving the standard of living for our children. That means ridding ourselves of deficits.

Relevant is having significant and demonstrable bearing on the deficits that are mortgaging our childrens' futures. That means balancing the budget.

Relevant is having significant and demonstrable bearing on the impending bankruptcy of Medicare. That means fixing the problem now.

Relevant is having significant and demonstrable bearing on the spiralling cost of entitlement. That means controlling the growth in the programs, such as Medicaid.

Relevant is having significant and demonstrable bearing on the bloated Federal bureaucracy intruding in the average citizens life. That means eliminate entire agencies and departments.

Relevant is doing what is right by our seniors and our children.

MEMBERS NEED TO STAND UP AND OPPOSE THE REPUBLICAN BUDGET PLAN

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

Mr. WARD. Mr. Speaker, Medicare is being cut in the Republican budget proposal, make no mistake about it. They are reducing the projected spending level, which means higher co-pays, reduced benefits, and reduced services. Why? Why are they doing this? To pay for a tax break for the wealthy. It is a cut in Medicare to pay for a tax break for the wealthy. If there were no tax break in this bill, there would be no need for the reduction in projected spending in Medicare in this budget.

Mr. Speaker, we need to stand up and oppose this plan.

COME HOME, DEMOCRATS

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

Mr. SMITH of Texas. Mr. Speaker, the Democratic Party that once inspired our Nation by proclaiming ''We have nothing to fear but fear itself'' today has nothing to offer but fear.

The same party that once rallied Americans from the depths of the Depression today ignores the decline wrought by exploding Federal deficits. The same party whose leaders once warned of the dangers of welfare dole today defends a welfare state that traps the poor in dependency and despair. And the same party that marshalled the free world in the fight against Nazis today silently ignores an economic Dunkirk in Medicare.

There is an alternative for Democrats to this defense of the status quo. And it is well within the Democratic Party tradition. Our balanced balanced budget upholds the tradition of Jefferson by ending the practice of saddling future generations with debt. It affirms the tradition of Roosevelt by providing for a strong, effective government that prepares for the future. And it celebrates the tradition of Kennedy by spurring growth through tax relief.

Come home Democratics: Restore the American dream and the proud tradition of America's oldest party by supporting our balanced budget.

THE REPUBLICAN BUDGET IS A BAD IDEA

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

Mr. BROWN of Ohio. Mr. Speaker, this week we can see what the Republican majority is all about: tax breaks for the wealthy, tax loopholes for special interests, increases in military spending. How to pay for those tax loopholes, how to pay for those special interest tax breaks, how to pay for military spending increases? By cutting student loans for middle class families, by cutting veterans' benefits, by cutting Medicare.

Nearly 37 million senior citizens will pay more out of pocket costs, will suffer a reduction in benefits, and will lose their right to choose their doctor. Cuts in Medicare, veterans, students, to pay for tax breaks for the rich. Mr. Speaker, I am a deficit hawk. I voted for the balanced budget amendment, but the Republican budget is a bad idea.

THE AMERICAN PEOPLE ARE READY FOR REAL ACTION ON THE DEBT

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

Mr. GUTKNECHT. Mr. Speaker, during the district work period and subsequently, many of us have had town meetings and conversations with the good people we were elected to serve. One message that has come through loud and clear is that the American people want Congress to work together to solve the great problems facing this great Nation. They know that the Medicare trust fund is going bankrupt. They understand that the burgeoning debt will destroy our children's economic future.

As Churchill reminded us, the American people did not cross the oceans, ford the streams, traverse the mountains, and deal with the droughts and pestilence because they are made of sugar candy. The American people are tough. They are ready for real solutions, but they will not accept simply lining up every day and yapping like a bunch of toy poodles while the debt balloons and Medicare goes bankrupt. The American people want real action. The American people are ready.

THE REPUBLICAN BUDGET WILL CUT MEDICARE AND NEEDED SERVICES TO STUDENTS AND THE ELDERLY WHILE GIVING TAX BREAKS TO THE RICH

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

Mr. KLINK. Mr. Speaker, we have looked at the charts and we have looked at the graphs. They keep talking about the fact that ''We are increasing Medicare, we are not decreasing Medicare.'' It is like a friend of mine who made $100 a week back in 1960 saying he got a raise because he makes $150 now. You have to adjust for inflation, you have to adjust for more people going into the system. This is not an increase. In fact, it is a very large decrease.

In my area in southwestern Pennsylvania, if this Republican proposal to cut Medicare this much goes through, our hospitals tell us that half of the hospitals in southwestern Pennsylvania will close. Many of those hospitals get 60 percent of their money from Medicare reimbursements, because 1 in 5 residents in southwestern Pennsylvania are on Medicare.

Mr. Speaker, this is a budget that would in fact also cut student loans by $19 billion, that is an average of $5,000 a year, by charging interest to students while they are in college. We do not want to give them an education so they can get a better job, and when they get older, we want to take their Medicare away; also, so we can give $20,000 tax breaks every year to the richest 1 million Americans. Unfair, Mr. Speaker.

CONGRESS MUST AVOID RECKLESS BUDGET CUTS IN AGRICULTURE

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

Mr. NETHERCUTT. Mr. Speaker, America is faced with a continuing dilemma: maintaining adequate food supply at reasonable prices for consumers while providing incentives for farmers to grow the crops needed in the country.

In 1980, food became a weapon of foreign policy with the imposition of the infamous Russian grain embargo. That embargo created huge crop surpluses and the result was massive commodity price declines. By 1981 farmers were looking to the Government for relief, because the Government-imposed embargo created the problem. Our Government then became the only market for farm products because foreign competitors filled the void created by restrictions on U.S. exports. Now, many of these countries have captured a great portion of former U.S. markets.

American farmers continue to face unfair pricing practices from the Australian Wheat Board and the Canadian Wheat Board. European Union farmers receive approximately $40 billion in government subsidies. American farmers can compete with foreign farmers, but not with foreign governments. Reckless budget cuts to agriculture will leave us farther behind in the effort to develop a free market for American agriculture.

REPUBLICANS TO REGULAR FOLKS: DROP DEAD

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

Mr. GONZALEZ. Mr. Speaker, the Republicans have delivered their budget message, and what it says to regular, hard-working Americans is, in the words of a great headline: ''drop dead.''

The Republican message is that regular folks will get a lot less help to improve the schools that their kids attend; and when those kids get to college, there will be a whole lot less help to pay for it, and if they get student loans, they will pay much higher interest on those loans. For instance, they want to kill school improvement funds and totally eliminate library funding.

They would kill funds that help our schools provide special services to poor kids. They also would kill funds that allow college students to work off some of their loans through worthwhile community service—meaning that students and communities alike get hurt.

The Republican message is that if your town needs help to provide affordable housing, forget it. And if your town uses block grants to provide essential services, your town will get a 25-percent cut. In fact, the rule seems to be, if it is help for any kind of public service or public improvement, there will be a cut of at least 25 percent, and often a total wipeout.

The Republican message is, if you are sick or old or poor, or have to ride the bus to work, you will get less service or help and pay much more for what you do get.

The Republican message to regular folks is that no matter how hard you work, you will pay more and get less for every kind of public service, and you will get less help to educate yourself or your kids, and by the way, if you are hoping for some neighborhood improvements and your town needs help to finance the effort, forget that too.

At the same time the Republicans are saying they will give a tax break to the rich.

So if you are an ordinary, hard-working American citizen, the Republican message is that your life is about to get harder. The poor will be poorer, the ordinary will be harder pressed, and those who are struggling to help themselves will have to struggle harder.

The Republicans do not come right out and say it, but their message could not be plainer: They want the well-off to get better off, and the rest of us can pay for it.

ADMINISTRATION CHARGED WITH USING SCARE TACTICS, DISHONEST CLICHES IN BUDGET DEBATE

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

Mr. LINDER. Mr. Speaker, for several weeks, Democrats have attempted to use shameless scare tactics to dismiss the Republican plan to balance the budget. Americans see through this sham.

In recent days, administration officials Tyson and Panetta have suggested the budget does not really need to be balanced by the year 2002. Americans know better.

The Democrats are not fooling anybody. Even the Washington Post acknowledges that the Democrats' complaints are ''hollow and unpersuasive.'' The Post calls the Clinton administration budget ''weak and directionless.'' In fact, the Post urges the Democrats to ''stop playing it cute,'' and the President to ''lead on this issue.''

It is disconcerting that the President of the United States would abandon the American people in this manner, but he has. He refused to submit a balanced budget. Thus challenge should be tackled in a bipartisan fashion with input from the Congress and the President. Unfortunately, the President has chosen not to contribute and House Democrats offer nothing but dishonest cliches.

URGING JAPAN TO OPEN MARKETS TO AUTO PARTS IMPORTS

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

Mr. LEVIN. Mr. Speaker, the United States Trade Representative has just announced tariffs, 100-percent tariffs on 13 luxury automobiles made in Japan. One of them is the Infinity Q45. This chart shows what our problem is. That car sells for $85,000 in Japan, $54,000 in the United States. It is the same car. They have to ship it here, insure it in its shipping. How does that happen?

Mr. Speaker, the reason is the Japanese shelter, they protect their home market. They do not let competition in, so they can charge their consumers anything they want, and then sell the care lower in the United States, taking the profits in Japan to try to get market share in the United States. They are keeping auto parts out made in the United States that sell for one-third or one-fourth. We say to Japan ''Open your markets. That is the issue. Open your markets. Compete. The United States is ready to compete. Won't you let us? It is about time.''

DEMOCRATS ARE DISINTERESTED IN SAVING MEDICARE, BUT ONLY USE THE ISSUE TO WAGE CLASS WARFARE

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

Mr. CHRISTENSEN. Mr. Speaker, it is clear by the statements by President Clinton and most other liberal Democrats over the last week that they are not interested in saving Medicare. They did not propose any alternative, they did not propose any plan. Instead, they want to use the imminent insolvency of Medicare as an opportunity to wage class warfare.

Let me quote the trustees' report, the trustees appointed by President Clinton: They said:

> The HI Trust Fund does not meet the trustees' short-range test of financial adequacy. The fund is projected to be exhausted in the year 2001, 6 years from the present.

For our final math lesson for the day, when we increase Medicare from $4,700 a year for medical benefits received by a senior citizen to $6,300 a year for medical benefits received per senior citizen, that is an increase; $4,700 this year, $6,300 in the year 2002. That is an increase. No matter what the liberal left tells us, we are increasing Medicare.

□ 1040

REQUIRING MEDICARE TRUST FUND TRUSTEES TO REPORT CERTAIN FINANCIAL RECOMMENDATIONS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1590) to require the Trustees of the Medicare trust funds to report recommendations on resolving projected financial imbalance in Medicare trust funds.

The Clerk read as follows:

H.R. 1590

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

SECTION 1. TRUSTEES' CONCLUSIONS REGARDING FINANCIAL STATUS OF MEDICARE TRUST FUNDS.

(a) HI TRUST FUND.—The 1995 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, submitted on

April 3, 1995, contains the following conclusions respecting the financial status of such Trust Fund:

(1) Under the Trustees' intermediate assumptions, the present financing schedule for the hospital insurance program is sufficient to ensure the payment of benefits only over the next 7 years.

(2) Under present law, hospital insurance program costs are expected to far exceed revenues over the 75-year long-range period under any reasonable set of assumptions.

(3) As a result, the hospital insurance program is severely out of financial balance and the Trustees believe that the Congress must take timely action to establish long-term financial stability for the program.

(b) SMI TRUST FUND.—The 1995 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, submitted on April 3, 1995, contains the following conclusions respecting the financial status of such Trust Fund:

(1) Although the supplementary medical insurance program is currently actuarially sound, the Trustees note with great concern the past and projected rapid growth in the cost of the program.

(2) In spite of the evidence of somewhat slower growth rates in the recent past, overall, the past growth rates have been rapid, and the future growth rates are projected to increase above those of the recent past.

(3) Growth rates have been so rapid that outlays of the program have increased 53 percent in aggregate and 40 percent per enrollee in the last 5 years.

(4) For the same time period, the program grew 19 percent faster than the economy despite recent efforts to control the costs of the program.

SEC. 2. RECOMMENDATIONS ON RESOLVING PROJECTED FINANCIAL IMBALANCE IN MEDICARE TRUST FUNDS.

(a) REPORT.—Not later than June 30, 1995, the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund shall submit to the Congress recommendations for specific program legislation designed solely—

(1) to control medicare hospital insurance program costs and to address the projected financial imbalance in the Federal Hospital Insurance Trust Fund in both the short-range and long-range; and

(2) to more effectively control medicare supplementary medical insurance costs.

(b) USE OF INTERMEDIATE ASSUMPTIONS.—The Boards of Trustees shall use the intermediate assumptions described in the 1995 annual reports of such Boards in making recommendations under subsection (a).

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

Mr. Speaker, before us today is H.R. 1590, a bill which would have the Board of Trustees for the Federal Hospital Insurance and Supplementary Medical Insurance trust funds submit specific recommendations on how to resolve the financial crisis facing Medicare in a reasonable timeframe.

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

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

Mr. Speaker, I was hoping the gentleman from Texas [Mr. ARCHER] would be here on this one because I was going to sympathize with him. This bill is not even worth the time of Congress to take up. This is a waste of time and a waste of money and a waste of effort. If you want a report like they are asking for in this, you can write the folks a letter down there and for 32 cents you can mail it to them or if it is official business, I guess it is, you can mail it under the frank and get the same response.

I thought this might be for real until I went home this weekend and one of my neighbors showed me the slick letter from the Republican National Committee in which they lay all this plot out that must have gone to the printer long before it ever became public up here, unless they send that slick magazine by the fax system. This is all laid out in the Republican national publication that is sent to all the wealthy folks in my congressional district seeking more contributions, in which they try to scare them to death by saying the Medicare system is going broke.

I was here and voted for Medicare and it had a life expectancy of a year then in the trust fund and it has never had a long life expectancy in the trust fund and a part of that is the trustees' way of telling Congress, ''Well, don't be generous with the Medicare benefits because the system's always going broke.''

Well, now it is only going to take 7 more years for it to go broke. That is a great improvement over past estimates which have been as low as 2 years and 3 years and one time it got up to 5 years. It has gotten a little further out sometimes or other during the economic cycles.

Yes, the Medicare system needs changes, incremental changes, but it is not going broke and I think that message ought to go out of here, and to be sending this bill through Congress to reinforce what the Republican National Committee is putting out is a travesty upon the Congress, it is a travesty upon the system, and it is a travesty to get the same information for a 32-cent letter to the trustees.

When you ask the trustees what is to go wrong with this program, you are asking the wrong people. You should be asking the people who have something to do with controlling the cost of expenditures in this program. They are the ones that are the experts in this area. The trustees are to just receive the money, put it in the bank and account for it and issue this annual report. They do not participate in the running of the program.

I am sorry that we are wasting this time here. I hope my Democratic colleagues will realize that this is a political ploy, not a real piece of legislation, will give it the kind of treatment it ought to have and, that is, vote ''no'' on it and let's let this thing go.

I am sorry we are costing the American public as much money as we are debating this senseless subject of asking for this trustees' report, but that is the way business is conducted around here now.

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

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

Mr. Speaker, this bill, we believe, is very important in moving us along in the process of saving Medicare so that the moneys will be there to pay the bills.

As we learned in our Committee on Ways and Means hearing on the status of the Medicare trust funds 2 weeks ago, the trust fund for part A is out of balance and heading to bankruptcy. Part B spending is increasing at an unsustainable rate, 12 percent per year.

We heard testimony expressing a sense of urgency about the condition of Medicare, an urgency which was also clearly reflected in the April 3 reports of the trustees for both parts A and part B of Medicare.

This Congress must recognize the crisis which the Medicare trustees have identified and we must act to preserve Medicare. However, first it is important to seek the most knowledgeable advice in considering a resolution for the problems facing the program. Congress should have the guidance of the administration and its Medicare trustees who have the responsibility for overseeing the entire program.

Those trustees are unquestionably in the best position considering their understanding of the Medicare program and the analytical resources at their disposal to provide guidance to the Congress as we begin this process to preserve the program.

When one reviews their combined education and training and experience in Government service and in the private sector, it is clear that they are uniquely qualified to rapidly provide us with recommendations and assistance.

Prior to his appointment as Secretary of the Treasury, the managing trustee, Secretary Robert Rubin, was responsible for overseeing the administration's domestic and international economic policymaking process. Last fall the President appointed him to cochair the President's health care reform initiative.

Secretary Shalala is currently responsible for the Medicare program and has at her disposal literally thousands of Government employees responsible for the health entitlement programs and health policy generally. She was, as chancellor of the University of Wisconsin, responsible for the oversight of a 488-bed teaching and research hospital and she had a major role in shaping the President's health care reform policy.

Commissioner Chater also has considerable experience in health care and health care policy. She holds undergraduate and graduate degrees in nursing and she was appointed by the Governor of Texas, Ann Richards, in 1991, to chair the State's health policy task force.

Secretary Reich is an economist and former professor of economics. He along with the other trustees had a key role in development of the President's health care reform initiative which contained significant reductions in the growth of the Medicare program.

H.R. 1590 would have these trustees build on their important work on the Medicare actuarial reports to provide us with suggested solutions to the financial crisis that they have identified. I am confident that as they deliberated over the financial concerns of Medicare, they felt duty bound to begin to develop a strategy to avoid the collapse that their report predicts.

I believe the American people expect their political leaders to face up to the major issues of the day in a bipartisan manner and with the executive and legislative branches working together. This legislation provides for such an approach to solving Medicare's financial problems because the 4 trustees I have described serve at the highest levels of the current administration. Their guidance will lay a useful base for the Congress to join with the President to craft a solution that assures Medicare coverage for this generation and the next.

I urge my colleagues to approve this bill so that we can get on with the important work at hand on a bipartisan, collegial basis.

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

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise today to urge my colleagues to defeat this bill, to say no to this cynical strategy to force the Medicare trustees to figure out how to pay for tax cuts for the privileged few. Make no mistake about it, that is what the Republicans are trying to do with this bill. They produce a budget that reduces taxes for the wealthiest Americans, giving the richest 1 million Americans a $20,000 tax giveaway each year.

To fill that gaping budget hole, they want to carve almost exactly the same amount out of Medicare, taking money away from struggling seniors and their families to line the pockets of those who already have it made.

Americans have known for years that Republicans are no friends of Medicare. After all, many Republicans voted against the very creation of the program. Year after year when concerns have been raised about the solvency of the Medicare trust fund, about our ability to preserve Medicare benefits, not just for today's seniors but for future generations, Democrats have acted and Republicans have barely lifted a finger to help.

So why can they not just be honest about it? Why can Republicans not just say we want to cut Medicare and we want to give the money to the wealthiest Americans? If that is what they believe, they should have the courage to stand up and be proud of those beliefs.

Instead, they want to hide behind the Medicare trustees, to ask a group of overseers to make their deep and dangerous Medicare cuts. But we are talking about Medicare trustees, not tax cut trustees. To ask them to fund the Republican giveaways for the wealthy is to degrade their very purpose, to make them pawns to an extremist agenda. It is wrong and we should not stand for it.

Republicans claim to be concerned about the solvency of the trust fund. They say that they want to save Medicare. But if that were true, why would they have refused to help Democrats improve Medicare year after year until they needed a way to pay for tax breaks for the privileged few?

And why would they propose tax breaks that are far deeper than any that would be needed to ensure the solvency of the trust fund, following the time-honored Republican maxim, give tax breaks first, then ask questions later.

Mr. Speaker, I don't need a commission or a political fig leaf to tell me what these cuts would do to America's working families. In my State of Missouri, seniors would see their benefits slashed by $873 a year by the year 2002. A story on the front page of today's New York Times says there is simply no way to make these cuts, the largest Medicare cuts in history, without, and I quote, real pain.

The Times even quotes a Republican health policy expert as saying, and I quote, some of the providers will probably not survive the pressure. In other words, hospitals will close or cut services, not just for seniors but for everybody.

Last week's Washington post quotes confidential Republican memos that show very clearly that under their plan Medicare deductibles will go up, premiums will increase, charges the Republicans continue to deny.

We need to talk openly and honestly about improving Medicare and making the trust fund solvent but not as a way to pay for tax breaks for the privileged few. Medicare is a trust fund. It is not a slush fund. It is about health care, not stealth agendas. This bill is nothing more than a political ploy and frankly while I do not agree with very much of the Republican agenda, I never expected them to try to hide from their own agenda.

Reject this bill. Throw away the fig leaf, and then let's have a real debate about Medicare based on policy, not on tax breaks for the privileged few.

Mr. ARCHER. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. THOMAS], the respected chairman of the Subcommittee on Health of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Speaker, I want to thank the minority leader for a wonderful speech as he leaves the floor because it is not a speech for this particular bill at this particular time. It is an excellent political speech for some time in the future, perhaps. Today we have on the floor H.R. 1590. What it does is ask the trustees to tell us what their suggestions are as to how to save the trust fund. Last week, the full Committee on Ways and Means met and the trustees presented their report. In the conclusion, the trustees said that experience to date suggests that the prospective payment system has worked but extension of this payment system to other providers could provide another 5 to 10 years before the fund is depleted.

We are asking them to give us the specifics on their recommendation, on their conclusion of their report.

In addition, the report goes on to say, to facilitate this effort, the trustees further recommend legislation. They go on to suggest legislation in their report.

The minority leader was feeling very good about talking about tax cuts and Medicare. That is simply oil and water on the floor this morning. The bill says to report back, submit to the Congress recommendations for specific program legislation designed solely—solely—one, to control Medicare hospital insurance program costs and to address the projected financial imbalance in the Federal hospital insurance trust fund in both the short and long range, and to more effectively control Medicare supplementary medical insurance costs—period.

That is what H.R. 1590 asks for. On the committee hearing, we asked the Secretary to provide some suggestions. She said she would be providing none. Had the administration been willing to cooperate and address the shortfall of funds in an openhanded, working together method, we would not be here on the floor asking this House to pass H.R. 1590. We must require the trustees to provide us with what they hinted at as one of the sources for changes.

As the minority leader attempted to raise the specter of partisanship in trying to solve the health care funding program for our seniors, I just would suggest that perhaps he and a few other Democrats look at health affairs, winter 1994, and an article by Guy King.

Who was Guy King? Guy King was the chief actuary of the Health Care Financing Administration from 1978 until July 1994, and played a significant role in developing the cost estimates for the Clinton administration's health care reform proposal.

One of the chief architects of the President's health care reform proposal said, ''Even President Clinton's proposed health care reform legislation, with its ambitious and highly controversial cuts in the Medicare Program, would have had only a minor effect on the deepening financial crisis of

Medicare part A, hypothetically extending the life of the program by only a couple of years at most.''

The program has been in trouble for several years, the President's proposal would have bought only a couple of years, with all due respect to my friend from Florida, the trustees say this program is in trouble. Regardless of the arguments of making it a partisan argument, the seniors expect and deserve solutions to make sure that Medicare is sound.

Who else but the trustees of the program should be asked, what are your ideas to make the program sound?

Pass H.R. 1590.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, this bill is nothing more than a sham and a public relations gesture to mask the fact that Republicans are proposing $283 billion in Medicare cuts to pay for tax cuts to the well-off.

If Republicans care so much about Medicare, why did they not wait for policy recommendations before proposing Medicare cuts? This is a classic case of slash first and ask questions later.

The fact that cuts are proposed before getting advice is the smoking gun that proves that the Republican's real intent is to cut Medicare regardless of any objective recommendation.

We know why they have to cut Medicare. Medicare is the only place where Republicans can find enough money to pay for their Contract on America.

If Republicans care so much about Medicare, why did they take $87 billion in earmarked funds out of the Medicare trust fund to pay for tax cuts to wealthy seniors?

What makes this bill so obviously a sham is that the Medicare trustees who are being required by this bill to provide policy advice on the Medicare trust fund have absolutely no authority or basis for making policy recommendations. They are not Medicare experts or health policy experts. They are accounting fiduciaries.

But the Republicans did not go to the policy arms of Congress for recommendations. They went to the entity least able to provide recommendations and not designed to engage in policy functions.

They were afraid that the policy experts would tell them that they cannot slash Medicare without terrible consequences for Medicare beneficiaries, their families, and the health care delivery system.

They were afraid the policy experts would tell them that they have to expand coverage for everyone if Medicare is to be really safe.

They were afraid the people who know what they are talking about would tell them that Medicare savings need to be kept in the health care delivery system to improve coverage for seniors and their families.

Mr. Speaker, Republicans just discovered the trust fund problem while Democrats have worked successfully for decades to incrementally improve and extend the trust fund viability each year, often against the backdrop of Republican opposition.

The Nation that we suddenly need a 30-year solution by June 30 from an entity totally unsuited to the assignment does not even pass the straight face test.

We will address the trust fund problem as we always have. But we will address it outside the context of tax cuts and budget politics. We will address Medicare and the trust fund in the context of health policy, not arbitrary budget targets.

We will address the trust fund in the context of health reform that keeps our entire health care system stable, not according to campaign manifestos that Republicans never dreamed they would actually have to use to govern.

But we will never be able to give the American people confidence in the government, if Republicans continue to substitute ridiculous gimmicks like this bill for substantive approaches to health security for senior citizens and every American.

□ 1100

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH], a respected member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of H.R. 1590, a bill to require the Medicare trustees to submit to Congress real legislative recommendations that will keep Medicare from going broke.

Mr. Speaker, prior to taking office, in my previous career, I served as a public trustee of a major municipal pension system, and in that pension system I felt I had the fiduciary responsibility to preserve that system by recommending certain courses of action.

Unfortunately, the Medicare trustees currently have no legal obligation, notwithstanding their moral obligation, to use their expertise to guide Congress in preserving Medicare.

The trustees have told us notwithstanding what you have heard on the floor today unambiguously that the Medicare part A fund will go bankrupt by 2002.

Now we need the trustees to give us real options on how we can continue to grow Medicare at a rate where we can preserve it for future generations, and also protect the benefits of senior citizens.

The Clinton trustees, Donna Shalala, Robert Reich, Robert Rubin, Shirley Chater, have so far refused to offer Congress any real options. This bill would make them do it. Let us vote for it.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Speaker, every Member of this body knows that Medicare needs reform. But Medicare reform is a heat-seeking missile, and the purpose of this bill is to have Republicans avoid taking any heat. It is a last-minute idea to get someone else to make massive cuts in Medicare that are going to hurt seniors.

It cannot be done in 30 days in a reasonable fashion. It stops the trustees from looking at health care reform as it should be, in a systematic way. It is a mistake. It is going to be bad for the Nation's older people.

I urge my colleagues to vote against it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON, another respected member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of this bill to require the Medicare Board of Trustees to make recommendations on resolving the financial crisis in Medicare. They reported on April 3 that the Medicare trust fund is going to be bankrupt at the latest by the year 2002. If nothing is done, this trust fund is going to go bankrupt and there will be no Medicare.

Clearly, this is not something that we can choose to address. It is something we must address.

Medicare is not simply a budget issue and should not be used merely to score political points. Our Nation's seniors deserve better than that.

Everyone, the Congress, the President, and his Cabinet must fulfill the duties of their offices by acknowledging the problem and offering solutions. So far the White House and Democrat congressional leadership have chosen to ignore the crisis in Medicare, and that is why this bill is necessary.

I hope the administration is listening. By refusing to address Medicare, they jeopardize the entire system. Americans say help us save Medicare. Vote ''yes'' on this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN], a real expert in medical care.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding time to me.

Mr. Speaker, this debate has nothing to do with the saving of the Medicare part A trust fund. The Republicans are looking for huge cuts in Medicare, $283 billion over 7 years, far beyond any amount that is going to be needed reasonably to extend the solvency of the part A trust fund.

What is really going on here is that the Republicans' pollsters have told them if they are going to come out and cut Medicare to this extent the American people will not stand for it, so instead they have developed this ruse about the Medicare trust fund. It is very much like what went on in Vietnam. We burn down a village in order to save people. They want to burn

down Medicare in order to save the part A trust fund.

I must say this is hypocritical. This trustee group that looks at the part A side is not the proper organization to give us the proposals for the massive cuts the Republicans are urging upon us. And we are being told that they can do it in 30 days, which is impossible.

And third, they are being told to come up with proposals for these kinds of reductions in Medicare far beyond what is needed to save the trust fund. But they cannot look at the whole health care system. They cannot look at the impact of these massive cuts, not just on the elderly, but on average working Americans who are going to lose their health insurance as well.

Mr. Speaker, I urge defeat of this proposal. I urge defeat of the budget that calls for these Medicare cuts, and I urge defeat of all of those who are going to go to the polls next year saying they saved Medicare by cutting it and gutting it.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN], a valued member of the Committee on Ways and Means.

Mr. CHRISTENSEN. Mr. Speaker, Medicare is going broke, there is no doubt about that. The trustees of the Medicare trust fund, including four Clinton appointees, announced beginning next year that Medicare will spend more than it takes in. By 2002 it will be completely bankrupt. If this happens, no one in America will have Medicare, no one.

What did the Clinton appointees say? On page 13 they said under present law there is no authority to pay hospital insurance benefits if the assets of the HI trust fund are depleted.

On page 3 they said under all of the sets of assumptions, the trust fund is projected to become exhausted even before the major demographic shift begins. That is before the baby boomers hit.

What did President Clinton say? That is even harder to find, because he did not say anything. He did not say anything in the State of the Union Address, he did not even mention it in his budget. I think he has taken a walk on this issue.

I believe that the Republican leadership is dedicated to reforming, preserving, and improving Medicare. I believe the board of trustees should do the very same thing.

H.R. 1590 will simply require the board of trustees to give us their input on how to solve the Medicare crisis. It is as simple as that.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN], another real expert in medical care.

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

Mr. LEVIN. Mr. Speaker, I think there is a problem that we face with Medicare, but here is what this bill says: We Republicans will be general; you Democrats be specific. The Republicans are saying we will supply the sugar deficit reduction, you provide the medicine.

That is bad politics and bad policy. I say to the Republicans, say what you mean. All you talk about is generalities, setting up a commission.

Are higher part B premiums likely under your proposal, a deductible increase, a coinsurance for home health, a coinsurance for skilled nursing, et cetera?

This document that you have brought here is nothing but a smokescreen. It is an effort to try to avoid the responsibility that you have to be specific.

I urge that we vote against this because you are trying to default in your obligations and shift it to somebody else, and that will not work.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

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

Mr. BILIRAKIS. Mr. Speaker, I rise in support of this legislation. As a Member of Congress who represents one of the largest concentrations of older Americans in the United States, I am quite troubled by the 1995 Annual Report of the Board of Trustees of the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds. In their 1995 report, as has already been reported here many times. The trustees urged Congress to examine the Medicare Program because both trust funds are facing serious financial problems in both the short-term and the long-term.

The trustees expressed deep concern about the growth of the program's costs, especially given the past and projected costs of the program. The trustees also urged Congress to control the costs of the Medicare Program through legislation as part of ''broad-based health care reform'' because they indicated that ''prompt, effective, and decisive action is necessary,'' using their words.

Mr. Speaker, the Medicare hospital insurance trust fund is financially out of balance, but spending growth by the supplementary medical insurance [SMI] part B trust fund also is a concern because the rate of growth is unsustainable. The cost growth directly affects Medicare beneficiary part B premiums as well as general revenues from which the largest share of SMI costs are financed.

Mr. Speaker, I think we all have to maybe look in the mirror and ask ourselves a question. Are we all truly concerned about saving Medicare or will we continue to use it as political demagogery as is done by some election after election. Maybe the fear is that if we solve the Medicare problem, it will not any longer be available for demagogery.

Considering the serious nature of this matter, the Congress in a bipartisan way, and I have not heard much bipartisanship here this morning, in a bipartisan way, and the White House must work together. We must protect current and future Medicare beneficiaries from the looming financial crisis.

The trustees have evaluated very carefully the Medicare program in great detail. They now must follow through. We have to basically mandate that they follow through with their recommendations to the Congress for legislative reform, and that is what this legislation is all about. It is a step in the right direction and will enable us to find solutions to the Medicare crisis.

For this important reason, I urge my colleagues to support this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished assistant Democratic leader.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for yielding me this time.

Mr. Speaker, Republicans do not seem to understand, Medicare is a trust fund, a trust fund, not a slush fund, a trust between the people and their Government.

In their budget Republicans propose cutting Medicare by $288 billion in order to pay for tax breaks for the wealthiest few in our society, but they refuse to say exactly where these cuts will come from. Instead, they are trying to get someone else to do their dirty work.

First they tried to pass it off on the President, and that did not work. Then they tried to pass it off on House Democrats, and that did not work. So now they are trying to pass it off on the Medicare trustees' board.

There is not a single senior citizen representative who sits on this board, not one, and we all know what is going on here, Mr. Speaker.

□ 1115

Republicans have what the New York Times calls a secret plan to cut Medicare. That means higher deductibles, higher premiums, more copays for lab tests, for home health care, for skilled nursing care, and importantly, less choice of doctor for every senior citizen in America.

How are they going to do this? Well, in this resolution they are trying to hide behind the unelected board that does not have one senior representative sitting on it.

Let us be honest what is happening here: Their cuts in Medicare are not going to fix the Medicare system. If that is what they wanted to do, they would just do it. Senior citizens are going to pay $1,000 a year to give tax breaks to the wealthiest people and the wealthiest corporations in America. That is what their Medicare proposal does outlined in their memo. That is not fair. The American people know it is not fair.

Republicans cannot hide behind this meaningless resolution. I urge my colleagues to vote ''no'' on this resolution.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona [Mr. KOLBE].

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

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 1590, and I commend the chairman, the gentleman from Texas [Mr. ARCHER] and the chairman of the subcommittee, the gentleman from California [Mr. THOMAS] for their foresight in soliciting the views of the Medicare trustees on how we should address this problem.

We have heard from at least a couple of speakers on the other side a very cute phrase, ''It is a trust fund, not a slush fund.'' The fact of the matter is, Mr. Speaker, the trustees have said their trust fund, our trust fund, the seniors' trust fund, is going broke. It is bankrupt. They will not legally be able to make any payments out of it if we do not do something to fix it.

In fact, they said very clearly in their report, ''Medicare program is clearly unsustainable in its present form.'' And they said, ''We strongly recommend the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis.'' They are the fiduciary trustees. They are in a position to know something about the problems. They are in a position to make recommendations.

I think it is ironic that the detractors of this legislation argue that it is a political gimmick. Nobody argues it is going bankrupt. We cannot ignore it. We have to do something. We need to act now.

The Congress has a historic opportunity to do something about it. The trustees are in a position to help us, tell us what to do about it, make those recommendations. We should solicit their advice. Does it not make sense to hear from the experts, the fiduciary experts responsible for this trust fund?

We should vote ''yes'' on H.R. 1590.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me this time.

Prior to coming here to the U.S. Congress, I was a practicing physician in Florida. I, indeed, took care of a lot of Medicare patients. Fully half of my clinical practice was in taking care of Medicare patients, and I got to see firsthand the tremendous value to those people of having this program, particularly those low-income seniors who always were very comforted by the knowledge they could have access to good quality medical care under this program.

Unfortunately today, the way things stand, this program stands the real possibility of going bankrupt, and we, as Republicans, are proposing that we save the Medicare Program. We are not cutting anything. What we want to do is control the growth of the program.

Today in America, the Government spends $4,600 per senior citizen, and we are talking about allowing that program to grow to about $6,300 per senior.

But our colleagues on the other side of the aisle and the President, they propose no program, but just to let this program grow to the extent that it would cost $8,600 per senior citizen, and we are seeing we need to look at this program in a way to save it, to help our seniors to continue to have the quality access to medical care that they demand, that they deserve, and the Republicans are ready to act.

We are asking for some serious input from the trustees of the Medicare Program, and I support this bill, and I urge all of my colleagues to vote for it.

Mr. GIBBONS. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. STARK] who, I think, knows more about this program than any Member of Congress, House or Senate.

Mr. STARK. Mr. Speaker, I want to thank the distinguished ranking member for that eloquent introduction.

It is obvious that there are some people on the other side of the aisle who think they know more about this bill and about the Medicare program, but if this bill were not such a cheap, cynical effort to manipulate public opinion, I would be tempted to ignore it. It is not needed, and it accomplishes nothing, and nothing that cannot be done now without legislation.

It is technically flawed. It asks the wrong people to render opinions on issues that are not within their jurisdiction or their area of expertise or their mandate. At best, this is suggesting that the dog ate the homework. It is a prime example of Washington run amok, wasting everybody's time, money and creating unnecessary bureaucratic mishmaw when the majority is blindly casting about for someone else to fulfill its responsibility. They really have a responsibility to propose a budget along with the details that are necessary to meet the fairy tale requirements in their budget. No amount of effort to shift the responsibility to someone else is going to hide the basic fact that the Republican Party is intellectually bankrupt. It is offering us a flimsy outline of a radical fairy tale world populated by rich, white suburban lawyers and MBA's, a world without aging or poverty, with education by osmosis, and beggars on white stallions. Oh, to be a young Republican and naive.

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

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

Mr. DEUTSCH. Mr. Speaker, I wish to highlight a question to the distinguished chairman. Last year the facts regarding the program were the same, and in your subcommittee, I was curious about the Republican Members of the Republican leadership in terms of their response to the attempts with the program last year.

Mr. STARK. Reclaiming my time, the gentleman raises a very good question. Last year we had a health reform bill. We laid out specific Medicare savings. It would have reduced Medicare spending by about $168 billion over 7 years and improved the status of the trust fund, and we did not wait for the President's proposals, nor did we rely on alarming statements about the status of the trust fund, nor did we try and scare the seniors. We worked, and we came up with a balanced, fair, health reform plan that provided coverage for all Americans, and every one of the Republicans on the subcommittee and the full committee voted against those cuts. They turned their back on the medical trust fund last year when they had a chance to help seniors and other Americans who did not have health care. Where were they then? They took a walk.

And now they are still taking a walk. They still have not figured out what to do, and they are asking us to buy into this cockamammie plan.

The gentleman rises a great issue. Every Republican on the committee voted against bringing these savings. Ironically, the only action taken thus far by the other side for the solvency of the trust fund is to give seniors, rich seniors, a tax cut, and take it out of the trust fund, to take $87 billion over 10 years and give it to the richest seniors and cut the money out of the Medicare part A trust fund. That is the only thing they have come up with so far.

Why not do what the chairman of the Committee on the Budget has done and let the committee work its will, come out with details, show us what they are planning to do, as our minority leader and as our distinguished whip showed us in their comments just a moment ago, that they plan to cut the poorest of the Medicare beneficiaries, to increase their co-pays, to deny them choice of doctors and plans, to give them vouchers that will not work?

I urge you to show the emperor-Speaker has no clothes and vote ''no'' on this silly bill.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from California is quite right. Last year the attempts to adjust the Medicare program were contained in an ill-conceived, comprehensive national health care program that had three things wrong with it: A majority of the Democrats did not support it, a majority of the Republicans did not support it, and a majority of the American people did not support it.

I will also say, in his attempt to reach for rhetoric, I am personally embarrassed for the gentleman from California to say the members of the board of trustees of the HI trust fund and the supplemental Medicare insurance trust

fund do not have any knowledge about how to fix the program. Perhaps the gentleman, in his wisdom, forgot that one of the trustees was the Secretary of the Treasury, Mr. Rubin. Perhaps he forgot one of the trustees was the Secretary of Health and Human Services who oversees the entire Medicare program. She is one of the trustees. Perhaps the gentleman, in his rhetorical splendor, forgot that Shirley F. Chater, Commissioner of Social Security, is one of the trustees. Those are all President Clinton's appointees who are charged with running the program, besides statutorily being trustees of the trust fund. They have responsibility.

In their report they suggested in a general way legislative changes. Read the conclusion of the trustees' report. They said generally we should take programs that are in effect and extend them to other areas. What H.R. 1590 asks is to be specific in the recommendations that those trustees made, including the Secretary of Health and Human Services.

In addition, there has been great weight placed on linking fixing Medicare with tax cuts and arguing that our attempt to fix Medicare is because we want to spend it on taxes. Where were you folks a couple of months ago when the House of Representatives voted out tax cuts that were fully funded? Was a piece of Medicare funding used for those tax cuts? Yes. What was it? The only Medicare cuts suggested by President Clinton in his fiscal year 1996 budget. They totaled a munificent $10 billion, and they were extenders of current limitations. That is all the Democrats have offered from the Clinton administration. We accepted those and included them in the fully funded tax cuts.

What is in front of us is the bankruptcy of Medicare. Listen carefully: ''Today Medicaid and Medicare are going up at 3 times the rate of inflation. We propose to let it go up at 2 times the rate of inflation. Today Medicare beneficiaries get $4,700. In 2002, we propose $6,300.'' That is going up, that is not going down. Who said, ''Today Medicaid and Medicare are going up at 3 times the rate of inflation. We propose to let it go up at 2 times the rate of inflation?'' President Clinton 2 years ago.

How interesting when you see an opportunity to make political hay with seniors. You refuse to give responsible suggestions for change.

H.R. 1590 is a responsible suggestion for change, and we urge its passage.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 1590.

The question was taken.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 170, not voting 17, as follows:

[Roll No. 330]

YEAS—247

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—170

Abercrombie
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Towns
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Ackerman
Barcia
Berman
Collins (IL)
Coyne
Flake
Foglietta
Ford
Hobson
Istook
Kleczka
Lipinski
Peterson (FL)
Reynolds
Rogers
Torres
Tucker

□ 1148

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

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 995

Mr. ALLARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 995.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT TODAY AND BALANCE OF THE WEEK DURING 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. ARMEY moves, pursuant to clause 2 of rule XI, that all the standing committees and subcommittees of the House be permitted to sit today and the balance of the week while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. May I inquire as to whether the minority will get the customary 30 minutes under this motion that we have historically been entitled to and have received?

The SPEAKER pro tempore. The Chair indicates that this is the prerogative of the majority leader.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, we have important work that we are trying to finish on the floor today. It has taken us longer than many of us thought would be necessary because we have tried to be as accommodating as we can to so many Members that have been interested in the Clean Water Act.

Nevertheless, it is necessary for this motion to be voted on, and I really do not think it is all that controversial a matter.

Mr. Speaker, for the purposes of debate only, I yield 15 minutes to the gentleman from Michigan [Mr. BONIOR].

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

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

Mr. Speaker, this motion may not be all that controversial on the gentleman from Texas' [Mr. ARMEY] side of the Chamber, but it certainly is controversial on our side. Let me just make this point. No. 1, I would have hoped we would have gotten the customary 30 minutes for debate, half of the time that is allotted under the motion that the gentleman from Texas makes. But given that we are not, let me make some points with respect to what the majority is trying to do to the minority.

Mr. Speaker, for the first few months of this Congress, we have had a process of consultation between the majority and the minority with respect to the issue of committee meetings during the 5-minute rule. And in almost every case, with few exceptions, we have been able to agree on this issue. But today the Republicans have gone too far. Today they are proposing a blanket waiver of the rule for an entire week, the very week that this House will be debating an historic budget resolution on this floor.

Under this motion, Mr. Speaker, Members will be tied up in committees, they will be voting on unrelated bills while the budget is being considered on the floor of the House. Why are they doing this? Why are they taking Members away from the action of the year, this budget, and placing them in committees to listen to hearings, to mark up other bills when the most important piece of legislation we could be doing this year will be on the floor?

Well, I guess, Mr. Speaker, if I were defending this budget resolution, which by the way in a poll in the Washington post today we saw 60 percent of the American people indicated they were opposed to this resolution, a resolution that devastates Medicare and Medicaid and education and the proper investments we need in this country, I would not want a lot of debate either. I would not want a lot of debate either.

We just finished a resolution that deals with the question of Medicare, $300 billion cuts in Medicare in order to give a tax cut to the wealthiest few in our society. The point here is that every Member in this body should be available on the floor to participate in this historic debate.

That is why they want Members to be tied up in committee, Mr. Speaker, because they are concerned that the membership will rebel against what is clearly in the eyes of the American people and those who have watched this process one-sided, one-sided on behalf of the wealthiest people in our society; tax breaks, if you make $230,000 a year, get a $20,000 tax break. If you are a senior who is struggling, like Iris Doyle who I represent in my district, who lives under Social Security, and a small pension she has, if you are living on a small pension, on Social Security, you are going to be paying an extra $1,000 by the year 2002 under this proposal.

We want to speak out on that, and we want to speak out with all our voices. We do not want one, two, or three, or four people on the floor while we debate this bill. We think every Member of this institution ought to be here. This is an historic bill.

I was here in 1981 when we did the budget and we did the tax cuts. This is every bit, probably more significant in the impact it will have on Americans. There is a provision in here that is going to cost my students in Michigan an extra $4,000 a year to go to college because of what they are doing to student loans, not to speak of all the other educational cuts.

Every Member on this floor ought to be here.

Mr. Speaker, you cannot hide the facts from the American people, and this heavy-handed motion that is before us today to take Members away from this institution, this floor, will not help.

Now, the first problem is occurring today in the Committee on Commerce, and I am going to yield in a second to the gentleman from Michigan [Mr. DINGELL] to outline that problem, but it is not just the Committee on Commerce. This motion allows all House committees to hold markups for the rest of the week as I pointed out. On Wednesday we begin voting on this budget. On Thursday we hopefully will finish it and vote on it.

Why can we not allow Members to be in one place at one time to focus in on one issue, in fact the most important issue we will have to deal with probably in this session, debating this, in my view, an outrageous Republican budget resolution?

I think we know why: because it is indefensible.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the House is going to make a decision on the budget for 7 years. Every year between now and the year 2002 is going to be affected by the actions that are going to be taken on the House floor. We are going to deal with policy. We are going to deal with economics. We are going to deal with interest rates.

Mr. Speaker, we are going to deal with employment. We are going to deal with Social Security. We are going to deal with economic issues. We are going to deal with the level of Federal expenditures. We are going to affect the rights and concerns of every American, from the very young to the very oldest and from the unborn to the dead.

I think to have these kinds of discussions and these kinds of decisions made while the committees and the subcommittees are marking up important matters, but matters nowhere near as important as that which we will be discussing today, is absolutely wrong. I would tell my colleagues that this resolution should not be agreed to for that reason.

I will also point out something else: This is one example of high-handedness.

□ 1200

Another example of high-handedness we will be seeing in the Committee on Commerce very shortly. A member has been added to that committee without a word of consultation with the leadership on this side of the aisle. Very shortly, without any consultation with the leadership on this side of the aisle within the committee, members will be having their concerns and their interests in the structure of the committees and subcommittees of the Committee on Commerce rearranged.

It is an interesting game that the Republican leadership is playing. What it says is that any time the Republican leadership chooses, they can change the composition of the teams on the field. If they do not like playing football with 11 men, they can put 12 or 13 men on the field, simply because they changed the rules, without adding another member on this side of the aisle.

That is an example of arrogance, high-handedness, and quite honestly, a series of practices which are totally inconsistent with the traditions and practices of this House, where the business, when the Democrats were in the

majority, was always done in consultation with the minority, and when we were always exquisitely careful, both on the leadership level in the House and on the leadership level in the committee, to consult and to afford the Republicans full opportunity to be fairly treated and to be heard before actions affecting the structure of committees, subcommittees, and of the House, was taken.

Mr. Speaker, I urge my colleagues to rise up against heavy-handedness, high-handedness, and arrogance on the part of my Republican colleagues in connection with two matters: First, consideration of the budget resolution; and second, the structuring of committees and subcommittees.

Mr. BONIOR. Mr. Speaker, let me just buttress the arguments made by my colleague, the gentleman from Michigan.

Republicans have put a new member of their party onto the Committee on Commerce. We are entitled to another member on that committee. However, when our requests are made, they are met with silence. There is no response given to us. Business as usual.

That is what we have here, business as usual. They pass a resolution on the first day of the session on committee ratios, saying that we can only have two full committees, yet they have 38 Members that serve on more than two committees. That question needs to be addressed, and we intend to address it in due time.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman from Michigan, the minority whip, for raising this issue.

I want to say to my colleagues that not only is it a question of members of one committee deciding to participate in debate on the floor on the budget or on the Clean Water Act or other measures, but we also have the situation where members of the Committee on Resources will be engaged in markup on the bill while at the same time their committee will be engaged in offering bills on the floor of the House under the current schedule.

That disenfranchises members of the committee from one of those two debates. They cannot participate and represent their constituent views in committee, or they cannot participate on the floor and represent their constituent views on those bills presented on this floor.

The same holds true for each and every member. This disenfranchises Republicans and Democrats alike, because if we have to go to committee to participate, we cannot be heard on the budget debate, we cannot be heard on the clean water debate. These are major, controversial, important actions, taken by this Congress.

I think the minority whip has it about right, that they seek to submarine this debate. The reports are coming in from the precincts. The American people are terribly upset by what the Republicans are doing to Medicare, what they are doing to student loans, and as we saw, what they were doing to student nutrition.

The fact of the matter is, the public does not like this plan, so what is their proposal? To disenfranchise Members of Congress from participating in this debate, from echoing the views of their constituents back home, and to try to keep them locked up in committee activity that is nowhere near as urgent or as important as the budget debate and or the clean water debate.

Mr. Speaker, I thank the gentleman for raising this issue.

Mr. BONIOR. I thank my colleague for his remarks, Mr. Speaker. He is right on target.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, let me make clear we are not talking about abstractions here. Last week, Mr. Speaker, we had in the Committee on Banking and Financial Services the single silliest day in the history, I believe, of the House of Representatives.

We voted in the Committee on Banking and Financial Services the week before to pass out a deregulation bill, but while we were having the rollcall on that bill, a rollcall was in progress on the floor of the House, because the committee was meeting simultaneously with the floor proceedings.

In fact, the chairman, an honorable man, trying to do his best under a set of silly rules, had called a rollcall on an amendment, and he announced that there would be a rollcall right after that on the bill. Many members, mostly Republicans who voted first on the amendment, did not hear that, so they left. They came to the floor.

As a result, last week, all the members of the Committee on Banking and Financial Services interrupted what we were doing, those who had gotten the notice, and we sat in the Committee on Banking and Financial Services and we pretended to vote on the banking bill. The only reason we had that meeting to vote on the banking bill was that the week before we had a simultaneous rollcall in committee and a rollcall on the floor. Some of the Republican Members were distressed because, having left to vote on the floor rollcall, they missed the rollcall in committee. That is what we are inviting when we have simultaneous rollcalls on both levels, we get this kind of problem.

Mr. Speaker, it was the Republicans who insisted that the chairman of the committee have this phony meeting. We all sat there, it was like a play, and we all voted. It was the silliest waste of time ever. Why? Because of this kind of tactic.

Therefore, what we have here is that the Republicans took power in January and announced this wonderful contract and all these rules changes, but we should have checked the warranty on the contract, because apparently, on the rules changes, it was good only until inconvenient. I have never seen people profess good intentions, as they define them, and so little live up to them as we have seen here.

The kind of burlesque that we had in the Committee on Banking and Financial Services last week, where we had a rollcall vote, a solemn rollcall vote solely because some Republican Members had missed the previous rollcall vote because there was another rollcall vote going on was silly, but what the Republican leadership wants to do is to create the circumstances in which that silliness will recur.

Mr. BONIOR. Mr. Speaker, to conclude, let me just ask my friends and colleagues today, please do not put themselves in the situation where they are not here defending the interests of their constituents by being away, by being at another markup, by being at another hearing, on the most important piece of legislation that we will consider perhaps this year, the budget of the United States of America, that will have serious consequences for seniors, for students, for middle-aged children who have to support seniors; an important bill.

Let us not play Casper the Ghost and have people participating in one or two different places at the same time. Let the sunshine pour through these Chambers so every Member can be here, can participate, and can be a full participant in the democratic process.

Mr. Speaker, I urge my colleagues to vote against this motion, and to give themselves the affordability and the comfort of being able to participate in the budget debate.

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

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

Mr. Speaker, if I can just take a moment to put back into perspective a point that has been stretched beyond belief, what we are doing here is asking the Members to vote to enable the committees to sit during the 5-minute rule while we continue to work on the Clean Water Act.

In particular, the work that we want to see continue in committees while we are on the Clean Water Act on the floor is the hearings of the Committee on Commerce on telecommunications, which has been the only objection that has been raised.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker pro tempore [Mr. BARRETT of Nebraska] announced that the ayes appeared to have it.

Mr. BONIOR. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 181, not voting 18, as follows:

[Roll No. 331]

YEAS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—18

Ackerman
Berman
Boucher
Collins (IL)
Cooley
Cox
Coyne
Evans
Franks (NJ)
Hoyer
Istook
Johnston
Kleczka
Lipinski
Peterson (FL)
Porter
Torricelli
Tucker

□ 1227

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on H.R. 1590, the bill previously considered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 4, LINE-ITEM VETO ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–121) on the resolution (H. Res. 147) providing for consideration of the bill (S. 4) to grant the power to the President to reduce budget authority, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 219, REGULATORY TRANSITION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–122) on the resolution (H. Res. 148) providing for consideration of the bill (S. 219) to improve the economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING TIME LIMITATIONS FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 961, CLEAN WATER AMENDMENTS OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that on the clean water bill which we will be considering in the next few moments that we establish time limits as follows:

In title VIII on wetlands:

One hour on the Boehlert substitute to title VIII; 30 minutes on the Gilchrest amendment to delete wetland delineation; and 20 minutes on all other amendments which will be considered, excluding title X for which no time limit will be set, and specifically the amendments to which I refer, which will have 20-minute time limits, are as follows:

The Gilchrest-Dingell amendment on migratory waterfowl; the Frelinghuysen amendment on delegated programs; the Wyden amendment to prohibit compensation; the Minge amendment with regard to permits for the Department of Agriculture; the Riggs amendment on certain wastewater treatment facilities; the Taylor amendment to require consideration of beneficial uses of dredged material; the Pallone amendment, which will be two amendments en bloc; and the Franks amendment to limit changes in title IX, with the time to be equally divided by the proponent and opponent of the amendments.

□ 1230

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

Mr. MINETA. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee, as he has just outlined, from what I can garner on this, that takes us up to roughly 6 hours and 40 minutes, if we have votes on all of the 10 amendments being offered, plus the 1 hour on the Boehlert, 30 minutes on the Gilchrest and 20 minutes, altogether that takes us a total, including voting, of 6 hours 40 minutes. Even if we start right now that would take us to 7:10 this evening.

I am wondering, given the request being made here, my preference right now is to just agree to the 1 hour on the Boehlert substitute, or to then have a time agreement through completion of our work in the Committee on the Whole. That would then take us through the completion of title X as well.

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

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

Mr. SHUSTER. Mr. Speaker, I would say to my good friend that would be my preference also, but we have not been able to work out an agreement on title X at this point. We are still attempting to work out an agreement on title X, so at this point we only have agreement up to through title IX.

I would also point out to my friend that some of the amendments I believe will be accepted, so we should not have recorded votes and will not take a full 20 minutes. And I would hope that even on some of the contentious amendments, we will not use the full time.

Mr. MINETA. Mr. Speaker, further reserving my right to object, it seems to me that without some idea about what is happening, what is going to happen in title X, I would have some reservations on the time limitation that is being outlined here. I am wondering, pending our being able to complete that discussion, could we just agree to the 1 hour on the Boehlert substitute for the time being?

Mr. SHUSTER. Until the conclusion of the 1 hour consideration, I have no problem. What about Gilchrest as well, to include Boehlert and Gilchrest?

Mr. MINETA. Thirty minutes on the gentleman from Maryland [Mr. GILCHREST], that would be fine with me.

Mr. SHUSTER. Mr. Speaker, I revise my unanimous consent request to include only the first two amendments, the Boehlert amendment for 1 hour and the Gilchrest amendment for 30 minutes.

The SPEAKER pro tempore. Is it the Chair's understanding that would include other amendments thereto?

Mr. SHUSTER. Mr. Speaker, I would expect to make a unanimous-consent request on the remaining amendments at the conclusion of either Boehlert or Gilchrest, but my unanimous-consent request at this point is only for the Boehlert and the Gilchrest amendments and the amendments thereto.

Mr. MINETA. Further reserving the right to object, Mr. Speaker, let me yield to our colleague, the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding. It is my understanding that title X will in effect act as an amendment to a previous amendment brought to the floor and passed relative to the Coastal Zone Management Act.

If the new title is accepted and is voted affirmatively, I would like to reserve the right, if that is the necessary language, to offer a substitute to the bill, which would in effect amend title X. I understand that I have the right to do that under the current rule, and I would like to affirm that that is in fact the case and that nothing being done here would abridge that right.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield, I would say to my friend nothing would abridge that right. This does not deal with title X at all and my friend would be protected.

Mr. SAXTON. I thank the gentleman.

Mr. MINETA. Mr. Speaker, again, based on the 1 hour for the Boehlert substitute and the 30 minutes on the Gilchrest amendment, I have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. It is the understanding of the Chair the distinguished gentleman from Pennsylvania wants to pursue the unanimous consent request?

Mr. SHUSTER. The Chair is correct.

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

There was no objection.

CLEAN WATER AMENDMENTS OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 140 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 961.

□ 1235

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 15, 1995, pending was the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Under the order of the House of today, there is 1 hour of debate remaining on the amendment and any amendments thereto, equally divided between the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. SHUSTER].

The chair recognizes the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the Subcommittee on Water Resources and the Environment.

Mr. BORSKI. Mr. Chairman, we have heard a lot about how the States know this program better than anyone else.

This amendment would strike title VIII of the bill and substitute the Wetlands and Watershed Management Act of 1995 proposed by the National Governors Association.

This is the proposal of the Nation's Governors on wetlands.

This amendment is similar to the amendment that I offered in committee and identical to the wetlands language in the Saxton substitute that was offered last week.

It is clear that the States do not like what this bill proposes for the wetlands program.

Here is why: The bill will eliminate protection for 60 to 80 percent of the existing wetlands.

In my State of Pennsylvania, 40 percent of all wetlands will be removed from protection, including more than 150,000 acres of floodplain wetlands that protect the Chesapeake Bay from polluted runoff.

In New Jersey, 35 to 50 percent of all wetlands would lose protection.

In Delaware, more than 50 percent of the wetlands would lose protection.

H.R. 961 decides, without regard to science, what wetlands will be protected and which will not.

There are serious problems with the administration of the wetlands permitting program, but H.R. 961, by eliminating protection for so many wetlands, does not solve them.

The National Governors Association has proposed a fast-track system for minor permits and an advisory committee from all levels of government to reduce duplication and overregulation.

On March 7, Mr. Chairman, the Association of State Wetland Managers pleaded with the Transportation and Infrastructure Committee not to adopt the language in title VIII.

Their testimony said H.R. 961 will create a program,

> That will result in massive Federal budget requirements, lead to environmental degradation and result in bureaucratic quibbling. Please do not create a new wetland regulatory program that is not fundable, not implementable, and not acceptable to the States.

The State association predicted that the 2 States, New Jersey and Michigan, that currently have assumed the section 404 program and the 13 that issue programmatic general permits will give back their programs if title VIII is adopted as written.

This amendment also includes the same exemptions for agricultural uses and the same expanded role for the Department of Agriculture that were included in the Boehlert-Roemer-Saxton substitute that we considered on Wednesday.

The Agriculture Department would have the sole authority to perform delineation of agricultural lands.

I urge my colleagues to take this opportunity on this amendment to show that we really do want to listen to the voice of the States.

Vote for this amendment, vote with the National Governors Association and back up all the words about a new partnership with the States.

I urge Members to vote for the Boehlert National Governors Association amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. DELAY], the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time and I appreciate all the hard work the gentleman and his committee have done.

Mr. Chairman, I rise in opposition to the Boehlert amendment. Like the Saxton-Boehlert substitute amendment which was soundly defeated, this amendment seeks to undermine everything this House accomplished during the first 100 days of this session to promote regulatory reform and property rights.

First, it strikes all property rights provisions, including the right to compensation for property owners whose land is devalued by more than 30 percent due to Federal wetlands regulations. These provisions are identical to provisions in H.R. 925, the Private Property Protection Act, which the House passed on March 3 with 277 votes, including 72 Democrats.

My colleagues, let us not reverse the strides we made so recently for the rights of private property owners when it comes to wetlands regulations.

Second, it eliminates the three-tier classification system created by the bill which is designed to give greatest priority to those wetlands that are in most need of protection. This flies in the face of common sense. Every wetland is not the same. The current expansive definition of a wetland is the root of the overregulation so onerous to this country's municipalities. Only by making critical distinctions will we ensure sensible conservation and a healthy future for our local and national economies.

And third, it removes provisions that streamline the current highly bureaucratic system for wetlands permitting, giving four agencies the power to veto a wetlands permit application. This is sheer and utter nonsense. I spoke last week about Lake Jackson's current difficulties in the permitting process. I can only imagine the cost in time, money, and effort the city would expend in merely getting through the submission process if this amendment were adopted.

The American people have been crying out for relief from the intrusiveness of Government, and applauded heartily when the House voted overwhelmingly to give it to them. We cannot go back on the contract we made with America to bring sound science and common sense to the regulatory process, as well as to take into account the rights of property owners. I strongly urge a ''no'' vote on the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time and compliment our colleague, the gentleman from New York [Mr. BOEHLERT], for the leadership he has demonstrated so vigorously and intensively on behalf of clean water and particularly, in the case, on the wetlands issue.

Mr. Chairman, our Nation was rich in wetlands when the settlement of America began. But civilization took its harsh toll: agriculture, highways, railroads, cities, suburbs, exurbs, flood control, destroying the wetlands along our Nation's major riverways and our coastal waterways. All in the interest of progress and without concern for an understanding of the enormous power and strength of the wetlands as a filtering device, preventing sediment from getting into the streams, preventing pollution from getting into our major waterways, estuaries, and lakes.

By the time I was elected to Congress in the mid-1970's, the lower 48 States had been diminished in wetlands by half. Our migratory waterfowl have declined in numbers over the years, and few are here in the Chamber today who can remember, but all of us surely should have studied the dust bowl days of the 1930's caused, not by drying up of the rains, but by man's thoughtless and senseless use and overuse of the land, draining the wetland-rich prairie pothole region of America's midsection.

One-third of our endangered and threatened species are sheltered by wetlands.

□ 1245

Coastal wetlands are the nursery and spawning grounds for half to 90 percent of the Nation's fish catch. Wetlands protect against floods. They recharge our groundwater. They filter pollution. They store water for recycling. They are a buffer against erosion.

We used to call them swamps and bogs and worse and drained them, dredged them and filled them in, then dug them up to grow crops on them and put housing on them and pave them over. We cannot do that any longer.

We are today at the point where I am reminded of the commons of medieval England where herdsmen were accustomed to bringing as many of their sheep as possible to graze on the commons pasture. They overgrazed and overused it and war and disease reduced the commons to a place of filth and destruction, and the carrying capacity declined, and so did the commonality of civilization until the people realized that they needed to restore the commons and build it back.

The tragedy of the commons is a story about mankind's determination to populate the planet to death and develop it to death. One farmer can benefit by putting one more sheep on the commons even though each time they do so they degrade it. That is what we are doing to the wetlands, putting more and more pressure on them, degrading and destroying these irreplaceable storehouses of water.

Let us work together to learn the lesson of the commons and let it not be the epitaph for our generation that we permitted the destruction of our commons, the nation's wetlands. Please support the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the issue of wetlands is a tremendously difficult issue. I think both sides have done a good job of actually trying to improve a piece of legislation that has had some difficulty in the area of the definition of wetlands.

But I learned something, and that is development is forever. I saw a man at Rehoboth Beach, DE, one day. He said, ''Mike, have you ever seen a shopping center converted into a park?'' The answer, of course, is ''No,'' and I would ask, ''Have you ever seen a wetland which has been used for some other use ever converted back to a wetland?'' And the answer to that is also, ''No.''

Sometimes we talk about substitute wetlands. The bottom line is once you lose them, they are lost forever.

There are some problems, I think, with the present legislation. There are costly delays and vague regulations. The farmers and homeowners do properly, I think, complain about wetland permit decisions and the time it takes to get them. The availability of general permits for projects having minimal impact on wetlands should be expanded, and I believe the Boehlert amendment addresses each of these very, very well.

The amendment adopts the National Governors' Association proposal on wetlands. The Governors' proposal would help coordinate protection efforts in the most efficient use of States' scare resources and minimize inconsistency between State, Federal, and local programs.

Wetlands management should be integrated with other resource management programs, and I cannot stress that enough, such as flood control, allocation of water supply, protection of fish and wildlife and storm water and nonpoint source pollution control. Wetlands delineation criteria and management policy should recognize the significant regional and even State variants of wetlands, and land use regulations are traditionally a State and local function, and decisions on wetlands management should be made at the local level.

They really differ. They differ from my State of Delaware than from California or Texas or Maine. They differ

all over the United States of America, and we should give that authority back to the States and the Governors where we can, and I believe that made a lot of sense when they came up with that particular program which addressed all of these issues.

In addition to that, the Boehlert amendment implements a fast track permitting process for minor and general wetlands permits that is absolutely needed in America and provides technical assistance.

For all of these reasons, I would encourage each and every one of us to consider this amendment. Look very carefully at it.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa [Mr. LATHAM].

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

Mr. LATHAM. Mr. Chairman, I thank the chairman for yielding me this time.

I rise today in strong opposition to the amendment to title 8 offered by my good friend, the gentleman from New York [Mr. BOEHLERT].

First of all, let me say that everyone who will speak against this amendment today shares a commitment to protecting genuine wetlands. The key issue, as I hope to demonstrate in a moment, is how broadly a wetland is defined. Because if you are a bureaucrat with the EPA or other Federal agency, wetland does not mean something is a pond or a bog or a swamp or a marsh. In fact, over the last 8 years, we have seen areas defined as wetlands where water never actually stands or where there is a low spot in a cornfield, and regulators, in their never ending search for more control, have stretched laws designed to affect navigable waters so that they can regulate farmland in north central Iowa that is at least 100 miles from any navigable water. That is how the environmental extremists come up with their astonishing claims about wetlands being left unprotected by this bill.

In the ideal world the overwhelming majority of Americans currently live in areas that could be defined as wetlands. If you define everything as a wetland, no matter how against common sense that definition may be, you can pretty much give yourself the right to regulate what every American does with his or her property.

Property owners and the general public no longer know what a wetland is. They expect to see a swamp or marsh or bog, only to be told by regulators that land that is usually dry is a wetland or that a set spot in a field of corn is wetland. This abuse has gone on far too long.

The current guidelines can allow an area to be called a wetland even if water never stands on it or even if the surface on the ground is never saturated.

As these photographs will demonstrate, the term ''wetland'' no longer means what the everyday commonsense interpretation suggests or what Congress envisioned as the limits of Federal regulatory jurisdiction.

The first photo is what we would all believe would be a wetland, obviously saturated, a pond. The problem today with the definition is that this land up here is also considered to be a wetland, far beyond the scope and definition of what should be considered. These photographs also show this is land under cultivation. The regulators can now say it is a wetland or have determined to be a wetland even though they have been in production for years and years. You can see obviously this land has been or is slightly damp, but in a couple of days in north central Iowa this will be dry. It has been under production probably for well over 100 years, generation after generation, and now a Federal regulator is coming in and telling this farmer he can no longer farm that land, and it has totally gone out of control.

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

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

Mr. GILCHREST. It is my understanding that prior to converted cropland, any land converted to cropland prior to 1985 does not fall under jurisdiction of wetlands by any Federal agency. There are also a number of farms and ag areas around the country that can continue to farm wetlands even though they still function as a wetland. They can continue to do that

Mr. LATHAM. Reclaiming my time, if that is the case, then why are there Federal regulators out today in prior converted agricultural lands defining that as wetlands, changing the use those people have? This is a very important point, a point that has to be gotten through to many of you people who continually think that agricultural land or that somehow we are abusing the wetlands. These lands are in production. They have continued to be. A lot of the tile in here was hand dug and today regulators are saying they are not.

Mr. GILCHREST. If the gentleman will continue to yield, the confusion on that, the Boehlert amendment completely eliminates that.

Mr. LATHAM. I understand that. By your definition, you will continue to have regulators out there defining that as wetlands. You certainly will, by your definition.

Mr. GILCHREST. No, we will not.

Mr. LATHAM. We will need a clear and defined definition of wetlands. I think it is very interesting that many of the proponents of this amendment who want to make it supposedly easier for agriculture also voted in the Lipinski amendment to take away 56 percent of the funds for the State of Iowa to comply with your regulations. Tell me the justice in that.

I think it is time that we finally brought some common sense back into the argument, and for people to put the dollars that go to the States like Iowa and then say that they are trying to help us is absolutely ludicrous.

I strongly oppose this amendment.

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

Mr. SAXTON. Mr. Chairman, I would just like to make three very quick, and, I hope, succinct points. I came to this House and served for a number of years on the Merchant Marine and Fisheries Committee, and while I was there, I found myself taking part in debates similar to this where we were making policy decisions based on a number of factors, and after a couple of years of serving there and weighing those factors, I came to the conclusion that we did not pay a lot of attention to science, and this debate today points out that back in those days that I thought I was right I can prove that, in fact, I was right, because, as a matter of fact, the National Academy of Sciences does not agree in any way, shape, or form with the definition of wetlands as it occurs today in H.R. 961.

One of the major thrusts of the Boehlert amendment is that it changes that definition so that it is in concert with what we think is a good definition based on science.

Second, H.R. 961, as it currently stands, would allow for destruction of well over half of the Nation's wetlands, and those of us who recognize the value of wetlands in terms of the life cycle, in terms of its use to slow down floodwater and act as a filter for pollutants which enter our waters upstream, recognize that it would be a disaster to permit an opportunity to destroy more than half of the Nation's wetlands.

And, third, let me point out that the debate that just occurred between my friend from Maryland and my friend from Iowa, I think, is ample evidence that we ought to listen to what the Governors say, because my friend from Maryland perceives wetlands as being one thing, and my friend from Iowa, a different State with a different structure, land structure, perceives wetlands as something quite different. And the Boehlert amendment adopts the National Governors Association proposals on wetlands reform, part of which is to give the States more say in defining and carrying out the wetlands programs.

So I wholeheartedly and strongly support the Boehlert amendment.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the Boehlert amendment.

This amendment adds even more uncertainty and bureaucracy to the regulatory process we are already enveloped in.

You see, it gives the Government an even bigger hammer to penalize landowners and ignores the fact that law-abiding citizens have been charged with fines and sent to prison for trying to be good stewards of the land.

The most egregious aspect of this amendment is that it ignores private property rights.

I would like to thank the chairman of the Committee on Transportation and Infrastructure for working with me to include the Chenoweth provision in this bill before us today, a provision with would require the Federal Government to receive written permission from private property owners when going on their land for the purpose of mapping wetlands. It is important to keep the Federal Government in check, and I believe the notification provision I recommended will ensure that the mapping process is carried out in accordance with our constitutional rights.

It is time for fairness, and it is time for sanity, and it is time for reason in this program.

Title 8 of H.R. 961 recognizes that. That is why I urge my colleagues to oppose the Boehlert amendment.

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

Mrs. CHENOWETH. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentlewoman, because I want to congratulate her. This is her first amendment on a major piece of transportation legislation. Your involvement has really been significant, and I want to congratulate you and thank you very much for your participation.

Mr. BOEHLERT. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], a leader in the environmental movement.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Boehlert amendment, and I would like to address some specifics rather than the generalities.

This wetlands proposal is not about some abstract ideas of beauty or maybe even idealists' idea of wildlife, but it has many direct economic impacts, and I want to concentrate on them.

□ 1300

After all, wetlands do act as Mother Nature's sponges when water levels rise, when we are talking about rivers rising for floods, hurricanes, or whatever the case may be, and the wetlands help fight shoreline erosion in States like New Jersey. This is essential for protecting our beaches. They help purify the water tables by serving as filters and also for toxic pollutants from man-made runoffs.

When we look at the whole committee bill, of course we take a serious setback from a 20-year effort, and it is a big step backward. The committee bill offers a very narrow definition of wetlands, and that is wrong to do. While we may find that their definition is feasible in some areas of the country, in New Jersey it would do serious damage to all of our pioneering efforts.

New Jersey, remember, is a densely populated State, and so we have to have a system under the law that will apply to all States, not a one-size-fits-all situation. In New Jersey we would be very, very concerned that it would be a huge setback for all the efforts that Governors in both parties have persevered on and pioneered on. The Boehlert amendment would adopt, and I want to stress this for all those, particularly on my side of the aisle, that revere block grants and Governors' proposals; I want to stress that the Boehlert amendment adopts the National Governors Association wetlands proposal in order to replace the committee's wetlands language. Here the Governors are right, and we should listen to them and act upon their advice.

The Boehlert amendment is not one size fits all. What is good for Alaska is not good for New Jersey or maybe even for Louisiana's protection. Vote yes on the Boehlert amendment.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, last evening I spoke about the severe problems with the present policies that we have on wetlands. This bill makes some badly needed reforms, and the Boehlert amendment would take us in the opposite direction. It would not be helpful to the real concerns that we have.

I spoke last evening of Nancy Klein. She and her husband bought 350 acres in Sonoma, intended to farm that. It has been farmed continuously every year since 1930. In 1989, the owner of the land raised cattle instead of farming. When the Kleins, with their five children, tried to begin their farming, they were informed by the Corps of Engineers that they could not do that, and they were threatened with $25,000 a day fines and were actually at one point, for most of 1994, criminally investigated.

Mr. Chairman, I would like to read from the letter that she wrote. It is really prepared testimony that she gave to the task force on wetlands of the Committee on Resources which I chaired, and we had a hearing, and she came and offered this. This volume of testimony will be printed and available for all to see in a couple of weeks, but just quoting from her letter:

> The FBI and EPA interrogated neighbors, acquaintances and strangers. They asked about our religion, whether we were intelligent, did we have tempers. They asked how we treat our children. Our property was surveyed by military Blackhawk helicopters. Their cars monitored our home and our children's school. They accused Fred of paying neighbors to lie. The FBI actually told one terrified neighbor that this investigation was top secret with national security implications. The community reeled, as did we. Our personal papers were subpoenaed; the grant jury was convened. We spent thousands of additional dollars to hire more attorneys. The Justice Department told our attorneys that, unless we would plead guilty and surrender our land, they would seek a criminal indictment of both Fred and me. According to one government attorney I was to be included because I had written a letter to the editor of a local paper, in their opinion, quote unquote, publicly undermining the authority of the Army Corps.

Mr. Chairman, the present law has allowed for this kind of abuse, tremendous abuse by the Federal Government in the area of wetlands regulation. The bill that we are supporting, coming out of the committee, provides for a good definition of wetlands, a classification system that uses good science to determine which wetlands are the most valued, those that get the greatest protection through this classification system, A, B or C. For that reason I urge defeat of the Boehlert amendment and support of the committee bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking minority member of the committee.

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

Mr. MINETA. Mr. Chairman, no issue has so defined the controversy of Clean Water Act reauthorization as has wetlands. We have now debated issues back and forth for 5 days on this floor and countless hours in our committee rooms.

There is general agreement on one thing—the wetlands program is in need of reform. However, I strongly disagree with those who would gut the wetlands program to the point that 60–80 percent of the Nation's wetlands are no longer subject to any portion of the wetlands protection program.

I have listened to passionate arguments on both sides of the issue. Some of my California colleagues were quite emphatic in that we must reduce the scope of Federal regulatory jurisdiction. I would remind my colleagues, however, that California has already lost over 90 percent of its historic wetlands, including some of its most valuable wetlands. I do not believe that we can now acquiesce in the potential loss of the majority of the small number of wetlands which remain.

The issue is whether we will reform the wetlands program to make it more efficient, reasonable and user-friendly; or, will this House choose to use the wetlands program shortcomings as an excuse to undo most of the protections in the Clean Water Act for wetlands.

The Boehlert amendment removes small, incidental, and manmade wetlands from the regulatory program. H.R. 961 removes 60–80 percent of wetlands from the program by creating an arbitrary, inflexible definition of wetlands. And it does so in the face of, and contrary to, the just released study of the National Academy of Sciences on wetlands.

The Boehlert amendment addresses the issue of differing values of wetlands by directing that regionalization be considered in delineating wetlands. H.R. 961 creates an expensive and infeasible nationwide classification scheme which the National Academy of Sciences stated is beyond the state of the art to accomplish.

The Boehlert amendment protects the rights of the property owners in this country by adhering to the rights under the fifth amendment which have served citizens well for over 200 years. When property has been taken for public use, the Constitution will guarantee compensation. H.R. 961 adopts the unsound takings provisions which are opposed by the States and which will cost the Government tens of billions of taxpayer dollars—billions of dollars when we are trying to balance the budget. H.R. 961 ignores the rights of the commercial fishermen who harvest over $10 billion annually, ignores the rights of waterfowl hunters who spend over $300 million annually, and ignores the rights of recreational users of wetlands who spend nearly $10 billion annually.

The Boehlert amendment will fix the wetlands problem. H.R. 961 would destroy wetlands protection and raid the Treasury. Most people do not want that. Support the Boehlert amendment.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I rise in opposition to the Boehlert amendment and in support of the committee bill, and I believe that one of the most important points that needs to be made on this legislation is that the Boehlert amendment effectively strips out the private property rights protection that was included in the committee bill, and I want to explain why that is so important, that we include the protection of private property rights.

The fifth amendment of the Constitution, which was passed for one reason, to protect private property rights, stated, ''nor shall property be taken for public use without just compensation,'' and for 200 years we operated quite effectively with that protection under the fifth amendment of the Constitution.

Twenty years ago, Mr. Chairman, this body began to pass legislation which increased the regulatory might and the regulatory power of the Federal Government dramatically, to the point where in the past 10 years people have began to lose their private property to the regulation of the Federal Government without compensation.

Now, if the Federal Government were to come in, and take someone's property to build a project, a dam, a road, a highway, to take their property to put in a park, they would be required under current law and under current practice to pay for that without any questions asked. I say to my colleagues, they're taking your property; they should pay for that. But if they were to come in and use a regulation like wetlands, section 404, the Clean Water Act, and they effectively took away all use or value of someone's property, under current practice and under the guise of some of my colleagues here they would not have to pay for that property even though they took away the value of the property, they took away the use of the property, they took away the ability for someone to continue to make their mortgage payments and to pay their property taxes. It is OK because it is all in the name of the Clean Water Act and preserving wetlands. Well, that is wrong.

When we passed the takings legislation through this House, I felt that was an important first step in protecting private property, but the second step in protecting private property is including that protection in the Clean Water Act, the Endangered Species Act and other regulatory issues that we take up under the House. It is extremely important.

Mr. Chairman, I just want to tell my colleagues, if you voted for private property rights protection as part of the takings legislation and regulatory reform through this House, you have got to support private property rights and vote against the Boehlert amendment because effectively it strips——

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has expired.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, preceding speakers have provided plenty of examples of extreme and arrogant actions by EPA, and certainly it is true that we are here in part to reform the Clean Air Act because EPA has been high-handed and was abusive of the people of America. But let us do it right. If we adopt the Boehlert amendment, we will be adopting the recommendations of the Governors themselves as to how to make the Clean Water Act effective and citizen friendly. We will adopt all of the exemptions from the wetlands permitting found in the underlying bill, normal farming, ranching, plowing, seeding, grazing, repairs of dams and levees and so on. We will also be adopting expanded use of general permits. We will be adopting a fast track permitting process for minor and general permits for people seeking to fill or drain a wetland area in one acre or less. Those folks will have an answer in 60 days. We will be providing landowners with an effective appeals process using the very same language in the underlying bill, and we will be giving the Secretary of Agriculture total control over agricultural wetlands issues as in the underlying bill.

This is a good, modest, logical amendment, but it does a couple of things that the underlying bill does not do that are terribly important to Connecticut. It provides, for instance, grants for technical assistance to small towns. Our towns have wetland commissions, and they are dealing very well with the permit process, but they need better information. They fear the classification system. They fear the classification system will do to my people what some of the arrogant EPA bureaucrats have done to people in other parts of the country. They fear the classification system with deny them the right in a State with lots of wetlands and very dependent on groundwater, will deny them the right to determine best use of properties within their boundaries.

Mr. Chairman, I urge support for the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

□ 1350

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Boehlert wetlands amendment. This amendment will be our last opportunity in this bill to reform our Nation's wetlands programs by providing the States with the flexibility they need to manage their wetlands.

As other speakers have mentioned, this amendment incorporates the National Governors Association's wetlands proposal and is identical to the wetlands provisions included in the earlier substitute. This amendment streamlines the permitting process without endangering millions of acres of wetlands.

Protection of wetlands is crucial to both the protection of our wildlife and the maintenance of our water quality. Wetlands are vital biological filters, removing sediments and pollutants that would otherwise suffocate our waters. Over half of the Nation's wetlands have disappeared since the time of Columbus. Recognizing the importance of this resource, President Bush pledged ''no net loss of wetlands'' during his administration.

Sadly, we are falling short of even this modest and reasonable goal. During the 1980's, despite the scientific recognition of the value of wetlands, our own Chesapeake Bay lost wetlands at the rate of 8 acres a day. No resource can long endure such depredation.

The Boehlert wetlands amendment adopts the National Governors Association proposal and deserves our support. Vote ''Yes'' on the Boehlert amendment.

Mr. SHUSTER. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Chairman, this is the property rights vote, 1995. This amendment strikes property rights from the wetlands bill.

Now, just a few short weeks ago 205 Republicans and 72 Democrats voted in favor of property rights compensation to landowners in wetlands regulations. Today is a real test. We are going to see today whether 205 Republicans who signed a contract promising to assist American landowners in their property rights battles with the Federal Government in wetlands regulations are ready to keep that contract, or whether they just signed a piece of paper. We are going to see whether 72 Democrats who voted for their farmers, for their homeowners, for the landowners of America

who have been regulated to death under this wetlands regulation, that nobody ever passed into law, that regulators simply built upon, one regulation after the other, we are going to find out whether 72 Democrats really believe in private property rights, or whether they just vote for it one day and vote against it another day.

If there is one thing people in America are sick and tired of, it is the old politics as usual. Vote for something one day and claim you were for it, and vote against it another day when it really counts. Well, today it really counts. Today it really counts.

The President of the United States has declared on Earth Day before a throng of his environmental friends that he intends to veto the property rights bill we passed just a few short weeks ago. That bill is on its way to death, and it has not even been considered by the Senate.

This bill today is your chance to say you really meant it when you voted for property rights just a few weeks ago. This is your chance to put property rights in the wetlands bill, where it belongs. So make sure that when the Government takes people's property by regulation, that it does what the Constitution says it ought to do, that it pays them fair and just compensation. That is simple. There is no way around this.

In just a few short minutes this debate will end and people will come from their offices back to this Chamber, and we will find out whether 205 Republicans really meant it when they signed a contract in favor of property rights, and whether 72 Democrats really meant it when they voted for property rights. We will find out today if they are prepared to vote ''No'' on this Boehlert amendment, and stand up for Americans who deserve and are entitled to be compensated when regulations take away the use and value of their property.

Mr. Chairman, there is the day of reckoning. There will be other smaller amendments offered on the property rights issue, but this is the big one. This is the property rights vote of 1995. This vote and the one that will come on endangered species when we finally take up the reform of the Endangered Species Act, will really tell Americans how you stand on this issue central to this debate. If you believe, as I do, that regulations to protect wetlands are certainly important and regulations to protect endangered species are certainly important, but so are people, so land and rights, so are property rights, so are jobs, so is the economy in this country, and there ought to be a balance, that when the Government regulates people's land in such a way that they cannot use it anymore or their use is heavily restricted, if you believe as I believe, as most in America I think believe, then this is your chance to vote no on the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

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

Mr. DURBIN. Mr. Chairman, I rise in support of the Boehlert amendment. People who are listening to this debate who do not own land may wonder what difference it makes whether we have wetlands or how many of them. What it boils down to is this: These wetlands act as filters for our underground water supply that we all rely on. When the wetland system, the natural system, fails, we have to step in at great expense to build filtration plants to make sure that the water we drink is pure.

As taxpayers, we have a vested interest in helping mother nature do her job, because it is very expensive to build filtration systems to try to make up for mistakes which we have made. That is why this is an important debate. In my part of the world, in the Midwest, where there is a lot of row crop farming, there is a lot of concern about wetlands.

I have to concede the critics are right. The administration of the wetlands program is far from exemplary and should be improved. The Boehlert amendment does that. The Boehlert amendment is a much more sensible choice than the alternative. He follows the National Governors Association, gives to the Department of Agriculture the power to delineate what a wetland is, and sensible farming practices are allowed. I think we should support this amendment as a commonsense approach to help the environment and to reduce the tax burden which all families will face if our wetlands fail.

Let me close by saying this: I have listened to this debate over the last 2 days. The references to ''gestapos'' and ''heavy handed tactics by the Federal agencies'' fuel the gross national paranoia which we see so much of in this country. I beg my colleagues on both sides of the aisle to temper their rhetoric and realize that some people who have violence in their heart listen for these code words. We have an important debate here that does not have to reach that level.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

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

Mr. Chairman, there is no paranoia here and in the remarks that I want to make, no code words, no hint of violence; it is just straight facts. And the straight facts are these: The House defeated this amendment last week as part of a substitute to the committee bill. It should be defeated in regard to this time around as well.

This amendment does nothing to solve the problems farmers and ranchers are having as they attempt to go about their daily lives, subject to the constant hassle, and that is a real word, of Federal wetlands regulators.

The problem with this amendment is this: It keeps the 1987 Army corps manual. That manual is the big part of the whole problem. It continues in effect something called a memorandum of agreement between the Department of Agriculture, the EPA, the Fish and Wildlife Service and the corps. Too many agencies in the wetlands soup. And that document is the source of a lot of possible mischief, even though the President and the administration has hailed it as the problem solver for farmers and ranchers.

I think it is time to understand that conserving wetlands is the goal. That is the goal, not conserving Federal rules and regulations.

The Boehlert amendment expands the permitting program with monitoring and tracking systems. It sets up all sorts of coordinating committees and ecosystem restoration programs. We have already seen the first hints of ecosystem management in the proposed regulations that were published by the Forest Service. Nobody knows what an ecosystem is, much less how one should be managed.

The gentleman from Louisiana [Mr. TAUZIN] last week pointed out to Members that the new definition of dredging and filling contained in the amendment would make cutting grasslands on a wet spot to be a violation of the Clean Water Act. That is exactly the kind of problem we have had before.

Now, under the Boehlert amendment the regulators, the corps, the EPA, the Fish and Wildlife Service and the Natural Resource Conservation Service at the USDA, the old SGS, we changed the name, they would be given carte blanche authority to develop supplemental delineation standards for different regions of the country, add to plant and soil lists and supplement hydrology standards. This will all be done through the regulatory process. The same manual, the same regulatory process, the same hassle, and the same problem for ranchers and farmers. What is needed is a clear policy of where the Congress wants the regulators to take the wetlands legislation.

Mr. Chairman, I urge the defeat of the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I would like to make a comment very briefly about the previous speaker. There really are all the exemptions that a farmer would ever want in order to continue farming and certainly preserve vital land contained in the Boehlert amendment.

What I want to talk about briefly here, this is the map of the United States, and I unfortunately had to omit Alaska and Hawaii, but I have a great strong feeling for those two illustrious States, but at the top of the map

of the United States, who benefits from wetlands? I wanted to ask the question first, what do wetlands do? What is the function of a wetland?

Well, wetlands purify water, they prevent flooding, they ensure wildlife habitat, and they ensure that fish in coastal regions, whether it is a tidal estuary or fresh water estuary, will continue to be able to reproduce.

Who would benefit from pure water, from an area that will not flood, from wildlife habitat and all the diversity that goes along with that, and abundant fish? Who benefits? Whose property that is near those areas would be increased in value? I would say that everybody in the United States will benefit from a preservation program that ensures the quality of America's wetlands.

Now, this thick book here is the 1991 field testing manual of the changes in wetlands delineation criteria. It was proven to be unworkable. The Bush administration set it aside. This particular manual was very restrictive, and everybody agreed that we would lose 50 percent of our wetlands if we used this manual. Now we are using a bill that is even more restrictive on wetlands, so we can conclude that we will lose about 60 percent of our wetlands across the United States.

What I want to do is read from the illustrious text of the National Academy of Sciences study on wetlands. I am on page 29. We are going to deal with water quality and flooding and so on. Here is a quote. ''As wetland acreage declines within a watershed, functional capacity such as maintenance of water quality begins to become impaired.''

Right out of the text. If we lose wetlands acreage, water quality in those particular areas decline.

Now, I want to give some examples. I am not targeting anybody in particular, but just some examples. This is also found in the new NAS study on page 30, if you want to look it up. California has lost since 1780, 91 percent of its wetlands. As a direct result of those wetlands lost, you have 220 animals and 600 plant species that are threatened or endangered.

Since 1955, according to the NAS study, the mallard population is down 35 percent, pintails are down 50 percent. Forty-one fish species have become extinct in this century as a result of lost wetlands. Twenty-eight percent of fresh water species have seriously been reduced. Prairie potholes are very important for migrating waterfowl. Floods in New Orleans, the Midwest, California, and many other areas have been mainly to a large extent caused as a result of where people build. And if you build on a wetlands, the water is going to go someplace else.

I wanted to put up one other map. I want to say something about whether this should be State regulated or the Federal Government should work in harmony with the States and with the local communities. If each State can do what they wanted, look what will happen to the Chesapeake Bay. Up here you see Washington, DC, which is not a part of Maryland. We could have real strict controls over our wetlands, and you can see the silt that is washed out of the Potomac River into the Chesapeake Bay.

□ 1330

A little further, I have great respect for the State of Virginia, you see in the James River, right here, more silt coming into the Chesapeake Bay.

I urge my colleagues to vote for the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. EHLERS]. I am pleased to have this distinguished scientist supporting the Boehlert amendment.

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

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

I also want to begin by expressing my appreciation to the gentleman from Pennsylvania, the chairman of the committee, for his effort to rewrite the Clean Water Act, which certainly needs revision. I appreciate his efforts and, by and large, appreciate the result of what came out of committee. At the same time, I did vote against the bill coming out of committee and primarily did that for just one reason; that was the wetlands section.

I believe that in our effort to revise what I call the regulatory overburden that we have with wetlands, we must not lose sight of our primary objective, and that is to try to maintain viable wetlands in the United States.

I come from a State that has its own wetlands law. I believe it is the only State in the Union that does, and it is one of only two that is delegated total authority by the EPA. We have a lot of experience with wetlands. Michigan has a lot of wetlands and they are very important to us. We have regulated them well.

I am concerned about what the bill does to the regulation of wetlands, but even more I am concerned about what happens to the actual standards that are in the bill, not about the effort to reduce regulation. I admire that effort to reduce regulation and I think it is excellent. But we have to be careful that we do not relax the standards to the point that we begin to lose viable wetlands.

You may ask, why am I concerned about this since I am from Michigan and we already have our own law? I am concerned on behalf of Michiganites, but I am also concerned with others throughout the United States. For example, we have a tremendous population of hunters in our State and many who come from other States to hunt waterfowl. Without proper maintenance of migratory waterfowl flyway wetlands, we will not have an adequate population of waterfowl to satisfy the needs and desires of those in the sporting professions who hunt waterfowl.

Similarly we need to maintain wetlands so we can maintain pure water in our Nation.

My plea then is to reduce regulation but not to reduce standards. I urge support for the Boehlert amendment.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, a little over two decades ago our predecessors stood in this well and argued the Clean Water Act. Must have been a tough philosophical stance to be in favor of clean water and by implication, I suppose, against dirty water. Not one word of that debate was uttered regarding wetlands, because an obscure section buried in the bill became the vehicle by which bureaucrats and regulators could add onto a dredge and fill bill, meaning most of the Mississippi River, and a lawsuit in 1978, an appearance in the Senate and then three delineation manuals elevating an obscure paragraph to a national debate, a national debate that by our opponents in this, with the offer of their amendment, would have not one EPA but now four Federal agencies able to veto each and every permit request in America. I do not know the definition of streamlining, but that is not it.

I have heard a great deal about science. The science that is lacking in this debate is psychiatry, because only a study of psychiatry could tell me why in Grand Junction, CO, at 11,000 feet above sea level, I have got a wetland, the jurisdictional waters of the United States, on the side of a mountain. Only a psychiatrist could explain to me why the ducks and geese apparently who travel around the country are so much better at delineating wetlands than five Federal agencies. At least they can figure out where to land. They have never landed in the parking lot at the Sands Hotel which, by the way, has been declared the jurisdictional waters of the United States of America.

You can either decide that what occurred since 1972 was that those who could care less about clean water but cared about land use made the conclusion that you cannot pass a bill in this House that will regulate people's land and zone it nationally, but you can get to it if you call it a wetland. And if it escapes from there, you can get to it if you claim it has an endangered species and you can terrify people by putting criminal sanctions in the Clean Water Act and send them to prison for not complying with regulations that no sane person in so many instances would be able to understand applied to their property.

In a few minutes, we are going to vote, we are going to vote on the distinction between the rights of individuals and the arrogance and power of government.

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

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

Mr. BOEHLERT. Mr. Chairman, as we have come to the close of this debate on wetlands, I just want to be sure that everyone understands exactly what this amendment would do. This amendment adopts the National Governors Association proposal on wetlands reform word for word. And this amendment gives the Secretary of Agriculture sole control over all agricultural wetlands.

We have had a spirited debate and sometimes people get carried away a little bit with the spirit and say some things that just are not accurate. So I need to correct some misstatements about this amendment.

It has been alleged that this amendment protects the status quo. The fact is this amendment would rewrite the wetlands provisions of the Clean Water Act and dramatically reduce the burden of Federal regulation. It has been alleged that this amendment gives Federal bureaucrats unbridled authority. The fact is this amendment would reduce Federal control over wetlands and give more authority to the States. That is why the National Governors Association promoted this proposal.

It has been alleged that this amendment is insensitive to the need of farmers. The fact is this amendment contains each and every agriculture exemption contained in the committee bill, plus an additional exemption for the repair and reconstruction of tiles requested by midwestern farmers.

It has been alleged that this amendment creates new bureaucracies. The fact is this amendment would create no additional bureaucracies whatsoever, just a local/State/Federal advisory panel uncompensated. This amendment would reduce the bureaucracy overseeing agriculture wetlands, giving the Department of Agriculture sole jurisdiction.

Now let us get down to some specific cases that came up over the past few days in debate. We heard about someone who had to go through a convoluted approval process to use a wetland that was only one-eighth of an acre. What this amendment would actually do would provide fast-track authority that would require a response within 60 days for wetlands permits of 1 acre or less.

We heard that grazing land was being classified as wetlands. What this amendment would do is exempt all grazing and ranching lands from this section 404 wetlands permitting process.

We heard about wetlands created by a leaky pipe or a feeding trough. What this amendment would actually do is exempt incidentally created wetlands from regulation.

We heard that the maintenance of flood control channels would be regulated under this amendment. What this amendment actually would do is exempt the maintenance and reconstruction of flood control channels.

So many of the stories we have heard about this amendment are simply fiction. They are in the long American tradition of tall tales, and the regulators and regulations they allege to be part of this amendment are about as real as Paul Bunyan and his blue ox.

Let me tell you something about the committee bill. The committee bill would create an expensive new Federal bureaucracy. Thousands of new Federal bureaucrats will have to be employed under H.R. 961 at a cost of over $1 billion.

H.R. 961 would avoid the findings of science. The report of the National Academy of Sciences is not even being used as a reference. It is being totally ignored. Why are we afraid of science?

Most importantly, H.R. 961 would allow the destruction of more than half the Nation's wetlands. That destruction could cost the Nation billions and billions of dollars in lost tourism, in fishing, and flood control.

I will say again, we are offering a moderate sensible bipartisan amendment, language presented to us by the National Governors Association, the same language that was in last week's substitute.

This amendment should have the support of everyone who believes that we can reform environmental legislation without eliminating its safeguards, and that we can protect the environment without unduly burdening the citizenry.

I operate under the assumption that we did not inherit the Earth from our ancestors. We are borrowing it from our children. We owe them an accounting of our stewardship. The American people should have as a birthright clean air, pure water, dedicated public officials.

I thank my colleagues for their patience. I thank the chairman of the committee. I thank all who have participated in this very important debate. What we are about is the future of America, the next generation. Let us give them clean water.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise in support of the Boehlert amendment.

I want to address a matter that has been of great concern to me throughout much of the wetlands debate. That is the issue of legislation by anecdote.

I am deeply troubled by some of the stories that have been recited during floor debate last night and today, and throughout consideration of amendments to the wetlands title of the Clean Water Act.

My concern prompted me to direct my staff to look into the anecdotes that have been raised as examples of the problems with wetlands program. To the extent that the anecdotes are accurate, as a few of them may be, they must be addressed legislatively. I am as troubled as anyone by the flaws in the program, such as permitting delays.

But I am also gravely concerned about the use by Members of this distinguished body of anecdotes that are not accurate, in order to influence the legislation. Using anecdotes that so exaggerate the actual events is irresponsible and dangerous, and does a great disservice to this body, to our constituents, and to the people whose experiences get distorted to serve political ends.

If there is a problem with the wetlands title, let's fix it. If there is a need to illustrate the problem through examples, by all means let's do so, if the examples are accurate. Frankly, if an experience has to be grossly exaggerated because the undistorted truth does not demonstrate the existence of a problem, then I must question the seriousness of the problem.

For example: We were told that the court awarded Mr. Harold Bowles only $4,500 for the taking of his property. The real story is that he was awarded $55,000 plus interest for the taking of his property.

We were told that wetlands regulations precluded construction of a new school in Juneau, AK. The rest of the story includes that members of the local community raised several serious concerns about the proposed location for construction of the school, and the city failed to evaluate the availability of alternative sites what would not destroy wetlands, as required under the law, even though there was at least one alternative that had broad community support, lower costs, and less environmental impact.

We were told about the case of Nancy Cline. What we were not told is that by filling approximately 100 acres of wetlands, the Clines damaged adjacent property owned by their neighbor.

We were told that a church could not be built in California due to wetlands regulation. What we were not told is that the Corps of Engineers assisted the group in redesigning their project so that it would impact less than an acre of wetlands and be exempt from the requirement for an individual permit. With the corps' assistance, the Church was authorized to proceed, but proceeded to drain a vernal pool without authorization, destroying the wetland.

A Member letter circulated to Members of the House stated that the Clean Water Act never mentions the word ''wetlands.'' That is not so: I am aware of at least five instances where the word ''wetlands'' appears in the Clean Water Act, in sections 119, 120, 208 (twice) and 404.

It is not my intention to consume our precious debate time by arguing over the details of anecdotes. But, nor can I listen to what I know are inaccurate statements without calling attention to them.

Finally, in the face of all of these negative anecdotes about the impacts of wetlands regulation, I would like to share some examples of the many instances where wetlands regulation protects citizens from property damage from flooding and other causes.

In the case of Mr. John Pozsgai, who was convicted by a jury on 40 counts of knowingly filling wetlands without a Clean Water Act permit, neighbors had flooded basements and other property damage from the filling.

In the case of Mr. Ray Hendley in Georgia, neighboring homeowners began experiencing flooding problems after Mr. Hendley built houses on illegally filled wetlands.

These are just a few of many examples of the important role that wetlands regulation

plays in protecting the property and livelihood of everyday citizens.

I urge my colleagues to refrain from the irresponsible use of anecdotes, and to support the Boehlert amendment.

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

Make no mistake about it, my colleagues, this Boehlert amendment guts the wetlands section of our legislation. Make no mistake about it, this Boehlert amendment does not reform wetlands but actually adds new procedures and new controls to the existing program which has been a nightmare.

This amendment we have before us creates an 18-member bureaucracy chaired by EPA. And guess who appoints 10 of the 18 mechanics? A majority? The EPA. And what is the purpose of this EPA-controlled new bureaucracy? To ''help coordinate regulatory programs,'' to ''help develop criteria and strategies, to help develop national policies on delineation, classification and mitigation.'' We have had about all the help we can stand from the bureaucrats at EPA, and we do not need an additional bureaucracy to give the American people more help.

This amendment before us is so bad that it actually expands the list of regulatory activities by adding new categories. It mandates—get this—it mandates the use of the 1987 wetlands manual, which we have heard so much criticism about.

It pretends to include exemptions from permits but it allows the regulators, the bureaucrats to deny those exemptions.

Now, we have heard it said how wonderful this amendment is for agriculture. Then why, why, I must ask, is virtually every agricultural organization in America in writing opposed to this amendment? Well, they are opposed to it because they realize it is more regulation, not less regulation.

We have heard the claim that this amendment will fast track permit processing. Yes, but—and this is the big but—the so-called fast track is limited to ''minor activities affecting one acre or less.'' And guess who determines whether it is a minor activity or not? You have got it right. It is the bureaucrats who will determine what the definition of minor is.

We have heard from some of our good friends in New Jersey, Michigan, and Maryland supporting this amendment because it is so important to their State. I say to my good friends from New Jersey and Maryland and Michigan and any other state, if they would like to have more stringent wetlands regulations, then adopt them in your State. There is nothing in our legislation that stops them from imposing stricter wetlands. They are free to do it. But what is good for New Jersey may not be good for Idaho.

So let us have a little common sense here. Let us say that the States know something. And let us say there can be flexibility.

Members can impose whatever wetlands they care to impose upon their State, but do not try to stuff it down the throats of the rest of the American people. We have heard a lot about good science, and about the National Academy of Sciences. We have heard the claim that 60 percent of the wetlands will be lost, and we have said the National Academy of Sciences says that.

Do they really? During a question-and-answer session at a briefing, the chairman, Dr. William Lewis of the committee that wrote the report, was asked, ''What percentage of wetlands currently under the jurisdiction of the program would be deregulated'' under our bill? Do Members know what his first response was? It was, and I quote, ''I don't know.''

Then he was pushed further for an answer. By the way, the person asking the question was my good friend, the gentleman from New York [Mr. BOEHLERT], who was pushing this, and when pushed further, he said, and I quote, ''I guess the amount would be in the tens of percent; 20, 30, maybe 40 percent.''

Mr. Chairman, I would respectfully suggest it is highly irresponsible for the chairman of the committee, no doubt a scientist, to guess on such an important issue, then to have that wild guess taken and turned here on this floor into something right out of the New Testament.

The last part of his answer, ''40 percent,'' differs from the first part by a 100 percent margin of error. Is that good science, that margin of error? I think not.

We have also been told how the National Governors Association supports the Boehlert amendment. What are the facts? The facts are the only record in which a subcommittee of that organization went on record was the National Governors Association's wetlands policy. In 1992, 3 years ago, they voted in support of the kind of Boehlert amendment we have before us. It was not the Governors themselves.

Today, indeed, we have different Governors, and the Governors have already said they are going to reconsider their position, so I say vote down the Boehlert amendment, do not gut this bill.

Mr. CHAMBLISS. Mr. Chairman, today we will vote on an amendment to the clean water bill which will severely weaken the wetlands reform contained in this bill.

H.R. 961 is a renewed investment and commitment in our Nation's clean water infrastructure. It reinstates the basic constitutional right to obtain compensation for takings. This bill unamended, will allow farmers and landowners to seek a determination of whether a wetland exists on their property.

My farmers and landowners in the Eighth District of Georgia are in desperate need of relief from the overburdensome and heavily regulated Federal wetlands policy. H.R. 961, unamended, will give eighth district farmers and landowners in towns like Ashburn and Enigma the relief they need. The Republicans have promised the American people that the status quo will no longer be the norm. Unfortunately, this amendment does nothing to change the status quo. We have a responsibility to protect the environment, yet do so without over-regulating the farmers and businesses that drive our economy. I urge my colleagues to vote ''no'' against any amendment which weakens wetlands reform.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 242, not voting 7, as follows:

[Roll No. 332]

AYES—185

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klug
Kolbe
Lantos
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—242

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono

Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)
Zeliff

NOT VOTING—7

Berman
Bryant (TX)
Collins (IL)
Gephardt
Kleczka
Klink
Lipinski

□ 1406

Messrs. COOLEY, BAESLER, BONILLA, ROEMER, and POMEROY changed their vote from ''aye'' to ''no.''

Messrs. PASTOR, HASTINGS of Florida, and OLVER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GILCHREST

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILCHREST: Page 309, strike lines 8 through 12.

Page 309, line 13, strike ''(10)'' and insert ''(9)''.

Page 312, line 10, strike ''(11)'' and insert ''(10)''.

Mr. GILCHREST. Mr. Chairman, it occasionally happens that rather small provisions of bills which very few people know about have a tremendous impact.

This amendment seeks to strike such a provision which will have a significant effect on hunters and other people who enjoy migratory birds.

The gentleman from Michigan and the gentleman from Pennsylvania, who are both members of the Migratory Bird Commission, are coauthors of this amendment.

Mr. Chairman, I yield to my friend the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, the gentleman from Michigan [Mr. DINGELL] and I serve as the House Members on the Migratory Bird Commission and as such we work on ways to preserve in a voluntary way the wetlands of this National and North America that are important to waterfowl.

Over the past several decades that this program has existed, we have in fact preserved 7 million acres of wetlands through the North American Wetlands Conservation Fund and 4 million acres through the Migratory Bird Commission funding. All of that has been done voluntarily.

This amendment allows us to continue to recognize those lands that are important for the development and the growth of waterfowl in this country. It is a good bipartisan amendment. I applaud my colleague for offering it. I applaud my colleague, the gentleman from Michigan [Mr. DINGELL], for joining in support of this amendment.

Mr. Chairman, I include my statement in support of the amendment as follows:

Mr. Chairman, I rise today to offer this amendment with my colleagues, Mr. GILCHREST and Mr. DINGELL. This provision in H.R. 961—which will deny Federal protection for wetlands that are solely used by migratory birds—is not only unnecessary but dangerous for the future of our Nation's migratory birds.

As members of the Migratory Bird Conservation Commission, Mr. DINGELL and I have witnessed first hand the role wetlands protection plays in the recovery and protection of our Nation's migratory birds. Through the use of primarily duck stamp monies together with other proceeds, the commission has provided for the acquisition and enhancement of waterfowl habitat through the National Wildlife Refuge System.

However, the wildlife refuges alone cannot provide sufficient habitat to support the millions of waterfowl which annually migrate across America. As a result, thanks to the effort of my friend, Mr. DINGELL, the North American wetlands conservation fund was created. NAWCF is truly one of the most cost effective wetlands preservation initiatives in existence. It operates as a private-public partnership, with Federal grant monies being matched, often times at rates as high as 4 to 1.

Mr. Chairman, H.R. 4308, a bill to re-authorize and expand the North American wetlands fund, passed the House by a vote of 368 to 5 last year. Almost every single one of our colleagues recognized the need to preserve our Nation's wetlands in order to protect important migratory bird populations. The provision on page 309 of H.R. 961 which eliminates protection of wetlands which are solely used by migratory birds will halt the progress we have achieved through the work of the Migratory Bird Commission.

We must take into consideration that even after passage of the North American wetlands conservation fund, much more still needs to be done. Recent estimates of North America's breeding duck population is 18 percent below the average of the last 40 years. For certain species, the numbers are far worse. Mallard populations, for example, are down 20 percent and the North Pintail population has declined by half. Other migratory species have suffered as well. Populations of Franklin Gulls, Black Terns, and Soras all have declined significantly since the early 1950's. It is clear we cannot roll back the clock in preserving these species.

Mr. Chairman, the migratory bird provision in H.R. 961 not only puts at risk our migratory bird populations, but contradicts case law on this subject. As Mr. DINGELL has stated, the U.S. Court of Appeals, Seventh District, has specifically ruled in Hoffman Homes versus Administrator, U.S. Environmental Protection Agency, that EPA is within its jurisdiction to view migratory birds as a connection between wetlands and interstate commerce. Proponents to H.R. 961 will argue that this case gives the EPA carte blanche to run rough shod over private landowners. Not true. In fact, the court ruled in favor of Hoffman, citing the EPA's inability to provide substantial evidence of migratory bird use. So you can see, the burden is on EPA to prove the wetlands is essential to migratory bird populations.

In addition, I would like to bring to the attention of my colleagues—especially those who are most concerned with the economic impact on our citizens with regard to the laws we pass—exactly the impact H.R. 961, in its current form, will have on our hunting and tourism industry. In 1991, $3.6 billion was spent on hunting migratory birds such as waterfowl and shore birds, $15.9 billion was spent on nonconsumptive uses of migratory birds. Together, they contribute almost $20 billion to our Nation's economy.

I urge my colleagues to support the Dingell-Weldon-Gilchrest amendment to H.R. 961. Last year you showed your support for our migratory birds. If you have constituents in your district who like to hunt, trap, or observe migratory birds, I urge you to show your support again this year.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding to me. My comments will be brief.

Mr. Chairman, I want to commend the distinguished gentleman from Maryland and my dear friend, the gentleman from Pennsylvania [Mr. WELDON], who serves so ably with me on the Migratory Bird Commission for their fine leadership on this matter.

This is a good amendment. I want to thank my friends, the chairman of the committee and also the ranking minority member and the other members of the committee who have been accommodating to us on this.

This will make possible the conservation of a very precious natural resource much loved by millions of Americans, by duck hunters, by nonhunters and by ordinary citizens who enjoy it.

I am grateful to the gentleman for the leadership he has shown. I thank my good friend from Pennsylvania. I urge the amendment be adopted.

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from California [Mr. MINETA].

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

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

Mr. Chairman, I rise in strong support of the Gilchrest-Dingell amendment. I also applaud his tenacity in working to improve the wetlands provisions of this bill.

The Gilchrest-Dingell amendment would delete from the bill another of the arbitrary limitations which have been included to reduce the protection which is afforded wetlands, regardless of the value of the wetland. Without this amendment, the bill will deny protection to virtually all isolated wetlands—the very wetlands which are so valuable to migratory waterfowl, and which can serve a variety of valuable functions such as groundwater recharge and flood control.

As we all know, the Federal Government is one of limited powers. Often, the basis of the Federal Government's authority to regulate an activity is the commerce clause of the Constitution. In the case of isolated wetlands which do not cross State boundaries, the presence of migratory birds has been a sufficient nexus to interstate commerce so as to justify a Federal interest in the wetland.

If H.R. 961 is allowed to proceed in its current form, there will be no Federal jurisdiction over isolated wetlands. The mere fact that a wetland is isolated should not make it automatically less protected than one which is directly linked to the otherwise navigable waters of the United States. I remind my colleagues that in the debate on the original Clean Water Act in 1972, the subject of the breadth of its coverage was specifically debated, and the decision was that the act should have the broadest application possible. This amendment defeats that original purpose with no concern for water quality or other impacts.

Mr. Chairman, the Gilchrest-Dingell amendment will allow the wetlands program of the Clean Water Act to exercise its jurisdiction as allowed by the Constitution. Anything less is yet another attempt to assure the continuing loss of our Nation's valuable wetland resources.

Support the Gilchrest-Dingell amendment and leave the constitutional interpretation of the Clean Water Act alone.

Mr. GILCHREST. Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee.

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

Mr. Chairman, I think this is an excellent amendment, and I urge its adoption.

Mr. GILCHREST. I thank the chairman of the committee.

Mr. Chairman, I urge support of the Gilchrest-Dingell amendment.

Mr. LUTHER. Mr. Chairman, I believe H.R. 961, as presently drafted, goes too far. The bill, as reported out of committee, contains a provision which states that water or wetlands would no longer be subject to Federal protection solely because they are used by migratory birds. That provision will open thousands of wetlands used by migratory birds to destruction.

As any one of the thousands of sportsmen and women from Minnesota can tell you, protection of isolated wetlands is important for the continued, stable growth of our migratory waterfowl. The wetlands which this amendment seeks to protect are particularly important for certain species of waterfowl, including mallards, teal, and pintails—whose numbers are critically low.

I was born and raised on a farm in Minnesota, near a principal breeding area for waterfowl in the United States. I come from a family of hunters, and have fond memories of the time we spent, enjoying the sport, and absorbing the beauty of Minnesota. If this amendment is not accepted and isolated wetlands are left unprotected, future generations may not be able to experience the recreational opportunities so many of us have had, and the gains we have made in replenishing our wildlife population over the past several years could be lost forever.

During our recent district work period I held many listening sessions and the message my constituents gave me was clear: Cut back on Federal over-regulation and micromanagement, but do not roll back essential protections for our most vital natural resources. Mr. Chairman, there is a legitimate role for the Federal Government to play in protecting isolated wetlands for the benefit of all Americans. I therefore urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GILCHREST

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILCHREST: Page 243, strike line 9 and all that follows through line 7 on page 249 and insert the following:

''(c) WETLANDS CLASSIFICATION.—The Secretary shall issue regulations for the classification of wetlands to the extent practicable based on the best available science. Requirements of this title based on the classification of wetlands as type A, type B, or type C wetlands shall not become effective until regulations are issued under this subsection.

Page 282, line 11, strike ''subparagraphs (B) and (C)'' and insert ''subparagraph (B)''.

Page 282, strike line 12 and all that follows through line 22 on page 283.

Page 283, strike line 23 and all that follows through ''any'' on line 25 and insert the following:

''(B) NORMAL CIRCUMSTANCES.—Any

Page 311, line 17, strike ''section,'' and insert ''section and''.

Page 311, lines 18 through 20, strike '', and no exception shall be available under subsection (g)(1)(B),''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maryland [Mr. GILCHREST] and a Member opposed will each be recognized for 15 minutes.

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

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

Mr. Chairman, this amendment is extremely straightforward. It seeks to strike the bill's provisions for delineation and classification of wetlands. These are the provisions with which the National Academy of Sciences disagreed most strongly and they are the provisions which have driven the Association of State Wetlands Managers to oppose the bill.

The provisions in question require that wetlands be inundated for 21 consecutive days in the growing season, that they meet a very strict vegetation requirement, and that they have hydric soils present.

Under such a definition, an acre of land could be a swamp from October to March, saturated the first 20 days of the growing season and the last 20 days of the growing season, and not meet the hydrology requirement. It could be a swamp year round but not display the right sort of vegetation and not be considered a wetland. Or a landowner could simply wait for a drought year when very few acres will display wetland hydrology and again not have the parcel considered a wetland.

□ 1415

Now I know that many of us have been eager for a statutory definition of what constitutes a wetland. But H.R. 961 contains a definition which is clearly wrong—it's definition will only protect a fraction of acres that function as wetlands in the United States. The National Academy of Sciences could not assign any scientific justification, let me say that one more time. The National Academy of Sciences could not assign any scientific justification to the wetlands definition contained in H.R. 961.

Where did the committee get this definition, you might ask? Well, the definition is almost identical to the proposed 1991 manual revisions, but a little stricter. Those revisions were a

complete disaster during field testing, with the inter-agency team calling them ''technically unsound'' and urging that the manual be adopted. This definition was such an utter failure that the Bush administration had to abandon its own proposal.

Now I've heard that States could provide higher levels of protection for wetlands than what is provided under the bill. With all due respect, the nutrients and toxics in surrounding States very often cause a tremendous amount of problems in my State, which borders on the Chesapeake Bay. Until we can make waterways respect State boundaries, wetlands are going to remain an interstate matter. Mr. Chairman, every time farmers from States bordering my State put down fertilizer in a non-best-management practice, they hurt watermen in the State of Maryland, and nobody's going to talk about compensating the State of Maryland fisherman, although if we adopt this bill I think we should gain that debate.

My amendment also strikes the wetlands classification system in the bill. Obviously, we would like to say that this wetland is more important than that wetland, but according to the National Academy of Sciences, we do not have the science right now to make that determination. This bill blindly subscribes to the wetter is better theory, but the National Academy of Sciences essentially says, and we all want to deal with science and we have the report, the National Academy of Sciences report right here, it says we cannot do that.

Under my amendment the Army Corps of Engineers would be required to publish regulations for wetland classification when sufficient science is available. This replaces the bill's requirements that classification systems be implemented whether the science is available or not. If we go along with this bill, we are going to determine what is a wetland without science. Is that OK? I do not think so.

Let me take a minute about what this amendment does not do. It does not change any of the bill's provisions about permitting. It does not change the compensation provisions. It does not remove any of the six pages of exempted activities. All this amendment does is remove the two provisions that the National Academy of Sciences say are unworkable and unscientific.

My friends from Louisiana, and they are my friends, from Louisiana will argue that Congress should decide which wetlands to regulate, and obviously that is our duty. But in delineating wetlands, literally drawing lines around wetlands, we should use an appropriate scientific definition of wetlands. Once we have delineated those wetlands, we may decide not to regulate them, and indeed, H.R. 961 contains about 80 other pages which deregulate various wetlands. But at the very least, let us keep a little science in the question of wetlands delineation.

Most of the groups who oppose title VIII of the bill, the Governors, the State legislators, the fishermen, among others, oppose this provision more than any other. And while I cannot say they would support it with this provision gone, that means we take out the delineation criteria, and we inject it with science, at the very least it would temper their opposition. That means we would have support of the National Governors Association, we would have the support of fishermen, we would have the support of people who truly want clean water, who want to prevent flooding, who want wildlife habitat, who want a whole range of things that improve the quality of our lives.

Last week the gentleman from New Jersey [Mr. ZIMMER] told a story which I hope everyone heard. He talked about how a certain State legislature voted to change pi. Remember in eighth grade in your math class. It was not apple pie, it was a mathematical equation, the circumference for circles. The definition of what is a functional wetland is every bit as scientific as pi. If we have to deregulate wetlands, this bill does that. But at the very least, for delineation purposes, let us keep a scientific definition of wetlands in place.

Let us talk some sense about what we do today for tomorrow's children.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] will control the opposition to the amendment and is recognized for 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to temporarily yield the control of that time to the distinguished gentleman from Missouri [Mr. EMERSON].

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

There was no objection.

Mr. EMERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, this is the study that has been referenced here before of the National Academy of Sciences, and my copy says advance copy, not for public release, before Tuesday, May 9, 1995, eastern standard time; in other words, right after I can take advantage of it for news purposes, but too late for anyone to go through it and criticize it. It is also interesting when you turn a few pages, I find out the academy was doing a lot of nonscientific things, unless of course you mean political science. One of the things they did was make sure they noted on page 2 that this was paid for by the EPA and then later after nearly 3 years of work and a mere 19 months late, they concluded what we should base science on an EPA delineation manual. That must have been a tough and rigorous decision. They also had to do so under some terrible circumstances. They were forced to travel to Sedona, Vicksburg, over to Maryland, over to Florida, over to North Dakota, all around the country spending our tax dollars on field hearings. But most interestingly of all, it required four different EPA folks to travel with them to Arizona to tell them what a wetland was. And you wonder why people are having problems. It required four Fish and Wildlife Service members from Washington to go to North Dakota, and then most importantly, of course, I wonder how long was the determination that Raphael Lopez of San Diego would do the cover art of drawing a crane for $1,500.

I do not believe we need to have waited the 19 months to get a report that merely said Federal agencies have the leverage to have scientists who are misled by regulator after regulator after regulator affect what should be a scientific process, which is why I have letters now from different environmental consultants across the Nation telling me that their participation was constantly interrupted not by the scientists but by regulators, that the questions came from regulators, that the regulators were leading the panel talking about how you actually implement the manual.

Both scientists and regulators need to go back to the field, back to talk to landowners and find out what policy should be.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] has 13 minutes remaining and the gentleman from Maryland [Mr. GILCHREST] has 9 minutes remaining.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding time to me. I commend my Republican colleague from Maryland for this excellent amendment. I rise in strong support. We do need a workable and scientific description of wetlands.

I want to speak on behalf of the oldest industry in this country, our commercial fishing industry. That industry contributes more than $111 billion annually and provides jobs for 1½ million Americans.

This fishing industry will be put in jeopardy by H.R. 961. More than 75 percent of fish and shellfish species rely on wetlands for some portion of their cycle. Yet, H.R. 961 would allow more than half of all wetlands to go unprotected by simply redefining them as dry land.

It is for these reasons that the Pacific Coast Federation of Fishermen's Associations, that is the largest organization of fishermen and fisherwomen in the entire length of the west coast, why they have come out in opposition of H.R. 961.

If Members care about the future of America's fishing industry or if they just like to eat fish, I urge they vote yes on the Gilchrest amendment.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS],

chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding the time. I would like to engage in a colloquy that is very important to the agricultural sector and would ask the distinguished chairman the following question: In the chairman's en bloc amendment that was agreed to earlier there is a section beginning on line 20, page 284, that grandfathers wetlands delineations made by the Secretary of Agriculture under the 1985 Food Security Act—1985 FS Act—as amended, if those delineations were administratively final upon enactment of this legislation. I appreciate the Transportation Committee's willingness to amend the committee bill as reported to incorporate this provision in the law. It is very important to American farmers and ranchers; however, I note that there appears to be a difference between the term ''delineation'' as used in the clean water amendments and the term as used in the Food Security Act of 1985.

Under the terms of the 1985 Food Security Act, as first enacted, the term ''delineation'' was not used. However, in the period 1986 through 1990 several thousand administrative determinations were made by the Secretary exempting persons from the program ineligibility provisions of section 1221 of the Food Security Act of 1985. In the 1990 amendments to section 1222 of the Food Security Act of 1985, made by the Food, Agriculture, Conservation, and Trade Act of 1990—FACT Act of 1990—the concept of delineation was first introduced in the Food Security Act. The Secretary of Agriculture under section 122 amended by the FACT Act of 1990 included an on-site visit to make a delineation determination, if the landowner requests such an on-site visit.

In addition, section 1222(a)(4) of the 1985 Food Security Act requires the Secretary to provide a process for the periodic review and update of the delineations, but a landowner may not be adversely affected by any actions the owner may have taken based on an earlier wetland determination made by the Secretary of Agriculture.

Chairman SHUSTER, I assume it was your intent by grandfathering delineations of the Secretary of Agriculture that were final upon enactment of this bill to mean that administrative determinations made by the Secretary of Agriculture under the Food Security Act would also be grandfathered. In other words, the term delineation as used in the clean water amendments of 1995 is meant to include the administrative finality of determinations as that term is used in section 1222 of the 1985 Food Security Act, as amended.

Mr. SHUSTER. If the gentleman will yield, I would answer by saying that he is correct, the committee intends for a wetland delineation made under the Clean Water Act as we are amending it today would provide finality of determinations made by the Secretary of Agriculture under the Food Security Act.

Mr. ROBERTS. I thank the gentleman for his clarification. And I would only add at this time, Mr. Chairman, that I would also like to rise in opposition to the Gilchrest amendment.

Now the Gilchrest amendment, in the eyes of the sometimes powerful House Committee on Agriculture and its members, would provide authority to the Federal regulatory community to decide what classifications will be used for various functions and values of wetlands. The gentleman from Louisiana [Mr. HAYES] has already spoken to that. I associate myself with his remarks. And to some of these regulators, quite frankly, every wet spot is a valuable wetland. That is the problem. That is the problem with the gentleman's amendment. They will use a seat-of-the-pants science to determine wetlands. I would imagine they would go out in the field, sit down on the ground, and if their pants get damp, why then it would be a wetland.

The Gilchrest amendment eliminates the statutory wetlands delineation process of H.R. 961 which requires land to actually be wet for a significant part of the growing season. The committee bill requires some water-loving plants to be found on the ground.

The gentleman from Maryland [Mr. GILCHREST] would eliminate that requirement. He would eliminate the requirements for how hydric soils are delineated.

In short, I would tell my colleagues that the Gilchrest amendment guts the committee's well-reasoned, commonsense approach and replaces it with a program ruled by those who write the rules, EPA and Fish and Wildlife. That is part of the problem.

We do not need this amendment. The gentleman's intent is good, his leadership is good, he is a fine Member but we should oppose his amendment. Let us get on with the adoption of H.R. 961 and defeat this amendment.

Mr. GILCHREST. Mr. Chairman, I want to make a comment to my good friend the gentleman from Kansas that the reason America's agriculture is as advanced as it is today is because we use good science. We do not want to reverse ourselves and go back to a Third-World-nation status not using the best available knowledge to pursue the agricultural industry.

Mr. Chairman, I yield 2 minutes to my good friend the gentleman from California [Mr. WAXMAN].

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

□ 1430

Mr. WAXMAN. Mr. Chairman, this issue that we have before us is not a new one. The Competitiveness Council under Vice President Quayle tried to define, redefine, wetlands in very much the same way that H.R. 961 does, and at that time Governor Wilson from the State of California did a very smart thing. He asked State officials to assess the impact of this new definition on California.

He wrote, because he was so alarmed, on December 13, 1991, to President Bush to protest the wetlands definition of the Competitiveness Council, essentially the same definition in this bill. And he said, ''This would cause irreparable damage to the State's natural resource base.'' He found that definition we are considering today would eliminate half of California's wetlands. In southern California, the State biologists found the coastal wetlands would be reduced by 75 percent. Half of San Francisco's bay tidal marshes, which are essential habitats for numerous fish species, would also lose protection.

He asked that we have a National Academy of Sciences study, and that report is now before us, and now this study is being ignored.

For years we have heard opponents of environmental protection in this body talk about the need for sound science. When we passed H.R. 9 earlier this year, legislation that rolls back 25 years of environmental protection, we were told that we were acting in the name of sound science. When we debated a whole host of bills, opponents of environmental protection gave impassioned and eloquent lectures on the need for sound science.

In my remarks in the RECORD I am going to quote back some of the statements made by our colleagues. Apparently many Members want sound science only if it matches their political views.

What we have today is a new political correctness that has captured this House.

The National Academy of Sciences, our Nation's premier scientific organization, has completed a rigorous and comprehensive analysis and concluded that H.R. 961 does not reflect good science. The bill's sponsors react to this news not by amending their bill and accepting the Gilchrest amendment but by denouncing the National Academy of Sciences.

The message is clear. This Congress will accept sound science only if the science fits its political agenda. I think that is wrong, and that is why I am going to vote for the Gilchrest amendment.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I rise in opposition to the Gilchrest amendment, and I want to talk a little bit about wetlands delineation.

Ordinary people no longer know what a wetland is. They expect to see a swamp or a marsh, only to be told by regulators that land that is usually dry is a wetland, or that a field of corn is a wetland. It is really time to get the water back into wetlands.

The current guidelines can allow an area to be called a wetland even if water never stands on it or even if the surface of the ground is never saturated. For Federal regulation under the Clean Water Act there should be a real influence of water as well as the presence of wetland vegetation and soils before property comes under regulatory control. Some say this approach is unscientific.

Well, the scientists have had 20 years to decide this, and there is still no clear, understandable, agreed upon approach. We have heard a lot of rhetoric.

The gentleman from California was just talking about the National Academy of Sciences study which was released on Tuesday, and while I am personally more than a little suspicious of their timing and of consideration for the NAS's political motivations in releasing this report to coincide with the debate here in the House of the Clean Water Act, I am glad to see them finally come forward with a report.

But let me try to dispel some of the distortions and unfounded allegations that occurred regarding the bill's delineations provisions. Some of the self-serving special interest groups backed by environmental extremists have claimed the bill is going to result in anywhere from 50 to 60 to 80 percent reduction in the amount of private property that is regulated as so-called wetlands. There is no scientific basis other than their own self-interest and political motivations to make such claims.

We should be dealing with the truth; the truth is that nobody knows the extent of wetlands in this Nation, even under the existing rules. The truth is that our bill requires that there be a reasonable relationship, a reasonable relationship between water and Federal regulation under the Clean Water Act. We have obtained information on how our bill would affect the extent of Federal jurisdiction in the Florida Everglades but we believe that this would be helpful, because the liberal extremists claimed our bill would remove the Everglades from Federal jurisdiction. The consultants found that our bill would actually result in an increase in jurisdiction and not a decrease.

This increase will certainly not occur in every case throughout the country, but it serves as a helpful example of just how desperate some of the opponents of this bill have become.

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

If I could, I would like to quickly respond to the gentleman from Missouri. Approximately 66 percent of the 1989 wetlands acreage at interagency test sites would have failed the proposed 1991 criteria comments of the Missouri River Division.

Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise to strongly support the Gilchrest amendment. I would hate to believe that the long awaited National Academy of Sciences study has not gotten here just in time. A million dollars is what we put down to get somebody objective to look at this problem.

The reduction in wetland acres, my colleagues, is awesome.

This is a radical change based on ignorance.

Indeed, the provisions that are objectionable are based on discredited provisions of the 1991 manual. How can we use a 1991 manual that failed field testing and not a state-of-the-art study?

In this area, we are spending tax dollars to restore wetlands. Let the Amy Corps of Engineers use the NAS study, the only study with any integrity, to develop delineation criteria. The wetlands title before us is an act of ignorance.

Please, support the Gilchrest amendment.

Mr. GILCHREST. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I am pleased to support my colleague's amendment.

The Gilchrest amendment would strike the classification provisions of the wetlands title, and replace them with a requirement that any wetlands classification regulations be based on the best available science. It also strikes the arbitrary restrictions on delineation of wetlands which are contrary to the findings of the National Academy of Sciences.

The Gilchrest amendment is an opportunity to correct one of the inconsistencies of H.R. 961. The sponsors of the bill are fond of stating how environmental decisions need to be based upon sound science and the best information available. Yet, when it comes to the issue of what is a wetland, the bill ignores science and creates its own arbitrary and unscientific definition of what is a wetland. This is particularly troubling in light of the recently released report of the National Academy of Sciences.

The bill includes an absolute standard for wetlands hydrology of 21 days of inundation. Yet, the Academy says that Federal regulation should reflect regional differences. If the Gilchrest amendment is adopted, the wetlands program will have the flexibility to acknowledge the differences in wetlands which occur in this country.

H.R. 961 is often a contradiction in terms. The use of accurate scientific information is only to be used when the polluter believes that it would be to the polluter's benefit.

The bill requires States and EPA to spend millions to develop new test species to determine water quality violations, even when EPA says that such expenditures are not necessary. Yet there will be no risk assessment when determining whether increased amounts of toxics will be released into the water because industry says that such expenditures are not necessary.

The National Academy of Sciences says that there should be flexibility in the regional determination of what is a wetland, yet the bill insists that there must be standing water at the surface for 21 days—a requirement that will leave parts of the Everglades out of the wetlands program. The result is that the bill ignores science when it is in the interest of the polluter to do so.

It is time to bring some common sense and supportable facts to the wetlands debate. Support the Gilchrest amendment and allow the wetlands program to protect true wetlands.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I rise in support of the Gilchrest amendment. This is a straightforward amendment which simply replaces what are artificial definitions in H.R. 961, with a reliance on the best available science.

We have repeatedly heard, the Republicans have said repeatedly, they want to rely on sound science in reforming our environmental laws and other areas within the Congress. The Speaker himself, Speaker GINGRICH himself, has endorsed this principle. Yet here we have a case where the National Academy of Sciences, a nonpartisan, reliable and highly respected body, has assembled a panel, a very broad and diverse panel, which has studied for 2 years the issue of how to identify a wetland, and they have found there is absolutely no scientific justification for the wetlands provisions and the wetlands definitions in this legislation, H.R. 961.

So if you support using sound science in regulatory decisions, then you must support the Gilchrest amendment, and anything less would be sheer hypocrisy.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI], a member of the committee.

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

Mr. BORSKI. Mr. Chairman, I support the amendment offered by the gentleman from Maryland to eliminate the delineation requirements and to require that classification of wetlands be based on the best available science.

What could be more common sense than to require that a technical subject such as classification of wetlands be required to be based on science?

It makes no sense to set up a classification that has nothing to do with scientific findings.

Just last week, the National Academy of Sciences at the request of Congress, issued its report on wetlands which shatters the entire foundation of title VIII of H.R. 961.

Title VIII defines wetlands without any regard to science. It doesn't just ignore scientific findings—it flies directly in the face of science.

Supporters of title VIII say this decision is not a scientific decision—it is a policy decision.

But policy must be based on the best information possible. H.R. 961 has ignored this information.

It is true that we in Congress should make the policy determinations. But we cannot, as a matter of policy, determine what is a wetland and what is not.

H.R. 961 attempts to define wetlands despite the scientific finds. We might as well attempt to define the color of the sky or the grass.

We cannot do that. What we can do, based on a scientific definition of wetlands, is determine whether we want to protect those wetlands.

H.R. 961 has determined that it will withdraw protection from 60 to 80 percent of the Nation's wetlands.

That is a policy decision but it is the wrong policy decision.

I compliment the gentleman from Maryland for attempting to make sure that our national wetlands policy is based on the best available science.

Mr. Chairman, I urge support for the amendment.

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

My last couple of comments will deal with who benefits from wetlands. The people who benefit from wetlands are those people who want clean water, those people who want floods prevented in their neighborhoods and in their regions, those people who understand the esthetic value, the appeal and the quality of life when it comes to habitat for wildlife, those people who feel a sense of closeness to nature, to the economic value of the coastal fisheries. All Americans benefit from sound wetlands policy.

I urge my colleagues to support this amendment.

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

Mr. Chairman, make no mistake about it, just as the previous amendment which we disposed of overwhelmingly gutted the wetlands provision of this bill, so does this provision as well. This is simply another gutting amendment. It is gutting amendment, because it eliminates all efforts to require that wetlands have a closer relationship to water.

Now, this argument that the approach in the bill is not scientific is baloney. The approach in the bill is just as scientific as the much more rigid approach taken by my good friend from Maryland. Indeed, the amendment we have before us now eliminates all the requirements requiring that a degree of regulation has got to match the relative value of the wetlands. That is what we say in the bill.

We say it has got to be under water 21 days. They say 15 days. Which is more scientific? One is as scientific as the other.

In fact, very interesting, when we keep hearing about all of this science and the importance of it, I refer again to the very, very importantly point that the chairman of the National Academy of Sciences committee, when asked how many wetlands would be affected by our legislation, his response was, ''I don't know.'' And when pushed finally, he said, ''Well, maybe in the 10 percent, or 20, or 30 or 40.'' That is science? ''I don't know,'' and then, ''Maybe 10 percent, maybe 20 percent, maybe 30 percent, 40 percent.'' Some science.

□ 1445

So the science we provide in our bill is every bit as accurate. In fact we require rulemaking by the Army Corps of Engineers to define and determine which category of wetland the various wetlands fall under. And I would emphasize again:

> If you do not like what the bill does, if your State does not like what the bill does, your State can impose tougher wetlands regulations. We do not inhibit the States from imposing their own regulations. What we do through is sat that the State of New Jersey cannot force the State of Idaho to adopt the provisions that the State of New Jersey seems to think are important for that state.

And yes, we have heard about the Governors' Association supporting their wetlands provision. Well, I have a letter sent to us today from the vice-chairman of the Governors' Association National Resources Committee in which he says the National Resources Committee will be reviewing its current policy at its annual meeting in July. Since many new Governors have joined the NGA this year, we believe it is important to examine all the current policies to determine if the sitting Governors are in agreement with what was passed by this subcommittee 3 years ago, and he goes on to say, and this is important, I quote, H.R. 961, our bill, does provide States with flexibility to regulate wetlands in accordance with State needs. So it is important to realize that the National Governors' Association, which has come out in support of our overall bill, in fact in expressing their reservations about this particular amendment that we have before us.

My colleagues, this is simply another gutting amendment. It should be defeated.

I will close by referring to two examples of what would be a wetland if this amendment were to be adopted by friend from Maryland.

Riverside, CA, a picture of a desert. Well, this desert wants to be the site of a public flash control project. It was delineated as waters of the United States, waters of the United States, a desert. That is a wetland under the amendment we have before us. And in Phoenix, AZ, a picture of another desert. Yes, this property was declared, quote, water of the United States for regulatory purposes, a desert. That is a wetland.

Let us bring common sense to wetlands. Let us, just as we overwhelmingly did on the last amendment, let us defeat this amendment so we can have real wetland reform in the interest of America and in the interest of sound environment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 247, not voting 7, as follows:

[Roll No. 333]

AYES—180

Abercrombie	Goss	Owens
Ackerman	Green	Pallone
Andrews	Greenwood	Payne (NJ)
Baldacci	Gutierrez	Pelosi
Barrett (WI)	Hall (OH)	Peterson (FL)
Becerra	Harman	Porter
Beilenson	Hastings (FL)	Pryce
Bereuter	Hinchey	Rahall
Bishop	Jackson-Lee	Ramstad
Boehlert	Jacobs	Rangel
Bonior	Jefferson	Reed
Borski	Johnson (CT)	Reynolds
Boucher	Johnson, E. B.	Richardson
Brown (CA)	Johnston	Rivers
Brown (FL)	Kanjorski	Ros-Lehtinen
Brown (OH)	Kaptur	Rose
Bryant (TX)	Kelly	Roukema
Cardin	Kennedy (MA)	Roybal-Allard
Castle	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clyburn	Kildee	Sanders
Collins (MI)	Kingston	Sanford
Conyers	Klink	Sawyer
Coyne	Klug	Saxton
Davis	Kolbe	Schroeder
DeFazio	LaFalce	Schumer
DeLauro	Lantos	Scott
Dellums	Lazio	Serrano
Deutsch	Levin	Shays
Diaz-Balart	Lewis (GA)	Skaggs
Dicks	LoBiondo	Slaughter
Dingell	Lofgren	Smith (NJ)
Dixon	Lowey	Stark
Doggett	Luther	Stokes
Doyle	Maloney	Studds
Ehlers	Manton	Stupak
Ehrlich	Markey	Thompson
Engel	Martini	Thurman
Eshoo	Mascara	Torkildsen
Evans	McCarthy	Torres
Farr	McDermott	Torricelli
Fattah	McHale	Towns
Fawell	McKinney	Tucker
Fields (LA)	Meehan	Velazquez
Filner	Meek	Vento
Flake	Menendez	Visclosky
Foglietta	Meyers	Walker
Forbes	Mfume	Waters
Ford	Miller (CA)	Watt (NC)
Fox	Mineta	Waxman
Frank (MA)	Mink	Weldon (PA)
Franks (NJ)	Moakley	White
Frelinghuysen	Mollohan	Williams
Furse	Moran	Wise
Gejdenson	Morella	Wolf
Gekas	Nadler	Woolsey
Gibbons	Neal	Wyden
Gilchrest	Oberstar	Wynn
Gilman	Obey	Yates
Gonzalez	Olver	Zimmer

NOES—247

Allard	Bartlett	Boehner
Armey	Barton	Bonilla
Bachus	Bass	Bono
Baesler	Bateman	Brewster
Baker (CA)	Bentsen	Browder
Baker (LA)	Bevill	Brownback
Ballenger	Bilbray	Bryant (TN)
Barcia	Bilirakis	Bunn
Barr	Bliley	Bunning
Barrett (NE)	Blute	Burr

Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Emerson
English
Ensign
Everett
Ewing
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Frisa
Frost
Funderburk
Gallegly
Ganske
Geren
Gillmor
Goodlatte
Goodling
Gordon
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
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Montgomery
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Murtha
Myers
Myrick
Nethercutt
Neumann
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Norwood
Nussle
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Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Archer
Berman
Collins (IL)
DeLay
Gephardt
Kleczka
Lipinski

□ 1508

Mr. INGLIS of South Carolina and Mr. WHITFIELD changed their vote from ''aye'' to ''no.''

Messrs. SERRANO, GONZALEZ, and TORRES changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I would like to engage in a colloquy with the chairman concerning a matter that is of great importance to me and to my constituents.

A question has arisen as to whether the issuance of livestock grazing permits is subject to State certification under section 401 of the Clean Water Act.

It is my understanding that under current law section 401 only applies where a conveyance of some sort is involved in the discharge. That conveyance may be, but is not necessarily, a point source.

My interest is in clarifying that section 401 does not apply to a Federal lease or permit to authorize livestock grazing on lands owned or under the control of the United States, unless there is a conveyance from which pollutants are or may be discharged. Recent litigation in the district court in Oregon has increased the need to clarify the intent and scope of section 401.

Is it the chairman's understanding that section 401 State certification would not apply absent a conveyance?

Mr. SHUSTER. If the gentleman will yield, the gentleman is exactly correct. The answer is yes. Section 401 would generally not apply to grazing permits. Where there is no point source or other conveyance such as a pipe or ditch. The State certification provision under section 401 should not apply.

I thank the gentleman for raising this issue so that many people in farming and the ranching communities concerned about this issue may have some clarification.

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

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

Mr. MINETA. I thank the gentleman for yielding.

Mr. Chairman, I would agree with the chairman that section 401 was not intended to apply to discharges that do not involve some sort of conveyance.

Mr. COOLEY. Mr. Chairman, I thank the chairman and ranking minority member. Based upon this clarification of existing law, I will not insist on offering an amendment at this time.

AMENDMENT OFFERED BY MR. MINGE

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

The Clerk read as follows:

Amendment offered by Mr. MINGE: Page 274, after line 19, add the following:

''(10) MITIGATION OF AGRICULTURAL LANDS.—Any mitigation requirement approved by the Secretary under this section for agricultural lands shall be developed in consultation with the Secretary of Agriculture.''

Mr. MINGE. Mr. Chairman, this amendment is a pale substitute for an amendment that was printed in the RECORD last week and reported in the House action reports. My goal with these amendments to the Clean Water Act has been to simplify the process for the public.

Tragically, farmers, ranchers, and other landowners have had to go from agency to agency asking for clarification, seeking permits, and making sure action that they plan to take in using their own land does not violate the law. Three Federal departments, one major Federal agency, and a handful of State and local agencies are involved in this process.

Regulatory reform ought to at a minimum include simplification, one-stop shopping. Answers ought to be prompt, understandable, and consistent. The frustration, the delay, and the expense inherent in the present way that we go about making decisions regarding wetlands is a tragic story. It is done as much to drive the demand for regulatory reform as any other factor.

Mr. Chairman, it is my goal to coordinate this convoluted multi-agency process for dealing with wetlands. In consulting with the chair of the committee, I understand that the amendment as revised is acceptable.

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

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

Mr. SHUSTER. Mr. Chairman, I do rise in support of the revised amendment. It is consistent with the overall theme of the bill, and I urge its support.

Mr. MINGE. Mr. Chairman, reclaiming my time, I would like to also point out that the amendment as offered deals with the topic of mitigation, and it is extremely important that we not set up a process under the Clean Water Act that has a framework for mitigation that is incompatible with swampbuster, which is a part of the Food Security Act of 1985.

□ 1515

Landowners who comply with the requirements of one Federal law should not find that it is impossible to comply with the requirements of another Federal law because the laws are inconsistent. Instead, we should make sure that these laws work together to achieve a common goal.

Landowners should not have to go to two different Federal departments and satisfy each with respect to what is involved in mitigation. Instead, they should be able to deal with one Federal agency. And the benefit of this amendment is to require that the Secretary of the Army and the Secretary of Agriculture work together, that the Secretary of the Army will consult with respect to mitigation procedures and their development with the Secretary of Agriculture.

I am optimistic that I will be able to pursue the rest of the amendments that I had intended to offer in the context of the 1995 farm bill. I look forward to working with the chair of this committee and the chair of the Committee on Agriculture and other officials in trying to develop a consistent, comprehensive Federal one-stop-shopping process for landowners in America.

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

Mr. Chairman, I do this simply to announce that we have just passed 28

hours of debate on this bill, three times the amount of time spent on the original act. And I urge support for the amendment that is now before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MINGE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RIGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS: On page 276, strike lines 3 through 7 and insert in lieu thereof the following: ''ponds, wastewater retention or management facilities (including dikes and berms, and related structures) that are used by concentrated animal feeding operations or advanced treatment municipal wastewater reuse operations, or irrigation canals and ditches or the maintenance of drainage ditches;''.

Mr. RIGGS. Mr. Chairman, I do believe that this will go quickly and that my amendment is of a noncontroversial nature, having cleared it with the ranking minority member as well as, of course, the chairman of the full committee.

Mr. Chairman, this amendment is a companion to one I offered earlier to title IV, dealing with antibacksliding provisions of the Clean Water Act.

The present proposal would amend language in section 404, as modified by the committee. It adds wastewater reuse operations to the list of activities that are exempt from the section 404 permit process if advanced treatment practices are followed. Applicable water quality standards would, of course, still have to be met.

One of the purposes of H.R. 961, as expressed in the committee report, is to encourage communities to utilize alternative treatment systems such as constructed wetlands. This amendment encourages wastewater reuse in agriculture and wetlands by providing relief to municipalities from the unintended consequences of current law.

Section 404, as presently written, fails to recognize the net environmental benefits that can be provided by wastewater reuse. Without my amendment, more wastewater will be disposed of into the ocean or local rivers.

Years of studies have shown that advanced-treated wastewater can be used without adverse effects in wetlands to restore habitat and remove nutrients that would harm rivers and oceans—but not wetlands. Existing regulations and policies that are based on section 404 leave the decision about whether to allow restoration of wetlands with reclaimed wastewater to bureaucrats.

In northern California and elsewhere, projects that provide the dual benefit of wetland restoration and water quality improvement have been arbitrarily and systematically prevented.

Mr. Chairman, my amendment, together with other provisions of H.R. 961, would help reverse the counterproductive and unintended impact of section 404. By granting relief from the permitting process to municipal wastewater facilities that utilize advanced treatment practices, the effect of the amendment will be to encourage cities to use properly treated wastewater to restore degraded wetlands and create new wetlands—precisely what the Clean Water Act should be encouraging, not discouraging.

I urge approval of the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield.

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

Mr. SHUSTER. Mr. Chairman, we have examined this amendment. It is a good one and we urge its support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer two amendments, printed in the RECORD as amendments No. 42 and No. 43.

The CHAIRMAN. The Clerk will designate the amendments.

Amendments offered by Mr. PALLONE: Amendment No. 42. Page 240, line 23, after the semicolon insert ''and''.

Page 241, line 5, strike the semicolon and all that follows through the period on line 9 and insert a period.

Page 242, line 4, after the semicolon insert ''and''.

Page 242, line 7, strike the semicolon and all that follows through the period on line 11 and insert a period.

Page 276, line 10, strike the comma and all that follows through the comma on line 11.

Page 292, line 17, after the semicolon insert ''and''.

Page 292, strike lines 18 through 20.

Page 292, line 21, strike ''(G)'' and insert ''(F)''.

Page 292, strike line 24, and all that follows through line 6 on page 294.

Page 294, line 7, strike ''(3)'' and insert ''(2)''.

Page 295, line 3, strike ''(4)'' and insert ''(3)''.

Page 295, line 16, strike ''(5)'' and insert ''(4)''.

Page 315, strike lines 11 through 15.

Page 315, line 16, strike ''(K)'' and insert ''(J)''.

Page 315, line 19, strike ''(L)'' and insert ''(K)''.

Page 315, line 21, strike ''(M)'' and insert ''(L)''.

Page 316, line 14, strike ''(N)'' and insert ''(M)''.

Amendment No. 43: Strike title IX of the bill (pages 323 through 326).

Mr. PALLONE. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

Mr. PALLONE. Mr. Chairman, my amendments strike the bill's provisions which reassign certain regulatory authority over ocean dumping and navigational dredging permits from the EPA to the Army Corps of Engineers. Under existing law, ocean dumping of dredged material currently falls for the most part under the jurisdiction of the Marine Protection Research and Sanctuaries Act. Under that act, the EPA sets up criteria for reviewing and evaluating permit applications, the EPA designates recommended sites and times for dumping. The Secretary of the Army Corps makes permit decisions on the dumping of dredged materials using the EPA criteria and siting recommendations.

The EPA has veto power over the Army Corps' permitting decisions and the EPA grants permit waivers to the Army Corps.

Under H.R. 961, the committee mark, the corps would be responsible for all ocean dumping permit decisions. The corps would set up criteria for reviewing and evaluating permit applications. The Army Corps would designate recommended sites and times for dumping, and the Army Corps would grant its own permit waivers.

The corps only has to consult with the EPA before issuing a permit, and the EPA no longer has veto power.

And most importantly, H.R. 961 requires that ''the least costly environmentally acceptable disposal alternative will be selected.''

The problem with removing the EPA from the dredging process is essentially that the corps has engineering and dredging expertise but not expertise in environmental management, science, protection and conservation. The Army Corps in my opinion should not be the lead agency to develop plans that are supposed to ensure protection of the marine environment and human health. Keeping the Army Corps environmental authority will jeopardize our oceans, allowing them to be exposed to dioxins like PCB's and other cancer causing pollutants.

Removing the EPA also creates a conflict of interest in my opinion for the Army Corps because under H.R. 961 the corps would grant its own permits, select its own sites and even grant its own waivers.

If I could just read a selection from a paper that my own State of New Jersey department of environmental protection put forward, they say:

The amendments contained in H.R. 961 will affect dredging in New Jersey in several ways. The elimination of the U.S. Environmental Protection Agency from their oversight role in dredging operations will put the Army Corps of Engineers, the agency charged with keeping navigation channels open, in the role of both permitting and enforcing their own operations. This creates a perceived if not an actual conflict of interest in the management of dredging operations. While there would be definite value to consolidating the process in one agency, the environmental protection value of the permits is best managed by the EPA. Perhaps this conflict would better then be resolved by eliminating the corps from the process instead of the EPA.

Last week, Mr. Chairman, the EPA released its toxicity results from the mud dump site which is off the coast of my district in New Jersey and showed

that sediments there do not meet ocean dumping criteria. I maintain that these sediments are another indication of what will happen if the EPA is removed from the dredging process.

Also, I would like to stress this problem with requiring the least costly disposal alternative which is what H.R. 961 does. Waste disposal should not be predicated on what is cheapest but on what methods best ensure that human environmental health are not jeopardized. The least costly disposal alternative is always ocean disposal, but it should not be the one that we choose.

I would also like to mention that in my own State of New Jersey, our Governor, who happens to be a Republican, has been in the forefront of saying that contaminated dredged material should not be disposed of offshore, and I think that her efforts will be undercut by having the Army Corps solely administer the dredging disposal permitting process as opposed to the EPA.

My amendment returns the dredging process to the status quo, gives the interagency working group on the dredging process the latitude to implement its recommendations. In December 1994, after a couple years, the EPA and the Army Corps together came up with an action plan that basically seeks to deal with dredging in a cooperative way and move the permitting process forward and streamline it pursuant to existing law with the two agencies working together. Let these two agencies work together, continue under the current law. They have devised an action plan that will do well without having to change the basic underlying statute.

Mr. Chairman, H.R. 961 would change the way that dredging is done in America. It would break the partnership that currently exists between the EPA and the Army Corps, handing over authority of every dredging activity solely to the corps. If H.R. 961 passes, America's oceans could be exposed to toxics like PCB's dioxin and other cancer causing pollutants. That is why I am asking for support of my amendment to strike the dredging provisions in H.R. 961. I think the action plan that both the EPA and the corps have put together is the right way to go. Let us not gut this legislation.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to this amendment.

Mr. Chairman, this amendment would delete the reforms that are achieved in this bill for our Nation's navigational dredging program. Our country's ports and harbors are a vital link not only to interstate commerce but to global commerce, the national economy and very importantly, the creation of jobs.

Under implementation of the current law, necessary dredging activities, even though the vast majority are environmentally sound, are subject to excessive delay and to interagency disputes.

Our bill addresses the problem by streamlining the regulatory requirements applicable to navigational dredging without sacrificing the environment. And it places a single agency, the Corps of Engineers, which certainly has been criticized here today for being too environmental, places the Corps of Engineers solely in charge of running the program so we have an environmentally sensitive agency in charge. It does not share, therefore, the responsibility with other agencies, creating needless interagency disputes.

Without these reforms, our balance of trade will continue to suffer and jobs will be lost. I urge defeat of this amendment.

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

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

Mr. Chairman, representatives of our Nation's ports, including those in North Carolina, support the committee's inclusion of title VIII and IX in H.R. 961. Title VIII and IX modifies the regulatory provisions of the Ocean Dumping Act to transfer from the Administrator of the Environmental Protection Agency to the Secretary of the Army the responsibility for navigational dredging. If enacted, the U.S. Army Corps of Engineers would be the lead Federal agency for: First, issuing ocean dumping permits for dredged material; second, designating dumping sites; and third, developing permit criteria.

Consolidation of the management of navigational dredging in the U.S. Army Corps of Engineers will make this task more efficient, without compromising the environment. The corps is well-versed in the relevant Federal environmental statutes as well as the delicate art of dredging. Since the Chief of Engineers wears both hats, it makes sense to reassign this responsibility to the corps.

As my colleagues understand, commercial navigational is critical to our economy and the maintenance of our Nation's ports is necessary to enhance commerce within—and throughout our States—and to boost U.S. exports. We must streamline the dredging process to eliminate unnecessary delays in this process.

During committee consideration of H.R. 961, I supported the Franks amendment to reduce EPA's role in the permitting process for navigational dredging. The committee overwhelmingly approved this streamlining amendment.

Mr. Chairman, I urge my colleagues to accept the Franks amendment to this title which clarifies that the corps only gains jurisdiction over dredge material. I commend the gentleman from New Jersey for offering this amendment.

On the other hand, I must object to the amendment being offered to title VIII and IX by another of our colleagues from New Jersey, Congressman FRANK PALLONE, which would strike all of this title. As I have outlined, the committee and our constituents have argued for the efficiency and common sense which title IX provides.

Mr. Chairman, I urge my colleagues to vote for the Franks amendment and against the Pallone amendment. I yield back the balance of my time.

□ 1530

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time, and I urge a ''no'' vote on this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. PALLONE].

The amendments were rejected.

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

Mr. Chairman, I would like to engage the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, in a colloquy so I might clarify my understanding of a provision in title VIII. Specifically, I refer to page 311, line 16 of the bill, which makes reference to previously-denied permits. I have provided the chairman with a copy of the specific language.

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

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

Mr. SHUSTER. Mr. Chairman, I am happy to engage the gentleman from Illinois in a colloquy.

Mr. CRANE. Mr. Chairman, let me preface my remarks by regrettably stating that regardless of the understanding I hope to reach in this colloquy regarding this provision, I do not support this provision, and believe it is inconsistent with the intent and goals of the legislation.

However, for clarification purposes, I would ask the chairman of the committee to confirm my understanding of how this provision would apply to a party that has applied twice for a section 404 permit and has been denied a permit both times by the Corps of Engineers. If the party applying for the permit litigates the second permit denial and is successful in court in overturning the Corps of Engineers' second permit denial, will the party be able to file another permit application, or have their permit application reconsidered under this provision?

Mr. SHUSTER. If the gentleman will continue to yield, Mr. Chairman, I would reply that the gentleman is correct. Should the party be successful in court in overturning the corps' decision in such a circumstance, it could do one of the following: First, have their permit application reconsidered, second, amend their permit application, or third, reapply to the corps for a permit.

Mr. CRANE. Mr. Chairman, I thank the gentleman profoundly.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAYLOR of Mississippi: Page 292, line 20, strike ''and''.

Page 292, after line 20; insert the following:

(G) standards and procedures that, to the maximum extent practicable and economically feasible, require the creation of wetlands and other environmentally beneficial uses of dredged or fill material associated with navigational dredging; and

Page 292, line 21, strike ''(G)'' and insert ''(H)''.

Mr. TAYLOR of Mississippi. Mr. Chairman, for many decades the Corps of Engineers, being like all of us, were creatures of habit in that when they dredged, they would take the spoils and throw it to the nearest possible place without much regard for the effects on the environment, whether they were destroying an oyster reef, whether they were filling in a marsh, whether they were destroying a swamp. To their credit, the corps has now gone in another direction, and perhaps to an extreme.

Just recently in south Mississippi a 7-mile pipeline was constructed to remove the dredged material from Biloxi Bay and pump it farther inland. In another instance, what is known to be toxic dredged materials in the harbor at Pass Christian is being hauled inland, but in not every instance, as the gentleman from New Jersey [Mr. PALLONE] has pointed out, is the dredge material polluted. In many instances it is virgin bottom, it is not polluted, and it can be used for other things.

I think the Corps of Engineers would be very wise to consider a third alternative other than ocean dumping, other than hauling the material inland. That would be to create coastal marshes or wetlands with the dredged material. This would do three very valuable things. No. 1, it would create wetlands. As we all know, we have lost about half the wetlands in this country in the past 100 years.

No. 2, it would save money, because in most instances it would be the cheapest way to dispose of the dredged material, the closest to the channels that are being dredged. No. 3, in States like Louisiana and my home State of Mississippi, we are losing some very valuable property to coastal erosion. There is a national historic landmark, the lighthouse at Rhode Island, MS, that is soon to wash into the sea if something is not done to prevent the erosion of that island.

Last, Mr. Chairman, it would create wildlife habitat. Therefore, I have spoken to both the majority and minority on this matter. We are asking, but not directing, the Corps of Engineers that whenever practicable, to take this dredged material and consider the use of it for creating wetlands and marshes with this dredged material, rather than, A, hauling it inland, or B, dragging it out to the middle of the ocean.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I think the gentleman's amendment is an excellent environmental contribution to the bill, and I accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRELINGHUYSEN: In the matter proposed to be inserted as section 404(l) of the Federal Water Pollution Control Act by section 803 of the bill (as amended by Mr. Shuster's amendment) strike paragraph (8) and insert the following:

(8) TREATMENT OF EXISTING PROBLEMS.—Any State which has received approval to administer a program pursuant to this subsection before the date of the enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be required to reapply for approval and shall be permitted to continue administering such program.

Mr. FRELINGHUYSEN. First, Mr. Chairman, I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, for adding language to his en bloc amendment to address the concerns of New Jersey and Michigan regarding their current operation of wetlands permitting under the section 404 program of the current Clean Water Act. What I am offering now is simply a perfecting amendment.

Unfortunately, part of the language that was included in the en bloc amendment contradicts the goal of States rights. I believe that the language in the amendment en bloc goes too far. As the chairman rightly stated in his opening remarks on this bill, his goal is to provide the States with maximum flexibility in wetlands permitting, and to encourage them to take leadership roles. New Jersey is currently doing just that. This amendment simply allows two States that have already assumed the responsibility of permitting wetlands to keep their current programs without going through another lengthy procedure, and without having the final decision thrown into the political arena. It gives my Govenror the choice to either accept the new delineation process, or keep intact the current program. The argument is simple. The gentleman from Pennsylvania [Mr. SHUSTER] was right in his opening statement on the bill. Let the States decide. Give them the option. These two States have gone through several years of the lengthy assumption process. Let us not penalize them for doing the right thing and for taking the initiative in creating programs that actually do work. I urge adoption of this amendment, coauthored by the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. SHUSTER, Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I oppose this amendment because if any part of our legislation that is now on the books is broken, it is the disastrous 404 wetlands program. We are simply saying that the two States which have adopted their own program in conformity with the Federal program should not hide behind a Federal program which is now being changed. The States will have the total freedom to adopt whatever State law they want to adopt for their own wetlands program, but they should not be able to continue to use, in effect hide behind, a Federal program which is being changed here.

Mr. Chairman, it is of great importance, I think, to recognize that a State may want to assume management of the program. That is what the political process is all about at the State level. That is why we have worked hard to make State assumptions more attractive and more flexible in the bill.

In fact, the committee's amendment in the nature of a substitute included a modification specifically designed to allow the opportunity for a State to petition the Secretary for deviations from the requirement of this bill. This allows for the real possibility that States could tailor their Federal delegated program, but does so within the context of a deliberate, open decision process that would allow for input from all affected parties.

Mr. Chairman, we tried to strike a balance between total, unconstrained delegation of programs and the need to achieve some degree of reform, even in States with federally delegated programs. This bill already does that. This amendment simply goes too far. Therefore, Mr. Chairman I would say the State may adopt their own State law. They should not hide behind a Federal law which no longer is going to exist. For that reason, we should defeat this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased to rise in support of the Frelinghuysen amendment. Two States, New Jersey and Michigan, have assumed responsibility for administering the section 404 wetlands program. Those States should be encouraged to retain the program, and other States should be encouraged to participate as well. The Frelinghuysen amendment respects the rights of Michigan and New Jersey to continue to operate their wetlands program as they are today. My chairman has repeatedly asked this House to respect State flexibility, because States know how to best protect State interests. The Frelinghuysen amendment respects their efforts and the interests of the State, and should be supported.

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

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

Mr. Chairman, I rise in support of the Frelinghuysen amendment. I, too, look

at this as a States' rights issue. As has been pointed out by the gentleman from New Jersey [Mr. FRELINGHUYSEN] and the gentleman from California [Mr. MINETA], we have a unique problem. My home State of Michigan has been administering its own wetlands program for some 15 years. We are not trying to hide behind a Federal program, we are trying to maintain the program that we have which works. I do not believe in every facet of this program. In fact, I believe that Michigan and New Jersey should look to the gentleman here as a road map to some reform. However, I believe that the Governor, the Governors of given States, should have maximum flexibility to govern the transition from the current program to a new and better one. This amendment will simply give the Governor that flexibility by allowing him to either continue the current program, adopt the new Federal guidelines, or work with the Secretary of the Army to craft a hybrid approach that uses the best from both plans. This is consistent, I believe, with the current philosophy here in Washington, and certainly with this Congress, to give States the specific flexibility to do what is best for the particular State.

Mr. Chairman, I would like to express my appreciation to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman. He was very generous in his time. We did spend a great deal of time in trying to work out an agreement. Although we could not reach that agreement, I sincerely thank him for his courtesy and his generosity in terms of time, effort, and consideration. I do urge, however, the adoption of the amendment.

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

Mr. Chairman, I also rise in support of the Frelinghuysen amendment. In 1993, New Jersey became the second State to assume regulatory authority of its wetlands program, and I believe the State assumption streamlines the permit process while ensuring environmental protection of wetlands. Under current law, States like New Jersey adopt their own wetlands programs to be implemented in place of the Federal program if that program is at least as stringent as the Federal program. Under H.R. 961, New Jersey would be forced to apply to the Army Corps of Engineers in order to continue to implement its own wetlands program. This application would take place in about a year and a half, when New Jersey's program next comes up for review. To receive additional approval, most likely New Jersey would have to severely weaken its existing program in order to comply with the demands for the new title VIII wetlands program, such as the classification and delineation that we have already discussed in this House today and the previous day.

The new wetlands program, under H.R. 961, I believe, will destroy New Jersey's existing program and all the important gains that have been made since the program was implemented in 1988. Unlike current law, which allows a State to administer its own program with limited oversight by the Federal Government, H.R. 961 says the States administering their own programs have to submit notices to the corps for permit applications. Again, this erases the greatest benefit of assumption, elimination of the duplicative Federal review process, and this severely weakens the incentive for New Jersey to reapply for assumption of its wetlands program. Eventually, I think New Jersey and Michigan would probably just simply go along with the new Federal program if we do not have the Frelinghuysen amendment. The Frelinghuysen amendment allows our States to maintain the existing programs, and exempts them permanently from having to apply for corps approval of their programs.

This would protect the gains that these two States have already made in wetlands protection. It would give New Jersey the latitude to have State law as stringent or more stringent than Federal law, and it would negate the message, most important, Mr. Chairman, that H.R. 961 currently sends, and that is that those States that actively work to make progress in environmental protection and compliance with the Clean Water Act made a mistake in doing so because their efforts would be wasted because of the changes, and the drastic changes, that are being proposed under H.R. 961.

□ 1545

Mr. Chairman, I urge adoption of the Frelinghuysen amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 181, noes 243, not voting 10, as follows:

[Roll No. 334]

AYES—181

Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Boehlert
Bonior
Bono
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chapman
Chrysler
Clay
Clement
Clyburn
Collins (MI)
Conyers
Costello
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Ehrlich
Engel
Ensign
Eshoo
Evans
Farr
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gordon
Greenwood
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Horn
Houghton
Hoyer
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Knollenberg
Lantos
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Portman
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Saxton
Scarborough
Schroeder
Schumer
Scott
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Wolf
Woolsey
Wyden
Yates
Zimmer

NOES—243

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Frank (MA)
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King
Kingston
Klink
Klug
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Orton
Oxley
Packard

Parker	Schaefer	Taylor (MS)
Pastor	Schiff	Taylor (NC)
Paxon	Seastrand	Tejeda
Payne (VA)	Sensenbrenner	Thomas
Peterson (MN)	Serrano	Thornberry
Petri	Shadegg	Thornton
Pickett	Shaw	Tiahrt
Pombo	Shuster	Traficant
Poshard	Sisisky	Volkmer
Pryce	Skeen	Vucanovich
Quillen	Skelton	Waldholtz
Quinn	Smith (MI)	Walker
Radanovich	Smith (TX)	Walsh
Regula	Smith (WA)	Wamp
Riggs	Solomon	Watts (OK)
Roberts	Souder	Weldon (FL)
Roemer	Spence	Weller
Rogers	Stearns	White
Rohrabacher	Stenholm	Whitfield
Ros-Lehtinen	Stockman	Wicker
Rose	Stump	Williams
Roth	Talent	Wilson
Royce	Tanner	Young (AK)
Salmon	Tate	Young (FL)
Sawyer	Tauzin	Zeliff

NOT VOTING—10

Berman	Gephardt	Lipinski
Boucher	Gilman	Wynn
Collins (IL)	Jacobs	
Fattah	Kleczka	

□ 1605

Messrs. CALLAHAN, HASTERT, KASICH, and GONZALEZ changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret that my being involved in an event on the Senate side prevented me from voting on rollcall No. 334. Had I been able to vote, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. WYNN. Mr. Chairman, I was unavoidably detained during rollcall vote No. 334. Had I been present, I would have voted ''yea.''

Mr. SHUSTER. Mr. Chairman, I move to strike the last word for the purposes of a colloquy, and I yield to my good friend, the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, currently the Army Corps of Engineers and the Environmental Protection Agency regulations for implementing section 404(f) exemptions for agricultural and related activities require that an activity ''must be part of an 'established' or 'ongoing' farming, silviculture or ranching operation''.

Mr. Chairman, what is the gentleman's intent in amending section 404(f) with respect to these exemptions? Under the amended section 404(f), will it be permissible to change from one exempted agriculturally related activity to another without triggering the permit requirements?

Mr. SHUSTER. Yes, the gentleman is absolutely correct. Changing from one exempted agricultural activity, such as grazing, to another exempted agricultural activity, such as plowing, will not cause the exemption to end. Furthermore, there is no requirement that the exempted activity be established or ongoing as the regulations currently require.

In fact, I emphasize to my good friend, the gentleman from California that this is one of the significant differences between current law and what we are doing in this reform. Under current law the bureaucrats can and have used the exemption process to say that when you move from one agricultural activity to another process you are not exempt, and that is what we fix in this legislation.

Mr. HERGER. Mr. Chairman, I thank the gentleman from Pennsylvania.

AMENDMENT OFFERED BY MR. WYDEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WYDEN: Page 251, after line 2, insert the following:

''(C) PREVENTION OF REDUCTION IN FAIR MARKET VALUE OF PRIVATE HOMES—No compensation shall be made under this section with respect to an agency action that prevents or restricts any activity that is likely to result in a total reduction in the fair market value of one or more private homes of $10,000 or more.

Page 315, after line 15, insert the following:

''(K) PRIVATE HOME.—The term 'private home' means any owner occupied dwelling, including any multi-family dwelling and any condominium.

Page 315, line 16, strike ''(K)'' and insert ''(L)''.

Page 315, line 19, strike ''(L)'' and insert ''(M)''.

Page 315, line 21, strike ''(M)'' and insert ''(N)''.

Page 316, line 14, strike ''(N)'' and insert ''(O)''.

Mr. WYDEN. Mr. Chairman, this is a straightforward amendment to protect the rights of private homeowners whose property values would be reduced by $10,000 or more when a developer fills in a wetland.

Right now the bill creates a double standard. There are one set, a generous set of rules for protecting the rights of those who want to develop property, and a far weaker set of rules for the neighboring homeowners who live nearby. If we do not vote to correct this double standard, Members will find citizens coming up to them and asking, Why did you vote to lower the property value of my house?

Here is why Members are going to get that question: By voting for this bill there are going to be more wetlands filled. Wetlands help limit flooding by acting as a huge sponge that can soak up water and rainfall. When a wetland is filled, the excess water has to find someplace to go, and that could be the basement or the backyard of the homeowners living downstream from the development.

That is why Members are going to get asked, if we do not vote to correct the double standard in this bill, why they have been willing to go along with reducing the value of their neighbor's house under this bill.

In addition, for those who are concerned about the deficit issues in this bill, this amendment should also be appealing. A 1992 congressional budget analysis estimated the cost of compensating wetland owners for not developing their property could be as high as $10 to $15 billion. The entire corps regulatory budget is in the millions.

Let us make sure that we recognize that those who develop property in our country deserve fair treatment. But let us also recognize that the homeowners who live next door to wetlands that are going to be filled under this legislation also deserve fair treatment.

Vote to give those homeowners a fair shake by supporting this amendment.

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

Mr. WYDEN. I am happy to yield to my friend, the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I want to make sure I understand the gentleman's amendment. Is the gentleman saying if I happen to have my home next to wetland and the developer goes on that wetland under this bill and somehow fills it in with a landfill or whatever so he can build a subdivision or building of some sort, as a result my property, my basement floods or something happens to my property, that I have a right to recover for my loss?

Mr. WYDEN. What I am saying is the standard to protect you as a homeowner is far weaker than the standard that protects the developer. The developer, for example, gets compensated if their property value is just diminished as a result of the activity that this bill addresses. You, as a homeowner, do not get any concern under this bill if your property value is reduced. You actually have to have the flooding in your basement before there is any consideration.

Mr. DURBIN. If the gentleman will yield, if a person is really in favor of property rights, then they would be in favor of those property rights lost because a wetland is filled inasmuch as they would be if they had land that had wetlands on it, would they not?

Mr. WYDEN. Not only is the gentleman correct, but let us remember there are many more homeowners situated in the fashion the gentleman has described than there are those who want to develop property. There are 65 million private homeowners in this country. They enjoy the benefit of environmental laws. Certainly not all of them obviously live next door to a wetland, but there are many, many more homeowners like the ones the gentleman's question addresses than there are those who want to develop property.

Mr. DURBIN. I would say to the gentleman I have heard many speeches around here about property rights. This is an eminently sensible and fair amendment, and I assume we will pass it by voice vote, and I support the gentleman's amendment.

Mr. WYDEN. I thank the gentleman.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, while the intent of this amendment may not be completely clear, it appears to be totally unnecessary, duplicative, and indeed, the source of much litigation. If the intent of the amendment is to protect other property owners from being harmed by the issuance of a wetland permit provisions already contained in H.R. 961 more than adequately do that. I refer specifically to page 250, which is clear.

I would also point out that this amendment by my good friend from Oregon is essentially the same amendment he offered during the private property rights debate a few months ago, and at that time his amendment was overwhelmingly defeated, 165 to 260. Section 803(b) of our legislation expressly prohibits the payments of compensation if the activity requiring a wetlands permit would harm another property owner. It is very clear. The private property rights protection also prohibits the payment of compensation for any activity that would be considered a nuisance under the applicable State law or is inconsistent with the local zoning law.

□ 1615

These two provisions make it perfectly clear that no one has the right to take actions on their property that would damage somebody else's property.

Now, if my good friend in his amendment is attempting to assure that adjoining property owners are not to be flooded or directly harmed, his amendment is not needed. However, I suspect the case really, given my good friend's strong opposition to property rights legislation, is that he is trying to establish a bureaucratic out for compensation in every case, and I must oppose it.

The property rights provision in this bill, exactly like those contained in H.R. 961, requires that a direct link be established between the action requiring a permit and the harm to another's property. The absence of this link would allow neighbors who just do not want to see development on another piece of property to undermine the constitutional rights of the property owner. That is not right. It is not American, and we should not let it happen.

The other limitation to this amendment is that, if in the mind of some bureaucrat, some mythical reduction in property values might occur, hundreds, even thousands, of miles away, then they could escape the compensation requirements of this act. Again, this is not what this country is all about.

The amendment is sufficiently vague that it will almost certainly result in mountains of litigation. It is a lawyer's paradise. We need to protect property rights, not to provide more work for lawyers.

I urge the defeat of this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment.

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

Mr. MINETA. I yield to the gentleman from Oregon, the author of the amendment.

Mr. WYDEN. I thank the gentleman for yielding.

I would just like to respond, if I might, to my friend from Pennsylvania.

First, let me tell my colleagues that this amendment is far narrower in terms of protecting the rights of homeowners than any similar issue ever discussed on the floor. We have stipulated, for example, that there must be damage to the adjoining homeowners of $10,000 or more.

Second, and I want the Members to understand exactly what the double standard is which no more favorably treats developers than it does homeowners, in the bill, the developer is compensated if their property value is merely diminished. The neighboring homeowner has to meet a higher standard which requires actual physical damage such as the flooding to their basement. So there clearly is a double standard here.

I share the view of the gentleman from Pennsylvania that a developer deserves a fair shake. Certainly there are takings in our country, and developers warrant fair treatment. Let us as we finally move toward the closing of this bill produce some balance and say the millions and millions of homeowners who live next door to these developments have some rights as well. They should not just have to go out and take their chances in some local court.

This bill says that the developer gets a fair shake at the Federal level. Let us make sure that the adjoining homeowner gets a fair shake at the Federal level as well.

Mr. MINETA. Mr. Chairman, I am pleased to support the amendment offered by our colleague from Oregon. While it certainly does not cure the ills of the takings provisions which are in the bill, it does make an important point.

Throughout the takings debate, the proponents of the legislation always frame the argument in the context of the individual property owner against the Government. They are never willing to acknowledge that often the rationale for regulation is the protection of the property rights of others. The amendment specifically acknowledges this.

The U.S. Treasury, and the taxpayer, should not be expected to compensate an individual who has been denied the opportunity to take an action which results in the diminution of the property right of another taxpayer. It would be the greatest of ironies to the taxpayer for an individual, through his or her taxes, to pay compensation to a neighboring property owner for an action which caused a diminution in the individuals own property.

Whether the bill's sponsors will agree or not, what we are really taking about in the whole takings debate is whether there is a public interest in the action taken—whether the various interests of property owners are correctly balanced one against the other. When one owner bears a disproportionate burden, a taking has occurred and the Constitution provides a right to compensation.

The bill has severely tilted an otherwise level playing field in the favor of the owner who seeks not to be regulated. The Wyden amendment is an attempt to assure that some sense of fairness to the taxpayer is preserved, and that the relative rights of property owners everywhere are recognized.

The amendment makes sense, it creates the proper balance of property rights, and it deserves our support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 270, not voting 6, as follows:

[Roll No. 335]

AYES—158

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—270

Allard	Funderburk	Myrick
Archer	Gallegly	Nethercutt
Armey	Ganske	Neumann
Bachus	Gekas	Ney
Baesler	Geren	Norwood
Baker (CA)	Gillmor	Nussle
Baker (LA)	Gilman	Ortiz
Ballenger	Goodlatte	Orton
Barcia	Goodling	Oxley
Barr	Gordon	Packard
Barrett (NE)	Goss	Parker
Bartlett	Graham	Paxon
Barton	Greenwood	Payne (VA)
Bass	Gunderson	Peterson (FL)
Bateman	Gutknecht	Peterson (MN)
Bereuter	Hall (TX)	Petri
Bevill	Hamilton	Pickett
Bilbray	Hancock	Pombo
Bilirakis	Hansen	Portman
Bishop	Harman	Pryce
Bliley	Hastert	Quillen
Blute	Hastings (WA)	Quinn
Boehner	Hayes	Radanovich
Bonilla	Hayworth	Ramstad
Bono	Hefley	Regula
Brewster	Hefner	Riggs
Browder	Heineman	Roberts
Brownback	Herger	Roemer
Bryant (TN)	Hilleary	Rogers
Bunn	Hilliard	Rohrabacher
Bunning	Hobson	Ros-Lehtinen
Burr	Hoekstra	Rose
Burton	Hoke	Roth
Buyer	Holden	Royce
Callahan	Horn	Salmon
Calvert	Hostettler	Sanford
Camp	Houghton	Scarborough
Canady	Hunter	Schaefer
Castle	Hutchinson	Schiff
Chabot	Hyde	Schumer
Chambliss	Inglis	Seastrand
Chapman	Istook	Sensenbrenner
Chenoweth	Jacobs	Shadegg
Christensen	Johnson (SD)	Shaw
Chrysler	Johnson, Sam	Shuster
Clinger	Jones	Sisisky
Coble	Kanjorski	Skeen
Coburn	Kasich	Skelton
Collins (GA)	Kim	Smith (MI)
Combest	King	Smith (NJ)
Condit	Kingston	Smith (TX)
Cooley	Klink	Smith (WA)
Cox	Klug	Solomon
Cramer	Knollenberg	Souder
Crane	Kolbe	Spence
Crapo	LaHood	Spratt
Cremeans	Largent	Stearns
Cubin	Latham	Stenholm
Cunningham	LaTourette	Stockman
Danner	Laughlin	Stump
Davis	Lazio	Talent
de la Garza	Leach	Tanner
Deal	Lewis (CA)	Tate
DeLay	Lewis (KY)	Tauzin
Diaz-Balart	Lightfoot	Taylor (MS)
Dickey	Linder	Taylor (NC)
Dooley	Livingston	Tejeda
Doolittle	LoBiondo	Thomas
Dornan	Longley	Thornberry
Doyle	Lucas	Tiahrt
Dreier	Manzullo	Torkildsen
Duncan	Martini	Traficant
Dunn	Mascara	Upton
Edwards	McCollum	Vucanovich
Ehrlich	McCrery	Waldholtz
Emerson	McDade	Walker
English	McHugh	Walsh
Ensign	McInnis	Wamp
Everett	McIntosh	Watts (OK)
Ewing	McKeon	Weldon (FL)
Fawell	McNulty	Weldon (PA)
Fields (TX)	Metcalf	Weller
Flanagan	Mica	White
Foley	Miller (FL)	Whitfield
Forbes	Minge	Wicker
Fowler	Molinari	Wilson
Franks (CT)	Montgomery	Wolf
Franks (NJ)	Moorhead	Young (AK)
Frelinghuysen	Murtha	Young (FL)
Frisa	Myers	Zeliff

NOT VOTING—6

Berman	Gephardt	Lipinski
Collins (IL)	Kleczka	Maloney

□ 1642

Messrs. FOLEY, SMITH of New Jersey, and GEKAS changed their vote from ''aye'' to ''no.''

Mr. POMEROY and Mr. MOLLOHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this point I would like to engage the chairman of the full Committee on Transportation and Infrastructure in a colloquy.

Mr. Chairman, on page 247 of H.R. 961, the Committee on Transportation and Infrastructure classified that type C wetlands include, and I quote, wetlands within industrial, commercial or residential complexes or other intensely developed areas that do not serve significant wetlands functions; is that correct?

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

Ms. MOLINARI. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Yes, the gentlewoman from New York is correct.

Ms. MOLINARI. Is it also correct that such wetlands are not classified as type C merely because they are located in developed or urban areas?

Mr. SHUSTER. The gentlewoman from New York [Ms. MOLINARI] is absolutely correct. In fact, the committee specifically recognizes in the report many valuable wetlands are located in or adjacent to urban centers or other developed sites. Any wetlands which serve significant wetlands functions as a result of such location would not automatically be classified as type C wetlands.

□ 1645

The CHAIRMAN. Are there further amendments to title VIII? If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—NAVIGATIONAL DREDGING

SEC. 901. REFERENCES TO ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.).

SEC. 902. OCEAN DUMPING PERMITS.

(a) ISSUANCE OF PERMITS.—Section 102 (33 U.S.C. 1412) is amended—

(1) in the section heading by striking ''ENVIRONMENTAL PROTECTION AGENCY''; and

(2) in subsection (a)—

(A) by striking ''Administrator'' each place it appears and inserting ''Secretary'';

(B) by striking paragraph (G) and redesignating paragraphs (A), (B), (C), (D), (E), (F), (H), and (I) as paragraphs (1) through (8), respectively;

(C) in paragraph (4), as so redesignated, by redesignating subparagraphs (i) through (iii) as subparagraphs (A) through (C), respectively; and

(D) by striking the first and second sentences following the indented paragraphs.

(b) CATEGORIES OF PERMITS.—Section 102(b) (33 U.S.C. 1412(b)) is amended by striking ''Administrator'' and inserting ''Secretary''.

(c) DESIGNATION OF SITES.—Section 102(c) (33 U.S.C. 1412(c)) is amended—

(1) by striking ''Administrator'' each place it appears and inserting ''Secretary''; and

(2) in paragraph (3) by striking ''Secretary'' each place it appears and inserting ''Administrator''.

(d) SPECIAL RULES.—Section 102(d) and 102(e) (33 U.S.C. 1412(d) and 1412(e)) are amended by striking ''Administrator'' each place it appears and inserting ''Secretary''.

SEC. 903. DREDGED MATERIAL PERMITS.

(a) DISPOSAL SITES.—Section 103 (33 U.S.C. 1413) is amended—

(1) in the section heading by striking ''CORPS OF ENGINEERS'' and inserting ''DREDGED MATERIAL''; and

(2) in subsection (b)—

(A) by striking ''by the Administrator'' each place it appears;

(B) by striking '', with the concurrence of the Administrator,''; and

(C) in paragraph (3) by striking ''Administrator'' and inserting ''Secretary''.

(b) CONSULTATION WITH THE ADMINISTRATOR.—Section 103(c) (33 U.S.C. 1413(c) is amended to read as follows:

''(c) CONSULTATION WITH THE ADMINISTRATOR.—Prior to issuing a permit to any person under this section the Secretary shall first consult with the Administrator.''.

(c) WAIVERS.—Section 103(d) (33 U.S.C. 1413(d)) is amended by striking ''request a waiver'' and all that follows through the period at the end and inserting ''grant a waiver.''.

SEC. 904. PERMIT CONDITIONS.

Section 104 (33 U.S.C. 1414) is amended—

(1) by striking ''Administrator or the Secretary, as the case may be,'' each place it appears and inserting ''Secretary'';

(2) in subsection (a) by inserting a comma before ''after consultation'';

(3) in subsection (h)—

(A) by striking ''Administrator of the Environmental Protection Agency'' and inserting ''Secretary''; and

(B) in the last sentence by striking ''Administrator determines'' and inserting ''Secretary determines''; and

(4) in subsection (i)—

(A) by striking ''Administrator'' each place it appears and inserting ''Secretary'';

(B) in paragraph (3) by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''; and

(C) in paragraph (4)(D) by striking ''of the Environmental Protection Agency''.

SEC. 905. SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES.

Section 104A (33 U.S.C. 1414a) is amended by striking ''Administrator'' each place it appears and inserting ''Secretary''.

SEC. 906. REFERENCES TO ADMINISTRATOR.

With respect to any function transferred from the Administrator to the Secretary of the Army by an amendment made by this title and exercised after the effective date of such transfer, reference in any Federal law to the Administrator shall be considered to refer to the Secretary of the Army.

The CHAIRMAN. Are there any amendments to title IX?

AMENDMENT OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANKS of New Jersey: Page 323, strike line 1 and all that follows through line 23 on page 326 and insert the following:

TITLE IX—NAVIGATIONAL DREDGING

SEC. 901. REFERENCES TO ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.).

SEC. 902. ENVIRONMENTAL PROTECTION AGENCY PERMITS.

Section 102(c) (33 U.S.C. 1412(c)) is amended—

(1) in the first sentence of paragraph (3) by striking ''the Administrator, in conjunction with the Secretary'' and inserting ''the Secretary, in conjunction with the Administrator,''; and

(2) in the second sentence of paragraph (3) by striking ''the Administrator and the Secretary'' and inserting ''the Secretary and the Administrator''.

SEC. 903. CORPS OF ENGINEERS PERMITS.

(a) DISPOSAL SITES.—Section 103(b) (33 U.S.C. 1413(b)) is amended—

(1) in the matter preceding paragraph (1) by striking '', with the concurrence of the Administrator,''; and

(2) in paragraph (3) by striking ''Administrator'' and inserting ''Secretary''.

(b) CONSULTATION WITH THE ADMINISTRATOR.—Section 103(c) (33 U.S.C. 1413(c)) is amended to read as follows:

''(c) CONSULTATION WITH THE ADMINISTRATOR.—Prior to issuing a permit to any person under this section, the Secretary shall first consult with the Administrator.''.

SEC. 904. PENALTIES.

Section 105 (33 U.S.C. 1415) is amended—

(1) in the first sentence by inserting ''or, with respect to violations of section 103, the Secretary'' before the period at the end;

(2) in the fourth, fifth, and sixth sentences by inserting ''or the Secretary, as the case may be,'' after ''Administrator'' each place it appears; and

(3) in subsection (g)(2)(C) by inserting ''or the Secretary, as the case may be,'' after ''the Administrator'' the first place it appears.

SEC. 905. ANNUAL REPORT.

Section 112 (33 U.S.C. 1421) is amended by striking ''with the concurrence of the Administrator''.

SEC. 906. REFERENCE TO COMMITTEE.

Section 104(i)(3) (33 U.S.C. 1414(i)(3)) is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

Conform the table of contents of the bill accordingly.

Mr. FRANKS of New Jersey. Mr. Chairman, over the course of the last 2½ years I have worked with a bipartisan group of Members to help resolve what has increasingly become a pressing environmental and economic concern, not only to my home Port of New York and New Jersey, but to commerce throughout this great Nation. In short, Mr. Chairman, the continuing silting up of our harbors and waterways threatens to strangle our ability to move American products at home and abroad.

Nearly 67 percent of American exports by dollar value reach their foreign destination by ships that are loaded at our Nation's network of ports. Fully 10 percent of this ocean-borne cargo by value leaves the Port of New York and New Jersey, the third busiest port in the Nation, and the largest container port on the east coast, handling over 38 million tons of cargo a year. In my region, 180,000 people depend on the continuing operation of this port for their employment, and the port contributes over $20 billion a year to the region's economy.

If the safe and timely dredging of my port and ports around the country is thwarted, people lose jobs and the potential grows for an environmental disaster to occur. In committee, I worked with the gentleman from Pennsylvania, Chairman SHUSTER, to craft language that would help streamline the dredging permit process in this country. Since that time, Mr. Chairman, I have worked to refine the text of that amendment contained in title IX to more clearly address the crisis at hand.

My amendment would grant the Army Corps additional jurisdiction over dredged material permits and leave the Environmental Protection Agency in charge of the disposal of solid waste, sewage sludge, incinerator residue, or other materials as in current law.

In addition, my amendment ensures that the EPA will establish and apply the baseline criteria for reviewing and evaluating ocean dumping permit applications for all materials. Moreover, the amendment now ensures that the opportunity for public comment to both the Army Corps and the EPA is retained.

I appreciate all of the assistance that I have received from Chairman SHUSTER and his staff as I have drafted this amendment, as well as the substantial input we have received from environmental, port, business, and labor interests. I urge my colleagues to support this amendment that will help both protect the environment and promote the economic viability of our Nation's ports.

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

Mr. FRANKS of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to compliment the gentleman for the leadership he has provided in this. I strongly support his amendment.

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

Mr. Chairman, I also rise in support of the Franks amendment. I have to say that, as I guess was clear from my previous amendment, I do believe that it is a mistake as the bill goes to reassign certain regulatory authority over ocean dumping of dredge materials from the EPA to the Army Corps of Engineers. I also believe that the problem that the gentleman from New Jersey, my colleague, is trying to address, is best addressed by the interagency working group that has been worked out between the corps and the EPA, which I think ultimately would streamline the dredging process, the permitting process, without the need for changing the underlying law of the Clean Water Act or the Ocean Dumping Act.

However, I have to commend the gentleman from New Jersey, my colleague, Mr. FRANKS, because this amendment does put the EPA back in charge of certain things and goes far toward, I believe, reasserting the EPA's authority over environmental concerns that relate to ocean dumping, as well as dredging.

As Mr. FRANKS mentioned, the amendment puts the EPA back in charge of ocean dumping permits for material other than dredge material. It puts the EPA back in charge of establishing criteria for reviewing and evaluating permit applications, and gives waiver authority back to the EPA for dredger permits. So clearly there is significant progress here in terms of trying to put back the EPA and having them cooperate with the corps in the whole process of dredging, as well as other forms of ocean dumping.

I would point out unfortunately though, that the amendment would still give disposal siting and monitoring authority to the corps and still requires that the least costly disposal alternative be selected. Overall, this is certainly an improving amendment that does address many of the concerns that I discussed before. I would urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRANKS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. PETRI

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

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 326, after line 23, add the following:

TITLE X—ADDITIONAL PROVISIONS

SEC. 1001. COASTAL NONPOINT POLLUTION CONTROL.

(a) IN GENERAL.—Section 6217(a)(1) of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) by striking ''shall'' the first place it appears and inserting ''may''; and

(2) by striking ''the Secretary and''.

(b) PROGRAM SUBMISSION, APPROVAL, AND IMPLEMENTATION.—Section 6217(c) of such Act is amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary and the Administrator shall jointly'' and inserting ''the Administrator shall''; and

(B) by striking ''The program'' and all that follows through the period at the end of the paragraph and inserting ''The program shall be approved if the Administrator determines that the program meets the requirements of this section.''; and

(2) in paragraph (3)—

(A) by striking ''If the Secretary'' and inserting ''If the Administrator'';

(B) by striking ''the Secretary shall withhold'' and inserting ''the Administrator shall direct the Secretary to withhold''; and

(C) by striking ''The Secretary shall make'' and inserting ''The Administrator shall direct the Secretary to make''.

(c) FINANICAL ASSISTANCE.—Section 6217(f) of such Act as amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary, in consultation with the Administrator,'' and inserting ''the Administrator''; and

(B) by inserting ''and implementing'' after ''developing'';

(2) in paragraph (2) by inserting ''and implementing'' after ''developing''; and

(3) in paragraph (4)—

(A) by striking ''the Secretary'' each place it appears and inserting ''the Administrator'';

(B) by striking '', in consultation with the Administrator,''; and

(C) by inserting ''and implementing'' after ''preparing''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6217(h)(2) of such Act is amended—

(1) in subparagraph (A) by striking '', other than for providing in the form of grants under subsection (f)''; and

(2) in subparagraph (B) by striking ''the Secretary'' and inserting ''the Administrator''.

Conform the table of contents of the bill accordingly.

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. PETRI. Mr. Chairman, this amendment, which I am offering with Representative TAUZIN, makes certain additional revisions, as requested by the States, to the coastal nonpoint pollution program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

First, this amendment keeps in law the coastal zone program, as we voted last week, but provides that it is up to each State to determine whether to participate in the program.

While the National Oceanic and Atmospheric Administration will still play a role, the amendment provides the EPA will be the lead agency in administering the program, and it makes Federal grants available for implementation of coastal zone programs in addition to simply development of the plans.

Mr. Chairman, last week, we went back and forth as to who and what groups were supporting what position.

Let me be clear—we have worked with the National Governors' Association and the State water pollution control officials in drafting these improvements to the program. The amendments to the 6217 program made by Chairman BOEHLERT's amendment last week were necessary and positive and we do not change any of that language, but further improvements can be made to the program.

This amendment gives flexibility to the Governors in determining how to address coastal pollution. But the amendment also keeps in place the 6217 program so that States which want to continue to move forward with programs—those States which have found it to be successful for their State—may continue to pursue the 6217 program.

This amendment would allow a State to opt out of the program if it wishes. But I would point out that the State will still have to address nonpoint source pollution through the Clean Water Act section 319 nonpoint source program. Again, States that want to continue under the coastal zone program are fully able to do so. Let me note that, in essence, participation in section 6217 already is voluntary. If a State has a management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972, then it must submit a nonpoint program under section 6217.

But it is up to a coastal State to determine whether to participate in the basic coastal zone management program in the first place. A State currently can simply withdraw from the entire program if it wishes and section 6217 does not apply. My own State of Wisconsin is currently considering doing just that.

This amendment streamlines the program so that States will deal with only one agency. That agency will be the EPA—which is, after all, the Federal agency with the expertise in nonpoint source pollution. However, NOAA will continue to be involved in the program.

As we have heard repeatedly, a constant source of frustration for those trying to implement programs is when various Federal agencies administer a single program, and we correct that here.

As we heard last week, some States are about ready to submit their programs and so this amendment makes Federal funds eligible for the next phase—that of implementation. Currently, Federal grants may be used only for development of programs.

The revisions made to the program through the Boehlert amendment last week are very necessary and do improve the program. These are further improvements to section 6217, as requested by the States.

I urge the House to adopt this amendment to provide needed flexibility to ensure that States can develop effective coastal nonpoint programs.

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

Mr. PETRI. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I join him in offering this amendment.

I want to point out to the House again, this amendment does not repeal or even undercut the Boehlert amendment nor the CZM program. It simply does what the gentleman from New York [Mr. BOEHLERT] said he wanted to do, give the States a choice to either use that program or in fact work with section 319 of the clean water bill.

It, second, harmonizes those two sections by allowing the coordination of management under the EPA, and it does a very good thing I think the gentleman from New York [Mr. BOEHLERT] would like. It allows the funds for the program that can only be used right now to plan the CZM nonpoint source pollution program, to be used to implement that plan. So it really extends and further implements the plans if the States want to in fact go forward with them.

In short, it allows for State option to either use a CZM program or to in fact use section 319 and to operate their program accordingly.

I want the House to know the first thing I received when we began talking about this amendment was a notice from Mr. KANJORSKI, head of our program in Louisiana, saying this is exactly what the State of Louisiana would like. I suspect that more States would prefer doing exactly this, giving the States the flexibility to use one or the other programs, to harmonize them under one agency and to use the funds not only to plan, but to actually implement those plans.

Mr. Chairman, I commend the gentleman for the amendment and join him in offering it, and urge its adoption by the House.

Mr. PETRI. Reclaiming my time, I would point out that our Governor, Tommy Thompson, has felt this is of extreme importance to the State of Wisconsin, too, and they want the flexibility, not whether or not to have a program, but to administer it with the EPA.

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

Mr. Chairman, I find myself in the very difficult position of having to oppose the amendment offered by the gentleman from Wisconsin [Mr. PETRI]. As we suggested over the last several days, modifications to the amendment could have been made to shore up some of the problem areas, but were not. As a matter of fact, when the debate of this issue started a few minutes ago, we were still off the floor trying to understand how we could arrive at those agreements. Unfortunately, we were unable to do so.

Mr. Chairman, I am afraid I must say that this amendment, while it is true it does not touch the language of the Boehlert amendment, does do violence to the CZMA Program, in that it essentially takes away the motivation that is currently in the current law to provide for those aspects that encourage people to be in the program.

As a matter of fact, I have before me a memorandum from the Coastal States Organization which I would like to quote directly from, because the Coastal States Organization very much opposes the Tauzin-Petri amendment. They say that they have reviewed this amendment and determined that it is not consistent with either the policy of the National Governors' Association or with the Coastal States Organization.

In regards to the revised version of Tauzin-Petri they say the following: The revised version has the same problems as the original version in that the amendment would allow States to operate out of CZMA section 6217, contrary to what we have heard from some of the proponents of Tauzin-Petri amendment. Allowing States to operate out of the program does not serve the purpose of additional flexibility to the States. Rather, it will put increased pressure on the States by those

who would have the States opt out, namely, causers of pollution, polluters, to opt out of CZARA 6217 in favor of the 319 program which holds little prospect of improving water.

□ 1700

This is the statement brought to us today, May 16, by Kerry Kehoe of the Coastal States Organization. In the interest of the integrity of CZMA as it relates to nonpoint source pollution, this is simply a revote, this is nothing more than a revote of the amendment that we voted last week.

In addition, the proposed amendment deletes the enforceable policy requirements from CZARA. As you are aware, NOAA and the EPA have recently agreed to longstanding policies which this apparently also deletes.

Mr. Chairman, it is with reluctance but with a sense of determination that this revote on the amendment that was offered last week, which has the same effect, and that is to gut the CZMA nonpoint pollution program, must be defeated.

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

Mr. SAXTON. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his leadership on this issue. I want him to know and my colleagues to know that we are still working at a fever pitch to preserve the basic integrity of the program and yet have some basis for accommodation.

So the debate will continue and I am with my colleague 100 percent, but the negotiations are ongoing. I think we are about this close, because I could not agree more with the distinguished chairman, that we have to preserve the basic integrity of the program.

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

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

Mr. PETRI. Mr. Chairman, I am informed by staff that the amendment that we have introduced does not delete the enforceability provisions. I just wanted to correct the record so far as that is concerned and also assure both my colleagues that should this amendment be adopted, we would be eager to continue working with the gentleman as the bill moved forward through conference and so on to work out any problems. We are not trying to do anything to hurt the Coastal Zone Program. What we are tying to do is give States the opportunity to deal with one Federal agency, if that makes sense.

Mr. SAXTON. We can certainly agree on that point, Mr. Chairman. We can certainly agree. I think there are three items that are contentious. We can certainly agree on two, the one the gentleman just mentioned, whether this is a program and whether this is a program that is administered through the EPA or NOAA, but the ability of States who have internal political pressure to opt out of the program or to fail to opt into the program is something that is very contentious and something that we have not and cannot agree to.

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

Mr. Chairman, let me correct perhaps a statement that I am sure was not made on purpose. We are not revoting the Boehlert amendment. The Boehlert amendment was an amendment designed in fact to place the coastal zone management nonpoint source pollution back in the bill. It had been repealed by the original bill. This amendment does not take it back out. In fact, it says, any State that wants to can, in fact, implement that coastal zone nonpoint source pollution program, just as they would without this amendment.

The only thing this amendment does is say to States, which want to use a section 319, with the enforceability provision still in the bill, they have to do the nonpoint source program but they do it under section 319 instead of under this new reinvented wheel program. It gives the States the flexibility.

It does exactly what the gentleman from New York [Mr. BOEHLERT], I think, said he wanted to do, and that is give the States the real chance to run their program the way we intended.

If, in fact, if, in fact, the purpose of the Boehlert amendment was to represent the will of the States, as it was presented on the floor of the House, then this is a perfecting amendment. This makes it very clear that the States make the choice. The States have the option.

I want to point out to you that the existing coastal zone management program was indeed a voluntary program. It involved land use decisions which had been traditionally and correctly reserved for the States. It was not a program where the Federal Government came in and dictated the coastal zone boundaries, nor was it a program where the Federal Government dictated land use decisions within that coastal zone boundary.

The amendment we offer preserves that voluntary State-managed program under CZM. It gives a certain amount of assurance that there will be coordination in the program, because it says that now one agency, the EPA, rather than two agencies, NOAA on the one hand, EPA on the other hand, are managing two very similar programs that might collide with one another.

Lastly, it aids in the success of nonpoint source pollution control in that it allows the moneys that are available to be used in implementing the program not just planning. I think most Americans are rather fed up with the notion that so much Federal money gets spent on studies and planning and so little actually is used to accomplish the good that a program is designed to accomplish.

To that end, this amendment makes sure that money can be used to actually carry out the program, not just to plan it.

So for those very good three reasons: First, the States ought to have the flexibility to coordinate the programs as the States feel work best in their own State, particularly when you consider that CZM has always been a State-run voluntary program; second, that coordination under a single Federal agency makes sense, why have two different agencies running two programs at a parallel that might in fact and generally do collide running, run into conflicts with one another; and third, why not provide, as we do in this amendment, that moneys available under the program can in fact be used to implement it, not just to plan and keep planning and keep planning ad infinitum and wasting Federal and local resources in planning processes when we could be using it to actually begin controlling nonpoint source pollution in the coastal zone.

I urge the Members of the House, again, to consider, we are not repealing the Boehlert amendment, not at all. We are saying that Boehlert amendment stands. The CZM Program stands. If your State wants to implement it as the Fed wants you to do, you can go right ahead. It simply says that a State like Louisiana, which wants to coordinate its 319 programs with the CZM nonsource program, can do so and further that it can use the money to implement the program and it will be coordinated by only one Federal agency, not a pair of agencies which are often in conflict. That makes sense.

If this session of Congress is about rationalizing programs, ending duplication, creating flexibility for those on the local level who implement the programs, this amendment, the Petri-Tauzin amendment is exactly the way to make the Boehlert amendment work well.

I will say it again, either you really meant what you said when you said that you were trying to represent the will of the States in this point of view or you did not. if you really meant to represent the will of the States, this amendment perfects that. It gives the States the flexibility, the option to make the decisions that best suit the CZM Program in a given State, a program that has always been voluntary, always been State-run, always been defined by State law and regulated, and managed by State managers.

If you believe that, if that is the purpose of the original Boehlert amendment, this amendment strengthens it, makes it clearer that States do have that option. If your State wants to run it the way it is currently run, you have full authority to do so under this amendment. If your State is one like mine that wants to coordinate it under section 319, this amendment gives you that power.

I urge the Members to adopt this amendment.

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

Mr. Chairman, I rise in strong support of this amendment. I commend the gentleman from Wisconsin and the gentleman from Louisiana for this effort. This corrects what I think is a serious defect in the bill created by the earlier Boehlert amendment which takes away the kind of flexibility that the States need to have in dealing with nonpoint-source pollution problems.

The State of Virginia that I represent is a very diverse State. It has very diverse types of geography in different parts of the State. And it is the State itself and the State agencies and the elected officials in the State of Virginia that best understand the competing needs of different parts of the State.

The State of Virginia borders a great deal of the Chesapeake Bay, and we very much value and treasure the Chesapeake Bay, but we also understand the needs of those in other parts of the State. And it is far more appropriate for the State to be able to take the lead in deciding this and not have to work with two competing different Government agencies, Federal Government agencies dictating to the State of Virginia how to handle a wide variety of land use issues that take place all across the State.

I commend the gentleman from Louisiana and the gentleman from Wisconsin. I strongly urge this as a very good amendment which will correct a problem that exists in the bill.

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

Mr. GOODLATTE. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for his statement. I want to point out that when I was a young State legislator, many years ago, that I managed a CZM bill through the Louisiana Legislature. I remember all the promises that were made then, that the State would always run its program, define its boundaries, decide land use practices. In fact it was always going to be a State-run program.

This amendment perfects the Boehlert amendment to make sure that process is kept, that each State runs its program in the way that makes sense, that it is coordinated properly, and that moneys can be used to carry out the intent of the Boehlert amendment.

I commend the gentleman for his support and urge other Members to do the same thing.

Mr. GOODLATTE. Reclaiming my time, I thank the gentleman and I concur in his statement. I think that it is definitely the case and so often overlooked here that nobody has a greater incentive to make sure that the waters and lands of the State of Virginia, the State of Louisiana, the State of Wisconsin, and every other State than those people who live in the States. This is clearly an issue of States rights and States' opportunity to have the flexibility to handle this problem themselves.

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

Mr. Chairman, I have heard an interesting interpretation of this supposedly de minimis amendment. There are a couple of things I find disturbing. Obviously on lines 8 and 9 we strike the word shall and replace it with may, and on page 4 we go to elimination of requirement of enforceable mechanisms.

So in fact this does become——

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

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

Mr. SHUSTER. Mr. Chairman, I think the gentleman is reading a previous amendment.

Mr. DEFAZIO. Is there another version?

Mr. SHUSTER. Yes.

Mr. DEFAZIO. So you are working on another version as we speak?

Mr. SHUSTER. No. The Petri amendment before us is another version from the earlier version which the gentleman is referring to.

Mr. DEFAZIO. There is some confusion on this side of the aisle then regarding exactly what it is we are voting on at the moment. I heard the issue of States——

Mr. SHUSTER. The amendment was submitted at the desk. We could ask the desk to provide it to the gentleman.

Mr. DEFAZIO. Mr. Chairman, what we have been hearing here is, we still, I still see a line 7 and 8, shall and may. So that part has not changed. This was just handed to me. And then I guess perhaps you took out the enforcement part. So enforcement is still in, but it is now, we are going to enforce something that you may do or you may choose.

The problem I have here is water pollution does not really follow State boundaries. I heard a lot of talk about States rights here. But water pollution does not rather strictly adhere to States' boundaries.

And many of the bodies of water we are talking about in this bill deregulating happen to affect more than one State. In my region, we border California and Washington. We have upstate concerns, upstream concerns with Idaho, Montana, another country even, dealing with the Columbia River. So I have a concern when we begin to move major mechanisms we have to deal with precious coastal estuaries, fragile estuaries, extraordinarily valuable resources in terms of shellfish where we have had shellfish beds close, spawning grounds for our endangered salmon. And we are going to go to something that says, you may, you may, if you so choose, comply.

Well, certainly, I do not believe my neighboring State of Washington or California is going to do anything to our detriment, but on the other hand I would be a lot more comfortable if we were applying a uniform Federal standard in this bill and not weakening that standard.

□ 1715

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

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

Mr. PETRI. I thank the gentleman for yielding.

Mr. Chairman, I am informed by the staff that the national estuary program formed for the specific purpose of protection across State lines is not affected by this. We have the national estuary program, we have the nonpoint source program, and then we have an additional coastal thing. We are just saying we do not really need three programs to accomplish what the gentleman is trying to do.

Mr. Chairman, what the gentleman is saying is absolutely right, we do need to have comprehensive watershed based approaches that follow the real world, rather than political jurisdiction of lines, and we have it, and it is not affected by this amendment. It is the national estuary program.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his clarification. It certainly sounds better than the way it was described by some of the earlier speakers in terms of this portion of the bill.

However, I guess I will go back to a problem I have had throughout the bill, which is in a number of critical cases we have seen the bill essentially written, rewritten, and amendments sort of mutating as we go along in this process, and no capability of really explaining them.

Some might remember my debate over the section 401, hydropower licensing, last Thursday night, where the authors of the substitute amendment could not explain it. They could not explain the laws they were referencing, and what principles would still apply.

Mr. Chairman, our water resources are too precious, just too precious, to have either outside influences, polluters, or to have others writing on the back of the napkin and rewriting these laws. This should be a more deliberate process.

Certainly, in this case, I thank the gentleman for his clarification. It seems that they have substantially amended the original version and improved it, but I think that this is not the first instance during the consideration of this bill where we have had this problem. I think it should be instructive to the chairman and others that this is not the best way for such an important piece of legislation to be rushed through the House. I do not see a rush. The Clean Water Act has been working substantially across the country, working well. It is one of the few success stories that we can all point to in terms of Federal enforcement. We should modify it carefully and deliberately, where there has been excess,

but where it has been a success, we should build and improve upon it. Our water resources are too precious, our progress has been so hard won, that we should not go backward.

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

Mr. Chairman, again, the way I understand the amendment now, in its latest version, basically it is saying that this coastal nonpoint source pollution program on the part of the State would be enforceable, but is still voluntary. That is really the crux of the matter, is that the program would be voluntary, whereas the Boehlert amendment, again, when the Boehlert amendment was passed, it essentially kept the existing mandatory nature of the program.

I was listening to the gentleman from Louisiana and what he said about flexibility. States have always had flexibility with regard to implementing the program, because they can devise ways in which the program is effective or not. Different States may devise different ways of dealing with land use or agricultural runoff or some of the other things that might impact on coastal nonpoint source pollution.

The bottom line is that the current law requires that there be a nationwide program, and that States have to put a program in place. If the Petri-Tauzin amendment passes, those States could voluntarily decide not to have a coastal nonpoint source program. That is the problem. Nonpoint source pollution of the Nation's unique and precious coastal waters is real and serious. It is causing significant economic harm.

Mr. Chairman, commercial recreational fisheries are being shut down due to runoff pollution, beaches are being closed, habitat is being degraded. Coastal States report that about a third of their estuarine waters are impaired and a third are threatened. Nonpoint source problems are responsible for half of all instances of coastal water-quality degradation. The bottom line is that coastal nonpoint source pollution must be abated now. By passing the Boehlert amendment last week, the House fully indicated it does not want to weaken coastal programs controlling nonpoint source pollution, but the Petri-Tauzin amendment would do just that.

Mr. Chairman, I think it is very important, even though I know we are not amending, we are not just totally repealing the Boehlert amendment, but what we are doing is making the program voluntary, and even if States, if States want to do it and they want to enforce it, that is fine, but I am afraid that many States will simply not have a program, and that is why we should oppose this amendment.

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

Mr. LAUGHLIN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I heard the last speaker discuss this as a voluntary program. As I understand the Petri-Tauzin amendment, it tells the State they have a choice. It does not make it mandatory. It says to States ''You have got to do it under one act or another act. You cannot just say 'I don't want to do it.' ''

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

Mr. LAUGHLIN. I am delighted to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, it is my understanding that we have worked out a compromise now. It is my understanding that the gentleman from Wisconsin [Mr. PETRI] is going to ask unanimous consent to withdraw his amendment and to offer the compromise that has been worked out. If my friend would yield the balance of his time, we might be able to finish this bill tonight.

Mr. LAUGHLIN. Mr. Chairman, if it is considered good judgment to stop talking and accept the agreement, I will use good judgment.

Mr. PETRI. Mr. Chairman, I ask unanimous consent to withdraw the pending amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr PETRI: Page 362, after line 23, add the following:

TITLE X—ADDITIONAL PROVISIONS

SEC. 1001. COASTAL NONPOINT POLLUTION CONTROL.

(a) IN GENERAL.—Section 6217(a)(1) of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) by striking ''shall'' the first place it appears and inserting ''may''; and

(2) by striking ''the Secretary and''.

(3) After the first sentence, insert the following sentence: ''Notwithstanding the preceding sentence, if the Administrator determines, in consultation with the State, such program is needed to supplement the program under section 319 of the Clean Water Act as it relates to the Coastal Zone, the State shall prepare and submit such program.''

(b) PROGRAM SUBMISSION, APPROVAL, AND IMPLEMENTATION.—Section 6217(c) of such Act is amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary and the Administrator shall jointly'' and inserting ''the Administrator shall''; and

(B) by striking ''The program'' and all that follows through the period at the end of the paragraph and inserting ''The program shall be approved if the Administrator determines that the program meets the requirements of this section''; and

(2) in paragraph (3)—

(A) by striking ''If the Secretary'' and inserting ''If the Administrator'';

(B) by striking ''the Secretary shall withhold'' and inserting ''the Administrator shall direct the Secretary to withhold''; and

(C) by striking ''The Secretary shall make'' and inserting ''The Administrator shall direct the Secretary to make''.

(c) FINANCIAL ASSISTANCE.—Section 6217(f) of such Act is amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary, in consultation with the Administrator,'' and inserting ''the Administrator''; and

(B) by inserting ''and implementing'' after ''developing'';

(2) in paragraph (2) by inserting ''and implementing'' after ''developing''; and

(3) in paragraph (4)—

(A) by striking ''the Secretary'' each place it appears and inserting ''the Administrator'';

(B) by striking '', in consultation with the Administrator,''; and

(C) by inserting ''and implementing'' after ''preparing''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6217(h)(2) of such Act is amended—

(1) in subparagraph (A) by striking '', other than for providing in the form of grants under subsection (f)''; and

(2) in subparagraph (B) by striking ''the Secretary'' and inserting ''the Administrator''.

Conform the table of contents of the bill accordingly.

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, do we have a copy of the amendment? We are not aware of what the gentleman is referring to.

The CHAIRMAN. The Clerk is preparing copies.

The gentleman from Wisconsin [Mr. PETRI] is recognized for 5 minutes in support of his amendment.

Mr. PETRI. Mr. Chairman, I would just attempt to summarize the language that has been worked out.

Mr. Chairman, we will have to, I think, continue working on this problem in conference. Frankly, like any compromise, it is not fully acceptable to me, and I will have to check with my State administrators and others, but in the spirit of comity and to try to move this process forward and get this bill acted on tonight, we have, I think, reached an agreement which provides that after discussions and consultation between the EPA and the various States, the administrator of EPA would determine whether a State's plan, as far as coastal nonpoint source runoff, was adequate or not, and if it was adequate, then they would move forward.

It would not be at the discretion or election of the Governor or of the State, it would be at the discretion or election of the EPA, so there would be national standards there, but we would gain the opportunity of being able to actually spend money on cleaning up the environment instead of on planning, as is required in the law now, and we think that is important. We are trying to clean up the environment, not

write plans. Plans are tools, not the objective.

Second, we would have the opportunity of dealing with the EPA, potentially, rather than with a multiplicity of Federal agencies, and that is important in terms of simplicity.

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

Mr. PETRI. I yield to the gentleman from New Jersey.

Mr. SAXTON. First of all, Mr. Chairman, let me thank all parties for their cooperation over the last 3 or 4 days. The gentleman from New York [Mr. BOEHLERT] and I have worked together with the gentleman's very cooperative staff to arrive at an agreement, which, as the gentleman from Wisconsin [Mr. PETRI] points out correctly, is not perfect.

However, we believe it does move in the right direction and solve some of our problems, particularly relative to the ability to opt out of the program. It does provide that the EPA Administrator has the power to review and to, subsequent to the review, require a CZMA program that would have to do with nonpoint coastal pollution.

The State would then be required to adopt programs that would bring their CZMA nonpoint coastal pollution program to quality water standards, and while this is not perfect, certainly it is something that we believe at this late stage in negotiations we can live with.

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

Mr. PETRI. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to echo what my colleague from New Jersey says. The important thing is this protects the basic integrity of the coastal zone program, critically important to 30 States, the Great Lakes States, and the Gulf of Mexico States.

These are tough issues, but we have worked together and we have come out with, I think, a reasonable compromise. Let me add, Mr. Chairman, while we are about this, all of us are up here and we are highly visible, but the professional staff, and they are that, very professional, whether they are proponents or opponents of any one section or the bill in its entirety, have worked very hard for a long period of time. I think we all owe them a debt of gratitude.

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

Mr. PETRI. I yield to the gentleman from Louisiana.

Mr. TAUZIN. As I understand, Mr. Chairman, the compromise goes to literally ensure that when the States have made their selection, and actually put together their plans, that EPA has some say as to whether or not that plan is adequate, and actually addresses the problem.

I think that is a workable compromise, but I, like the gentleman, reserve the right to continue to work with the gentleman through the conference to make sure that we have this thing tied down properly, where the balance is respective between the States and the Federal Government.

Mr. PETRI. Reclaiming my time, I would urge all of my colleagues to support the amendment as it is before the House.

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

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. PORTMAN. Mr. Chairman, I rise today to address the Clean Water Act legislation. After careful examination of the committee bill, H.R. 961, and the Boehlert substitute, I have decided to support H.R. 961 on final passage. Though I do not agree with every provision, I believe it is an improvement on current law and addresses many of the specific problems that my constituents have identified in the Clear Water Act. it makes the Clean Water Act more flexible and less prescriptive and addresses a number of regulatory issues of concern to me.

The Clean Water Act is widely regarded as one of the Nation's most successful environmental laws in terms of cleaning up dirty water. I am pleased at the level of cleanup in Ohio generally and in my district specifically. One beneficiary has been the Little Miami River, Ohio's first State and national scenic river, which runs through my district. Although the Little Miami is considered to be an exceptional warmwater habitat, it has one of the highest volumes of treated sewage pumped into it. The water quality has improved over the last decade in part because fewer pollutants are being discharged from these treatment plants along the river. And this is in part due to the Clean Water Act. However, problems with the act itself persist.

H.R. 961 works to address some of the problems that the Ohio EPA recently identified regarding the cleanliness of the Little Miami River. One of the major threats to the Little Miami includes increased stormwater runoff. In 1987, Congress charged the EPA with implementing a specific permit program for stormwater discharges from industrial sources and municipalities. The permit program has resulted in the creation of one of the most burdensome unfunded Federal mandates in history. It has been brought to my attention time and time again by local governments. I have been told, for example, that a permit application alone can cost over $600,000 to prepare. Compliance costs could be in the billions by requiring stormwater to meet fishable and swimmable quality standards without taking into account the sudden, short-term nature of storms. The EPA's own estimate of costs to municipalities to comply with the current stormwater permitting requirements of the Clean Water Act is between $3.4 and $5.3 billion annually.

It is evident that these wet-weather flows are not amenable to traditional end-of-pipe, command and control regulatory approaches. Attempts to impose these controls on wet-weather flows have led to regulations that require results that are only achievable at an enormous cost. Accordingly, the current law has been unable to effectively address the problems with this type of pollution.

H.R. 961 would essentially convert the current stormwater permit program into a nonpoint source management-type program. Nonpoint source discharges include stormwater and runoff from farm fields, streets, and other areas. The new bill requires States to develop stormwater management programs within 4 years and to meet the goal of attainment of water quality standards for stormwater within 15 years of program approval. To meet that goal, States have the flexibility to target receiving waters and sources of stormwater discharges. State controls begin with pollution prevention plans and may proceed to general and site-specific permits as determined to be necessary by the State.

By returning this program to the States, Ohio can adopt a program that will best eliminate stormwater pollution. Currently, a one-size-fits-all approach exists, which in many cases does not provide the best solutions for communities along the Little Miami River and every other river in Ohio. Flexibility is necessary to achieve the greatest environmental benefits from scarce resources. I believe that States working with local communities are simply better equipped to address these problems.

Regarding the larger problem of nonpoint source pollution, the bill adds to and improves upon current law. Nonpoint source pollution is believed to account for more than half of all remaining pollution nationwide. Although Congress attempted to address nonpoint source pollution in 1987, there is more that Congress can and should do. For example, H.R. 961 provides grants for preparing reports and management programs in addition to grants for implementing programs—under current law. These are new Federal grants to address specific problems. The share of a project which may be funded by grants is also increased from 60 to 75 percent. Finally, it requires States to resubmit management programs every 5 years. Should a State fail to submit a program, the EPA is directed to prepare and implement one for the State.

I do want to note that I am disappointed that the House adopted an amendment to strike a provision in the bill that would have authorized $500 million annually for a new State revolving loan fund program to reduce nonpoint source pollution. I opposed this amendment when it was considered by the House. I believe these funds would have helped to reduce some of the problems that we are currently facing with nonpoint source pollution.

In addition, H.R. 961 works to eliminate many of the unfunded mandates that exist in current law. These provisions are in the spirit of H.R. 5, the unfunded mandates bill I sponsored that are overwhelmingly approved by the House and Senate earlier this year and signed into law by the President.

During the debate in the House earlier this year on unfunded Federal mandates (H.R. 5), the Clean Water Act was mentioned again and again as imposing particularly burdensome mandates on State and local governments. Because H.R. 5 did not address retroactively the impact of mandates that are currently in effect and does not apply to reauthorizations

until next year, Congress did not have the opportunity to strike any mandates in the Clean Water Act. H.R. 961 gives us that opportunity.

Among other things, H.R. 961 gets at the mandate problem by authorizing increased funding for several important clean water programs. For example, grants for State revolving funds would be authorized at $2.5 billion annually for the next 5 years, compared with the current appropriation of $1.2 billion. This is a significant clean water financial burden that is lifted from the shoulders of States.

H.R. 961 also includes two provisions that I supported in the Contract With America—cost-benefit analysis and takings. H.R. 961 inserts greater consideration of cost into the Clean Water Act. Current law does not expressly include analysis of cost effectiveness of water quality standards. In the past decade, the cost to our citizens of complying with environmental regulations has risen dramatically. It is estimated that each household spends $1,500 per year on environmental protection. Approximately one-third of these costs are attributable to the Clean Water Act. Although many regulations perform a valuable function, the cost of some regulations simply outweighs the benefits. With resources of this magnitude being obligated to protect our Nation's water quality, it is extremely important that policymakers have information that is based on sound scientific analyses of potential risks to public health and the environment. In addition, the costs of proposed Clean Water Act regulations must be weighed against their benefits before they are promulgated. Through cost-benefit and risk analysis, H.R. 961 helps to eliminate problematic regulations and focus our limited resources on the most-pressing environmental problems.

I also support the concept of takings which is part of H.R. 961. The current wetlands program has resulted in serious infringements on private property rights. It is estimated that 75 percent of wetlands in the United States are located on private property. H.R. 961 requires the Government to compensate individuals for an amount equivalent to the diminution in value if a Federal agency diminishes the fair market value of property by 20 percent or more. Twenty percent may be too low, but the concept is sound. If the diminution is more than 50 percent, the Federal Government is required to buy the affected portion of the property.

I have only touched on some of the highlights of H.R. 961. Although H.R. 961 is not a perfect bill, I believe it will lead to improved water policy in the United States in a responsible and efficient and more flexible manner, and will help maintain the high quality of our Nation's water as we move into the next century.

Ms. ESHOO. I rise in strong opposition to H.R. 961, the so-called Clean Amendments of 1995.

When Republicans talked about a rising tide lifting all boats, they did not say how polluted the tide water would be. Yet enactment of this legislation would repeal or weaken key sections of one of the most successful environmental laws on the books.

I have fought hard in the past to strengthen the Clean Water Act to further protect our coasts and fragile estuaries. This bill does nothing to strengthen current law—indeed, it is harmful in a number of ways. It deregulates 50 percent of existing wetlands, repeals the coastal zone nonpoint pollution program, removes secondary treatment requirements in certain ocean waters, eliminates storm water permit requirements, and exempts point-source dischargers.

In a recent editorial, the San Francisco Chronicle called it the Polluters Revenge Act of 1995, claiming it was written by the very interests the law was intended to regulate. If the people of this country were at the table when it was drafted, we would have a completely different bill. The American people want to be able to drink and swim in clean water and H.R. 961 does nothing to achieve these goals.

In sum, the bill reverses more than 20 years of progress in fighting water pollution. I urge my colleagues to oppose what should be called the Dirty Water Amendments of 1995.

Mr. LEVIN. Mr. Chairman, I rise in opposition to H.R. 961. This bill does not deserve the title its authors have given it. Unfortunately, H.R. 961 is no Clean Water Act.

It is a cornucopia of special interest loopholes, waivers, and exemptions that weaken the Clean Water Act at a time when we should be strengthening it.

We should be building on the two decades of progress we have made cleaning up our Nation's lakes, rivers, and streams. Instead of making the Clean Water Act work better for the American people, H.R. 961 makes it easier for polluters to pollute.

The Clean Water Act is not a perfect law. Any statute of this scope and complexity will never be immune from shortcomings. As we had the experience of implementing the Clean Water Act, certain problems have come to the surface. Even if action on these problems is overdue, this cannot be an excuse for steps that threaten to undermine our Nation's commitment to clean water.

Where there are problems, we should correct them. For example, most of us agree that existing wetlands regulation are needlessly burdensome and in need of reform. But H.R. 961 is not about reform. Instead of fixing the wetlands provisions, H.R. 961 redefines most wetlands out of existence.

I am particularly concerned about the effect this bill would have on the Great Lakes. My State of Michigan has the toughest pollution standards in the region. For 6 years, the States in our region have been working on a bipartisan basis with the Environmental Protection Agency on the Great Lakes Initiative [GLI].

The GLI is a program established in 1990 to ensure that all States within the Great Lakes basin have uniform water quality standards. The Great Lakes Initiative is a carefully balanced compromise that has been subjected to extensive scientific scrutiny and rigorous cost-benefit analysis. It incorporates significant State flexibility. Wide consultation with effected industries and the public led to significant revisions and lower costs.

H.R. 961 undermines the fundamental purpose of the Great Lakes Initiative by giving States more discretion to ignore the Federal requirement for strong, uniform standards. Without uniform rules, Great Lakes States, like Michigan, with strong environmental standards will continue to lose jobs to neighbors with looser standards. We should not water down this critical program.

The Clean Water Act has the strong support of the American people. Today we are debating an extreme bill that would turn back the clock on two decades of environmental progress. H.R. 961 deserves to be defeated.

Mr. MARKEY. Mr. Chairman, I rise in strong opposition to H.R. 961, the so-called Clean Water Act of 1995. The bill's proponents would have us believe that it simply reauthorizes the original Clean Water Act, with, perhaps, a bit of fine-tuning. I hope that the American people can see clearly that this bill goes far beyond fine-tuning, would bring to a screeching halt further improvements in our water quality, and would allow for backsliding on the important progress we have already made toward cleaner water.

The original Clean Water Act, enacted in 1972 to clean up our Nation's badly polluted rivers, lakes, and harbors, is one of the most successful environmental laws on the books today. But all that is about to change. With H.R. 961, the new Republican majority in Congress would gut the current law, rolling back water quality standards, allowing industries to pollute more, not less, and leaving taxpayers to foot the bill to clean up the mess.

While the bill purports to respond to some mysterious mandate from the people for regulatory reform, recent polls have shown that 76 percent of Americans think clean water laws need to be strengthened, not weakened. It is clear that H.R. 961 responds to industry interests, not the people's mandate.

H.R. 961 will result in backsliding on water quality, by letting industries seek waivers allowing them to dump toxics and other wastes to municipal wastewater treatment plants not allowed under current law. To preserve the same level of water quality, these toxics would have to be removed at the treatment facility, at the taxpayer's expense. In addition, H.R. 961 lets States downgrade the designated use of a body of water, so that a lake or river could be subject to a lower standard of water quality than it is today. Finally, the bill will allow industrial polluters to undertake vaguely defined pollution prevention activities instead of complying with the water quality standards in current law.

H.R. 961 devastates our wetlands protection program. Under this bill, which includes a new and highly unscientific method of defining and classifying wetlands, two-thirds of our Nation's wetlands would be defined right out of existence. And many of the remaining wetlands will receive less protection than under current law. Finally, the Government will have to pay landowners to preserve wetlands on their property, even when protection of the wetland increases the overall value of the property. Again, the taxpayer pays. Wetlands are important because they filter and purify water, act as sponges during storms to reduce flood damage, and provide valuable ecosystems for many plant and animal species. We already have lost more than half our Nation's wetlands; we must provide adequate protection for the wetlands that remain.

H.R. 961 fails to make progress in the one area where progress is needed most. Polluted run-off from farms, industrial facilities, and city streets—called non-point source pollution—is the most important source of water pollution remaining today. H.R. 961 tells States to develop programs to make reasonable further progress toward bringing the non-point source pollution problem under control but does not require such programs to be enforced. In addition, the bill allows for delays, possibly of as

long as nearly two decades, in the implementation of the voluntary initiatives. This provision could have a devastating impact on our multibillion dollar fishing and tourism industries. In New England, our fishermen already are suffering due to declining stocks, and are currently seeking disaster relief. H.R. 961 will only exacerbate the difficulties faced by our fishermen.

We must not allow the Clean Water Act to be gutted. It is an extremely important and successful statute that has been largely responsible for cleaning up many of our Nation's waters. In Boston, we once had the notoriety of having the filthiest harbor in America. Thanks to the Clean Water Act, and an enormous commitment on the part of Massachusetts residents, the Boston Harbor is cleaner now than it has been in decades. Surely we cannot go back to the dirty water days after all that we have contributed to get to where we are now.

Many of us can still remember the days when open pipes led into our streams and lakes, spewing forth all kinds of toxics and pollutants. In most communities, those days are gone because of the Clean Water Act. But the job is not done. Unfortunately, over 40 percent of our Nation's waters are still not fishable or swimmable. We must continue working to enforce tough clean water standards to protect the health and safety of every American. As the tragic 1993 Cryptosporidium outbreak in Milwaukee plainly demonstrated, our water is not yet too clean, we do not have too many wetlands, and our fish are not too safe to eat.

I strongly urge my colleagues to vote ''no'' on H.R. 961 and say ''yes'' to clean water.

Mr. SHUSTER. Mr. Chairman, as we continue to debate H.R. 961, there is a need to clarify some of the bill's provisions.

One of the provisions, included in my en bloc amendments, modifies the goals contained in section 101 of the Clean Water Act. It clarifies that the act should not unnecessarily restrict outdoor recreational activity and other socially beneficial activities. A related provision in title VIII of the bill addresses outdoor recreational activities.

The amendments I am submitting to H.R. 961 included in the chairman's amendments will clarify, among other things, that the Clean Water Act is intended by Congress to benefit society and not unreasonably restrict outdoor recreational activity.

It has come to my attention that several lawsuits have recently been brought claiming that certain recreational activities conducted around water require permitting under the Clean Water Act. These lawsuits have become an invitation to judicially expand the Clean Water Act beyond what Congress originally enacted. These lawsuits may be a sham effort to shut down rightful outdoor recreation, specifically hunting and the shooting sports. The Clean Water Act was not designed to require NPDES permits under section 402 or wetlands dredge and fill permits under section 404 as a condition of enjoying our traditional outdoor recreational activities. My amendment makes clear that the act was not intended to be abused in the manner employed in certain lawsuits.

Another regulatory provision relates to waste treatment systems for concentrated animal feeding operations [CAFO's]. Section 401 clarifies that an existing CAFO that uses a natural topographic impoundment or structure on the effective date of this act, which is not hydrologically connected to any other waters of the United States, as a waste treatment system or wastewater retention facility may, for purposes of this act, continue to use that natural topographic feature for waste storage regardless of its size, capacity, or previous use.

Some of H.R. 961's funding provisions need additional clarification, as well. The bill does not specify any set-asides or allocations off the top for section 106 moneys. Our intent however, is that one-half of 1 percent or $500,000—whichever is greater—should be allocated to the Association of State and Interstate Water Pollution Control Administrators for assistance in administering programs for the prevention, reduction, and elimination of pollution and to serve as the State liaison forum with the U.S. Environmental Protection Agency on policy development.

Administration of the funding provided in section 102(d) also needs clarification. Section 102(d) of H.R. 961 authorizes the Administrator of the EPA to make grants to the States for planning, design, and construction of publicly owned treatment works in rural communities of 3,000 people or less which are severely economically disadvantage. The committee report states the committee's intention to work closely with the Administrator to develop appropriate criteria regarding severely economically disadvantaged. I wish to clarify that the committee considers eligible communities as those having a per capita income of no more than 80 percent of the national average and an unemployment rate of 1 percent or more above the national average.

Mr. Chairman, I insert the following communication for the RECORD:

MAY 16, 1995.

Hon. BUD SHUSTER,
Chairman.
Hon. NORM MINETA,
Ranking Minority Member, Committee on Transportation and Infrastructure, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR GENTLEMEN: We write this letter in response to the debate on H.R. 961 that took place last Thursday evening, May 9, 1995, in which Representative Laughlin offered a substitute amendment to that offered by Representative Emerson regarding section 401 of the Clean Water Act.

It is indeed unfortunate that we were not given the opportunity to review the amendment prior to its introduction, as we believe that our input may have proved valuable in the ensuing discussion.

We wish to state now for the record that we believe states should have the authority to determine the quality of the waters within the state. As we have consistently maintained, we do not believe any amendments to section 401 are warranted; and we cannot support the amendment to section 401 that was adopted last Thursday evening.

The adopted amendment would have the following adverse repercussions;

The amendment takes from states the authority to determine the water quality of state waters, and improperly gives such authority to the Federal Energy Regulatory Commission (FERC) for hydroelectric projects located within the state.

The amendment reverses PUD No. 1 of Jefferson County v. State of Washington Department of Ecology, otherwise known as the Tacoma case, in which the Supreme Court affirmed that section 401 authorizes states to impose conditions in water quality certifications to ensure that discharges from federally licensed activities comply with state law.

The amendment causes inequities between state licensed activities which must comply with state law, and hydroelectric projects which FERC may exempt from state law.

The amendment will likely spawn significant litigation regarding its implementation and how agencies are to interpret presumptions of validity.

In sum, we believe that section 401 strikes the appropriate balance between state and federal authority over state water quality, and that no amendment to section 401 is necessary. We thank you for the opportunity to share our views with you.

Sincerely,

Governor Mike Lowry, Chair, Committee on Natural Resources, National Governors' Association.

Governor Michael O. Leavitt, Chair, Western Governors' Association.

Tom Udall, Attorney General of New Mexico.

Governor Terry E. Branstad, Vice Chair, Committee on Natural Resources, National Governors' Association.

Governor E. Benjamin Nelson, Vice Chair, Western Governors' Association.

Christine O. Gregoire, Attorney General of Washington.

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to H.R. 961, the Clean Water Amendments of 1995. I believe this title is a misnomer as this bill will dramatically undermine the progress we have made over the past 20 years in cleaning up the Nation's waters, improving public health, and furthering economic development. I urge my colleagues to vote against this measure to send a strong signal that the House will not turn back the clock on environmental protection.

The Clean Water Act, signed into law in 1972, is arguably our most successful environmental protection statute. When it was passed more than two decades ago, the majority of our waters were off-limits to swimming and fishing, toxic pollutants and sewage were discharged almost at will, and in extreme cases, certain bodies of water were so fouled that they actually caught fire. Many communities nationwide were not served by sewage treatment plants and many that were had antiquated systems which failed to protect public health. Companies were able to discharge toxic pollutants, including some which cause cancer, directly into our rivers, lakes, and streams. Finally, wetlands were being filled in and drained at a rate of approximately 450,000 acres per year with subsequent adverse impacts on fish, wildlife, and bird populations, water quality, and flood control.

Over the past 23 years we have made tremendous progress in addressing these and other water quality issues. Nearly twice as many people are served by modern sewage treatment plants today than in 1972. Annually 900 million tons of sewage are not discharged into our lakes, streams, and rivers. Under the State Revolving Fund program and a previous grant program, the Federal Government has invested $66 billion in sewage treatment plant construction and upgrades. Investment in sewage treatment has made fundamental improvements in public health for millions of American citizens. More than 1 billion pounds of toxic pollutants are removed yearly from waters discharged by companies and other entities which utilize them.

Twice as many bodies of water meet their designated uses today than prior to the passage of the act. These water quality improvements have expanded recreational opportunities, opened multimillion-dollar shellfish beds to harvest, and brought tourists back to communities along our coasts. Finally, the Clean Water Act has helped to cut wetland losses almost in half. Currently, the lower 48 States have about 10 percent of the wetlands that existed in the late 1700's. While wetlands have a ''bad rap'' in this body, which I believe is completely unfounded and used for political expediency, they provide vital habitat to a myriad of fish, wildlife, and bird species, improve water quality by filtering out organic and nonorganic contaminants, and serve valuable flood control functions without the need for costly levees, dikes, and dams.

While we have made tremendous progress over the past two decades, problems remain. More than one-third of our waters do not meet their designated uses. Thousands of miles of rivers and acres of lakes are off-limits to swimming and fishing. Sewage treatment facilities in many communities remain inadequate and often discharge raw sewage directing into our waterways during storms. Pathogens in sewage poses a serious threat to public health. Ineffective sewage treatment also results in excessive nutrients being added to our waters which cause algae blooms, deplete oxygen content, and adversely affect shell- and fin-fish and marine habitat. Nonpoint source pollution accounts for at least half of our remaining water pollution problems. Wetlands continue to disappear at rate of 250,000 acres per year. As a result, certain migratory bird populations and species of fish have suffered and flooding has been exacerbated. In fact, some believe that the devastating flooding in the Midwest in 1993 could have been mitigated if wetlands had not been filled or drained to grow crops or for sites for housing developments. The bottom line is that we have a long way to go and should not be passing legislation which will turn the clock back to the 1960's.

I have numerous concerns with H.R. 961 and will touch on the most significant ones. I am especially concerned about the effects this bill will have on water quality in coastal communities. My district borders Long Island Sound, which is a vital economic and environmental resource for my State of Connecticut. Connecticut has invested tens of millions of dollars in cleaning up the sound in an effort to improve public health, fisheries, tourism, and quality of life for our residents. The Environmental Protection Agency [EPA], New York and Connecticut have spent the past 10 years and $11 million conducting a comprehensive study of the problems facing the sound. Last fall, the agency and the States approved a comprehensive conservation and management plan [CCMP] which sets forth a schedule to implement specific measures for remediating water quality problems and restoring the sound to health status. H.R. 961 threatens to completely undermine these efforts and investments.

It would repeal section 6217 of the Omnibus Budget Reconciliation Act of 1990 which requires coastal States to develop enforceable programs to control nonpoint discharges which impair coastal waters. Nonpoint source contamination is the greatest threat to our coastal waters and is partially responsible for thousands of beach closures each year and contaminated shelfish and finfish populations. Beach closures and shell- and fin-fish bans cost local economies millions of dollars each year when tourists can't go to the beach and fish products can't be harvested and sold. Connecticut is the second leading producer of oysters in the United States with annual sales between $40 and $50 million and tourism pumps nearly $4 billion into my State's economy. Repealing section 6217 does not make good environmental or economic sense for my State or any other coastal State.

The assistant commissioner of Connecticut's Department of Environmental Protection [DEP] has written me to express his strong opposition to the committee's action. While he admits section 6217 is not perfect, he firmly believes that repeal is completely counterproductive. The committee's action is even more egregious when one considers that the Coastal States Organization submitted a proposal to reform section 6217 to the committee. The CSO proposal represented a compromise developed by the States, but was cast aside by the committee. Without a program which approximates section 6217, Connecticut's efforts to reduce nonpoint contamination of Long Island Sound will be seriously undermined.

Unfortunately, the outlook for the sound gets bleaker when one considers the provisions of section 309 relating to secondary treatment. According to the EPA, secondary treatment, which removes oxygen-depleting nutrients as well as toxic contaminants from wastewater, has played a substantial role in improving water quality across the Nation over the last 20 years. Secondary treatment is especially important for communities along Long Island Sound because it is plagued by severe hypoxia during the summer months. Hypoxia is a state of low dissolved oxygen in the water which adversely affects fish populations and marine habitat. The best way to eliminate hypoxia is to reduce the input of excess nutrients, such as nitrogen and phosphorous. Secondary treatment is one of the most effective methods of reducing nutrient loading.

Connecticut has 84 treatment plants, all of which employ secondary treatment. In fact, 25 plants, or about 25 percent of the total, employ advanced treatment to reduce nitrogen loading more dramatically. Under section 309 of H.R. 961, coastal or other communities with fewer than 20,000 residents would be exempt from secondary treatment requirements if a treatment works will provide an adequate level of protection to receiving waters. The bill does not define ''adequate level'' and I am very concerned that this exemption will seriously undermine our efforts to improve water quality in the sound.

In Connecticut, 52 plants could be allowed to discontinue secondary treatment under this section. This would bring little, if any, savings to the ratepayers because these plants currently utilize secondary treatment technology. At the same time, it will exacerbate hypoxia which will adversely affect the fishing, aquaculture, and tourism industries. These effects will cost my State millions of dollars in the short term and many millions more over the long run because Long Island Sound cleanup will become more costly. This provision is bad for the environment, the economy, and taxpayers in my State.

I am also concerned about the effects of loosening pretreatment standards for the discharge of toxic pollutants to publicly owned treatment works [POTW]. The Clean Water Act establishes uniform national requirements that certain highly toxic pollutants, which cannot be effectively treated by POTW's or which adversely affect the operation of such works, must be treated by those entities discharging them to reduce their negative impacts prior to releasing wastewaters containing these contaminants to the POTW. This requirement guarantees that every community will receive a similar level of protection from toxic pollutants.

Under H.R. 961, uniform requirements would be replaced by a system which would allow individual treatment works to reduce pretreatment standards if those standards drive up administrative costs. This would create a hodge-podge of standards within States and watersheds and undermine rational water pollution control policy. Furthermore, this provision shifts the costs of controlling toxic pollutants from entities producing those pollutants to the ratepayers at the POTW. It is very likely that these toxics will ultimately adversely affect the operations of the POTW and the ratepayers will be left with the bill.

While nonpoint source pollution is responsible for at least one-half of our remaining water pollution problems, H.R. 961 fails to tackle this important issue. The provisions of section 319 effectively postpone the date of compliance with nonpoint source controls for 15 years. Moreover, compliance may never have to be achieved because the section provides yearly extensions of compliance deadlines for every year that Congress fails to appropriate every dollar authorized by this section. While I believe that Congress should do its level best to provide funding to States to assist with compliance, it is unreasonable to provide extensions if Congress falls $1 short of the authorized level. I believe this provision is even more unreasonable when one considers that Congress has done a relatively good job in providing States with substantial funding to improve water quality. This provision renders compliance deadlines meaningless.

The risk assessment and cost-benefit analysis portions of this bill are tilted toward polluters and will undermine public health. Federal agencies will be required to conduct lengthy and unproven risk assessment reviews of virtually every regulatory action which could cost more than $25 million. These reviews will add substantial layers of bureaucracy and delay timely action to address health concerns. In addition, the cost-benefit portion of the bill is weighted toward assessing the economic and social costs of complying with a requirement but makes no mention of assessing the benefits to society from environmental protection. Moreover, the bill does not provide an exemption from these onerous requirements to allow the EPA to respond quickly to an imminent threat to public health or the environment. These provisions are merely an attempt to gut environmental protection through backdoor maneuvers.

Finally, the wetlands portion of the bill will open much of our remaining wetlands to uncontrolled filling, draining, and development. If these provisions are enacted, many species of fish and wildlife will be pushed toward extinction, water quality will suffer, and flooding will worsen. As a result, the American people will be forced to pay more for clean water, flood insurance premiums will increase, and our quality of life will suffer.

In spite of all the talk by my Republican colleagues about the need to use ''good science'' when developing environmental regulations, this portion of the bill has no connection to good science whatsoever. The bill proposes to designate wetlands as class A, B, or C with class A receiving the highest degree of protection, class B less protection, and class C could be developed at will. The criteria to be used to classify wetlands is arbitrary as well. For example, the Secretary of the Army can only designate a portion of land as class A wetlands if it consists of 10 or more contiguous acres of land and there is unlikely to be any other overriding public use for that land. Wetlands should receive protection based on the ecological value and not because protection is convenient because someone doesn't believe the land can be developed under any circumstances. Moreover, the bill stipulates that no more than 20 percent of the wetlands classified by the Secretary may be classified as class A. This is a baseless cutoff designed to subjugate ecological considerations to the desire of developers to have unrestricted access to as much land as possible.

In addition, the protections for class A and B wetlands can be weakened considerably under the bill if they are not economically practicable or if the wetlands are located in a State with substantial conserved wetlands. The exemption based on a State having wetlands conserved by the Federal Government completely disregards the fact that wetlands serve important local functions which are completely separate from the benefits provided by wetlands clear across the State. Once again, short-term economic considerations are given precedence while the long-term interests of the majority of Americans are pushed aside.

Finally, development can take place in class C wetlands without a permit. The skewed classification requirements of this bill work to winnow as many acres of wetlands toward class C designation as possible. This bill falsely assumes that small wetlands or those that are in highly developed areas serve no significant function. This couldn't be further from the truth. In fact, small wetlands in developed areas provide critical habitat for birds, ducks, and wildlife, help to recharge the groundwater, and act to purify runoff from surrounding areas. These wetlands should receive a high degree of protection rather than be opened up to unchecked development. Moreover, 18 different activities, including building logging roads, clearing rights-of-way, and just about any infrastructure project whatsoever in a State with substantial conserved wetlands, are specifically exempt from any restrictions governing activities in wetlands.

Mr. Chairman, H.R. 961 should be defeated for the reasons I have enumerated here and many others. Most significantly, this is a bad bill for the people of my State who would see years of hard work and tens of millions of dollars literally go down the drain. The Connecticut River would once again be fouled by sewage and our efforts to restore Long Island Sound would be dealt a tremendous blow. The costs of cleaning up pollution would be transferred from polluters to the American public. Public health will be compromised, recreation opportunities lost, and the economic growth will be stymied in countless communities nationwide. I urge my colleagues to vote against H.R. 961.

Mr. SANDERS. Mr. Chairman, this bill will reverse the significant progress we have made under the Clean Water Act. For the first time in 25 years, our water is expected to become dirtier instead of cleaner. We may well be returning to a time when our rivers catch fire, we cannot swim and fish in our lakes, and human health is jeopardized by toxic chemicals in our water.

It is no secret that the House Republican leadership worked hand in hand with the chemical companies and other special interests to draft a bill littered with loopholes for polluters and developers. The bill includes a myriad of exemptions and waivers for industry which will significantly increase water pollution. It also removes approximately 50 percent of wetlands—which provide a natural water filtering system—from Federal protection. It is deeply disturbing that the attack on the environment that was so prevalent in the Contract With America has now reached into environmental successes like the Clean Water Act.

I am pleased that this bill reauthorizes funds for the State revolving loan fund that helps towns, like rural towns in my State of Vermont, upgrade their sewage treatment facilities. It also authorizes funds to help these same towns clean up agricultural pesticide runoff. Unfortunately, in today's environment of cutbacks I am seriously concerned that these needed funds will not become a reality. I strongly urge the appropriators to fully fund these programs so that small rural towns can meet their environmental responsibilities.

I am deeply disappointed that the House rejected an amendment which included these important authorizations and linked them with meaningful relief from unnecessarily burdensome regulations. Instead the House is considering a bill that gives industry free rein to pollute our waterways and developers the right to develop our ecologically important wetlands.

Mr. BUYER. Mr. Chairman, I rise to support the bipartisan committee-passed version of H.R. 961.

One message that the American public has made clear—one message that this Congress has seen fit to heed in passing several pieces of legislation this year—has been the fact that this Nation has entered an era in which new approaches and local flexibility are needed to provide lasting solutions to our Nation's greatest problems.

Mr. Chairman, this bill continues the great traditions of the leaders of the Republican Party who made the protection of the environment and natural resources a top priority—Presidents such as Teddy Roosevelt and Richard Nixon. This bill not only reaffirms the importance of the 1972 Clean Water Act and preserves its successes, it significantly updates that historic legislation to meet the water quality needs and circumstances of this Nation in 1995 and beyond.

As many members have explained throughout this debate, our State and local communities are now well-equipped, and in most cases, better equipped, to devise and implement solutions to the expensive point source and nonpoint source pollution problems within their communities. H.R. 961, as it stands now, gives the State and local governments the flexibility and authority they need to implement those solutions. Solutions, mind you, that will improve our communities' water quality both more quickly and at less cost.

Let me share a couple of examples of particular problems in my district which will greatly benefit from passage of the committee-passed H.R. 961. In a rural town in my district, Francesville, IN, a major wastewater treatment facility construction project which will greatly improve the quality of water for tens of thousands of people along the watershed, was delayed. This delay lasted more than 2 years due to a concern that the plant would interfere with less than 1 acre of a man-made pit which environmental officials had determined to be a wetland.

Another example in my backyard illustrates how small communities throughout Indiana are struggling to meet complex Federal requirements which are financially prohibitive. H.R. 961 seeks to loosen these types of regulatory constraints on small communities which have the effect of actually hindering their ability to improve their water quality. My hometown of Buffalo, IN, which has a population of 250 is undertaking a sewer system construction which will improve the water quality on the Tippecanoe River and Lakes Shafer and Freeman. Unfortunately, they've been bitten by these same regulatory restrictions that hinder their ability to use new and innovative technology like constructed wetlands treatment facilities. The impact could not only be the delays they now face in construction, but local sewer bills could soar from a projected $35 per month to reach $90 per month.

As if that isn't clear enough, I have another example of the impact of current law and enforcement on municipalities and small communities. Approximately 5,000 people reside in Rensselaer, IN. They have a $3.5 million sewer treatment facility serving their community. The city of Rensselaer was informed by regulators that they are not in compliance and must conduct combined sewer overflow [CSO] monitoring. They learned that it was estimated to cost each person in the town $1,000 per year. This translates into nearly $5 million in costs to implement this CSO Program, nearly twice the amount it costs to build the entire sewer treatment facility, all just to monitor and not treat the water.

My final story shows the inability of the Federal Government, without clear definitions and political accountability, to provide simple, effective, and cost-efficient solutions to the situations families, farmers, businesses, and communities face. A Cass County farmer in my district had less than one-quarter of an acre of ground in the middle of a farm field determined as a wetland. Despite the fact that he could potentially have profited only $20 annually from farming the area, Federal regulators slapped him with over $300,000 in fines and lost benefits. Yet, as if it isn't enough, under the current law, he could have sold this land to any number of retailers, such as Wal-Mart, who could have paved this wetland and made it part of a parking lot without any penalties or fines whatsoever.

Mr. Chairman, I would like to reiterate that these are not isolated instances. We must continue and follow up on the bipartisan message which was sent to not only State and local governments, but also the Federal regulators. We must encourage flexible, commonsense rationality to our regulatory policies.

For instance, title VIII of H.R. 961 establishes a new Federal wetlands policy by replacing the current section 404 of CWA with comprehensive new language to regulate the discharge of dredge and fill materials into U.S. waters and wetlands, as well as the drainage,

channelization, and excavation of wetlands. For the first time in legislation, this bill establishes a procedure for both classifying and delineating wetlands, directing the Secretary of the Army to issue classification regulations and delineation rules within 1 year of enactment. It outlines application procedures for persons seeking to undertake activities in wetlands, as well as property owners who seek a determination of whether a wetland exists on their property, and provides for judicial review. Thus, H.R. 961 provides for greater certainty and expedited procedures to applicants. This provision is comparable to legislation I cosponsored last year to address wetlands issues.

This bill modifies the list of exempt activities in order to clarify the intent of Congress where agency and court decisions have resulted in broader regulations than intended. H.R. 961 includes the following to those activities already exempted by the act: First, maintenance and emergency reconstruction of facilities for flood control, water supply, reservoirs, utility lines, and transportation structures; second, farming activities such as constructing stock ponds, irrigation canals, and drainage ditches; third, activities to enhance aviation safety, such as clearing vegetation that obscures a control tower's view of the runway approach; and fourth, activities that are consistent with a State-approved land management plan approved by the Army Secretary, as well as a few other limited activities.

It is also extremely important to note that H.R. 961 is consistent with the provisions bipartisanly passed by this Congress under H.R. 925. In doing so, this bill requires that property owners who have their property value diminished by 20 percent or more as a result of a Federal agency wetlands management action must be compensated by the Government for that amount.

H.R. 961 provides not only flexibility with the reiteration of regulatory reforms and just compensation, but it also authorizes billions of additional dollars for State and local governments to prioritize solutions and utilize advanced technologies. I support the commonsense bipartisan solution H.R. 961 provides.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. MCINNIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 961) to amend the Federal Water Pollution Control Act, pursuant to House Resolution 140, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report it back to the House promptly with the following changes:

With standards for the discharge of industrial pollution into water no move lax than those which exist today;

With water pollution prevention and control protections no less than those which exist today for public water supplies which are used for drinking;

With a report on this bill by the Congressional Budget Office which complies with section 101 of Public Law 104–4, the ''Unfunded Mandates Reform Act of 1995'', as such section would otherwise be in effect on January 1, 1996.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes in support of his motion to recommit.

Mr. BONIOR. Mr. Speaker, the American people want us to make this Government work better.

But they do not want us to turn back 20 years of progress on clean water.

They do not want us to turn back 20 years of progress on safe drinking water.

But that is exactly what this bill before us today does. There is a reason why the Baltimore Sun calls this bill ''the Polluters Protection Act.''

Because it stops 20 years of progress dead in its tracks.

How do you think the American people would feel if they knew that this bill allowed raw sewage to be dumped just 1 mile off our shores?

How do you think they'd feel if they knew that this bill weakens the safeguards we've put in place to make sure our drinking water is safe?

How do you think they'd feel if they knew—as USA Today pointed out just yesterday—that this bill ''dramatically eases requirements on industrial waste, urban runoff, and sewage treatment * * * and permits more waivers for pouring pollution into lakes and rivers.''

Mr. Speaker, have we all forgotten Milwaukee?

Have we all forgotten the 100 people who died in 1993—and the 400,000 people who got sick—when a deadly toxin called cryptosperidium infiltrated Milwaukee's drinking water?

Do we want to go back to the days of Love Canal—and poisoned fish, when Lake Erie was dead—and the Cuyahoga River was so polluted it actually caught on fire?

I'm certain the American people don't want to go back. And they can't seem to understand why we'd pass a bill that makes it easier to pollute the water we all need to survive.

Why? Because a few corporations oppose the safeguards we have now?

Because a few special interests oppose the tough anti-pollution protections on the books now?

Is that any reason to put safe drinking water at risk?

Let me ask this: Does anybody really believe these people are looking out for the public interest and public safety first?

This bill is the ultimate example of putting the fox in charge of the hen house. Not only does it let the polluters off the hook—it actually let them write the bill.

I have here a memo, a copy of a memo that the committee itself sent out to lobbyists and special interests. A memo inviting them to help write the bill.

It says, and I quote, ''we encourage you to work together to identify outstanding issues and to formulate your proposals for addressing them.'' The following groups have agreed to take the lead for this front work.

Do you think these people had the public interest in mind?

Mr. Speaker, I think we can do a lot better. And that's what this motion to recommit is all about.

This motion insists on three things:

First, that we keep environmental standards strong and don't allow rollbacks for industrial polluters;

Second, that we keep drinking water safe;

And third, that in improving the Clean Water Act, we don't pass along any costs to the States that we don't pay for first.

In other words, we're simply asking that the Clean Water Act be allowed to live up to its name—and build on the progress we've made the past 20 years.

Today, over 60 percent of our waterways are clean—and drinking water is safe.

But we've still got a lot of work left to do—and we can't afford to turn the clock back now.

We can never forget—that in the end—even though we have many differences as Americans;

We all drink the same water;

We all swim in the same lakes;

We all depend on the same water to cook with, to clean with, and to bathe in.

And we all have an interest in seeing our water remain safe and clean.

But I would remind all of you here today: we may not win this vote on the motion to recommit—and we may not win the vote on final passage.

But this is a defining issue for our Nation.

And I am confident that we will have more than enough votes today to sustain a Presidential veto.

In the end, this vote comes down to one simple question: Whose side are you on? Are you on the side of the special interests—or are you on the side of the American people?

Are you on the side of clean water for ourselves and for the future—or do you want to roll the clock back? That's the question.

I urge my colleagues: vote ''yes'' on the motion to recommit. Vote ''no'' on final passage.

□ 1730

Mr. SHUSTER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, what we have heard on this motion to recommit is simply nothing more than the same old delaying tactics. This motion if it were adopted would gut the bill. What we have heard here now is nothing more than the same old scare tactics. In fact, I was somewhat astonished to hear our friend in the well refer to the Milwaukee tragedy as an example of something that presumably the bureaucrats could have prevented or could prevent in the future if we were somehow to adopt the big-government bill that they would prefer.

As we all know, the tragedy in Milwaukee occurred because of wildlife in the stream, because of deer polluting the water, and so I can see apparently if we follow through my good friend's suggestion to its logical conclusion that we will have bureaucrats from EPA out there in Wisconsin with lassos lassoing the deer to keep them out of the stream. It obviously simply does not wash. This whole idea that they somehow through more government and more command control from the top on down can somehow correct these problems does not wash. Indeed, we have before us an historic environmental bill, a sound environmental bill, a balanced environmental bill.

I would point out to my friends that as we have worked through over 30 hours of debate on this historic legislation, we have defended the committee position with overwhelming votes. We have reformed the wetlands and we have defeated the weakening amendments by 50, 60, 70, 80 votes. We have reformed stormwater. We have defeated the weakening amendments by 60, 70, 80 votes. We have provided a workable nonpoint source program. And, yes, we have provided flexibility to the States and to the localities. We have created a situation where a city like San Diego will not have to spend $3 billion needlessly which is what the EPA was attempting to force the city of San Diego to do even though the California EPA and an eminent group of scientists said that it was unnecessary for San Diego.

Mr. Speaker, these are the kinds of reforms and improvements which have been made in this historic legislation. Yes, we have also provided substantial funding. Not as much as many of us would like to see, but substantial funding so we can continue with this very successful program.

As we move along to conference, we certainly continue to have an open mind. If there are other suggestions and as we sit down with Members of the other body for further improvements to this legislation, we certainly will be able to address those issues and we will do our very best to do so.

I know some Members have concerns about the formula. You have my commitment to work in conference to fix the formula.

Mr. Speaker, I would urge my colleagues, they can proudly and proenvironmentally vote ''yes'' on final passage, vote ''no'' on this motion to recommit. Vote ''yes'' on final passage to pass this historic clean water legislation.

The SPEAKER pro tempore (Mr. WALKER). The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 169, nays 256, not voting 9, as follows:

[Roll No. 336]

YEAS—169

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—256

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Berman
Collins (IL)
Gephardt
Goodling
Hilliard
Hunter
Kleczka
Lipinski
Peterson (MN)

□ 1756

Messrs. HOLDEN, TAYLOR of Mississippi, and CONYERS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 337]

YEAS—240

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Gordon
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)
Zeliff

NAYS—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klug
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Wolf
Wyden
Wynn
Yates
Zimmer

NOT VOTING—9

Berman
Brewster
Collins (IL)
Gephardt
Goodling
Kleczka
Lipinski
Waters
Woolsey

□ 1814

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to insert extraneous material in the RECORD, on H.R. 961, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 961, CLEAN WATER AMENDMENTS OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 961, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 961.

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

There was no objection.

□ 1815

CONFERENCE REPORT ON H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE AND RESCISSIONS, FISCAL YEAR 1995

Mr. LIVINGSTON submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 104–124)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making 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)

Funds made available under this heading in Public Law 103–330 and subsequently transferred to ''Nutrition Initiatives'' are transferred to the Agricultural Research Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $5,000,000.

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 PROVISION

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.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 are rescinded.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,400,000 are rescinded: Provided, That of balances available within this account, $12,678,000 shall be available for a grant to Iowa State University for the construction of the National Swine Research Center.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 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 $527,000 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''.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $2,184,000 are rescinded.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $2,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $15,500,000 for the cost of section 515 rental housing loans are rescinded.

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, $20,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $40,000,000 for commodities supplied in connection with dispositions abroad, pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, are rescinded.

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, $1,000,000 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 transfer to the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RECISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $22,100,000 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''.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $5,500,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

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.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $28,037,000 are rescinded.

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, $17,000,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $16,300,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 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, $24,200,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $15,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 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, $1,750,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, and from offsetting collections available in the revolving fund, $1,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 103–75 and 102–368, $5,250,000 are rescinded.

In addition, of the funds made available under this heading in Public Law 103–317, $25,000,000 are rescinded.

THE JUDICIARY

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $9,500,000 are rescinded.

FEES OF JURORS AND COMMISSIONERS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $6,000,000 are rescinded: Provided, That funds appropriated for grants to the National Center for Genome Resources in Public Law 103–121 and Public Law 103–317 shall be available to provide consulting assistance, information, and related services, and shall be available for other purposes, notwithstanding the limitations in said public laws.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Public Law 104–6 is amended by adding after the word ''rescinded'' in the paragraph under the heading ''Legal Services Corporation, Payment to the Legal Services Corporation, (Rescission)'' the following: '', of which $4,802,000 are from funds made available for basic field programs; $523,000 are from funds made available for Native American programs; $1,071,000 are from funds made available for migrant programs; $709,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $159,000 are from funds made available for regional training centers; $2,691,000 are from funds made available for national support; $2,212,000 are from funds made available for State support; $785,000 are from funds made available for client initiatives; $160,000 are from funds made available for the Clearinghouse; $73,000 are from funds made available for computer assisted legal research regional centers; and $1,784,000 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, $2,250,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $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 $2,500,000 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, $16,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

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

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $60,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the amounts 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 and prior years' Energy and Water Development Appropriations Acts, $74,000,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Appropriations 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

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations 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

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, as amended, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1)

concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $15,000,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $41,300,000 are rescinded.

POPULATION, DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $19,000,000 are rescinded.

DEVELOPMENT FUND FOR AFRICA

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $21,000,000 are rescinded.

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–391, $2,400,000 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts (excluding funds earmarked or otherwise made available to the Camp David countries), $25,000,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $2,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts for programs or projects to or through the government of Russia, $25,000,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $3,000,000 are rescinded.

EXPORT ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306 and prior years' Foreign Operations, Export Financing and Related Programs Appropriations Acts, $4,000,000 are rescinded.

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 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

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 103–381, $900,000 are rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,500,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–381, Public Law 103–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–211, 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, $12,415,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, and any unobligated balances from funds appropriated under this heading in prior years, $1,076,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, and Public Law 103–138, $14,549,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and any unobligated balances from funds appropriated under this heading in prior years, $20,890,000 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

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and any unobligated balances from funds appropriated under this heading in prior years, $13,634,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $514,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $4,850,000 are rescinded: Provided, That the first proviso under this heading 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 and any unobligated balances from funds appropriated under this heading in prior years, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,700,000 are rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,938,000 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 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, $7,800,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,650,000, are rescinded

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 103–381, $6,072,000 are rescinded: Provided, That the first proviso under this heading in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $1,429,000 are rescinded: Provided, That the Chief of the Forest Service shall not initiate any new purchases of private land in Washington County, Ohio and Lawrence County, Ohio during fiscal year 1995.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $18,100,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $35,928,000 are rescinded and 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

(RESCISSION)

Of the funds available under this heading in Public Law 102–381 and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, Public Law 102–381, Public Law 102–138, and Public Law 103–332, $11,512,000 are rescinded.

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 available balances under this heading, $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 EDUCATION 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) 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. 503. (a) As provided in subsection (b), an environmental impact statement prepared pursuant to the National Environmental Policy Act of a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer.

(b) The provision of this section shall apply to the timber specified in the Final Supplement to 1981–86 and 1986–90 Operating Period EIS (''1989 SEIS''), November 1989; in the North and East Kuiu Final Environmental Impact Statement, January 1993; in the Southeast Chichagof Project Area Final Environmental Impact Statement, September 1992; and in the Kelp Bay Environmental Impact Statement, February 1992, and supplemental evaluations related thereto.

SEC. 504. (a) SCHEDULE FOR NEPA COMPLIANCE.—Each National Forest System unit shall establish and adhere to a schedule for the completion of National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule shall provide that not more than 20 percent of the allotments shall undergo NEPA analysis and decisions through fiscal year 1996.

(b) REISSUANCE PENDING NEPA COMPLIANCE.—Notwithstanding any other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued, if necessary to conform to such NEPA analysis.

(c) EXPIRED PERMITS.—This section shall only apply if a new term grazing permit has not been issued to replace an expired or waived term grazing permit solely because the analysis required by NEPA and other applicable laws has not been completed and also shall include permits that expired or were waived in 1994 and 1995 before the date of enactment of this Act.

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, $1,399,115,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $98,000,000 for carrying out title II, part A of such Act, $272,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 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 $3,201,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $700,000 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, $41,350,000 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, $2,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $10,000,000 are rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $60,000,000 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, $1,400,000 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 $2,187,435,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

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 is 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),''.

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103–333, $319,204,000 are rescinded: Provided, That of the funds made available in the fourth paragraph under this heading in Public Law 103–333, $300,000,000 shall remain available until September 30, 1996.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $2,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–333, $13,387,000 are rescinded.

Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 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 to be derived from the Violent Crime Reduction Trust Fund, $25,900,000 are rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

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, $4,018,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $104,030,000 are rescinded, including $70,000,000 from funds made available for State and local education systemic improvement, and $21,530,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $12,500,000 from funds made available under the School-to-Work Opportunities Act, including $9,375,000 for National programs and $3,125,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,606,000 are rescinded from part E, section 1501 of the Elementary and Secondary Education Act.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $402,940,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $235,981,000, title V–C, $16,000,000, title IX–B, $3,000,000, title X–D, $1,500,000, title X–G, $1,185,000, section 10602, $1,399,000, title XII, $35,000,000, and title XIII–A, $14,900,000; from the Higher Education Act, section 596, $13,875,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $38,500,000 are rescinded from funding for title VII–A 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, $90,607,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and III–B, $43,888,000 and from title IV–A, IV–B and IV–C, $23,434,000; from the Adult Education Act, part B–7, $7,787,000 and part C, section 371, $6,000,000; and from the Stewart B. McKinney Homeless Assistance Act, $9,498,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $85,000,000 are rescinded from funding for the Higher Education Act, title IV, including $65,000,000 from part A–1 and $20,000,000 from part H–1: Provided, That of the funds remaining under this heading from Public Law 103–333, $6,178,680,000 shall be for part A–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $54,672,000 are rescinded as follows: from amounts available for Public Law 99–498, $500,000; the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $942,000, title IX-E, $3,520,000, title IX–G, $1,698,000, title X–D, $2,920,000, and title XI–A, $3,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $3,121,000: Provided, That in carrying out title IX–B, the remaining appropriations shall not be available for awards for doctoral study: Provided further, That the funds remaining for Public Law 99–498 shall be available only for native Alaskans.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,800,000 are rescinded.

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, $264,000 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, $30,925,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $17,500,000, title III–B, $5,000,000, title III–D, $1,125,000, title X–B, $4,600,000 and title XIII–B, $2,700,000: Provided, That of the amount made available under this heading in Public Law 103–333, for title III–B, $8,000,000 shall be reserved for additional projects that competed in the most recent competition for state-wide fiber-optics projects.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $37,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $55,000,000 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 ''$284,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,439,000,000''.

SEC. 602. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer-reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline or ergonomic protection.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payments 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 BUILDING AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITOL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

ADMINISTRATIVE PROVISION

SEC. 701. Section 319 of the Legislative Branch Appropriations Act, 1990 (40 U.S.C. 162–1) is amended—

(1) by striking out ''Office'' each place it appears and inserting in lieu thereof ''office'';

(2) in the second sentence of subsection (a)(2), by striking out ''Commission'' and inserting in lieu thereof ''commission''; and

(3) in subparagraph (D) of paragraph (2) of subsection (a), by striking out ''Administration'' and all that follows through the end of the subparagraph, and inserting in lieu thereof ''Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.''.

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.

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.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION AND TRANSFER OF FUNDS)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 are rescinded.

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $3,000,000 shall be transferred to the appropriation ''Architect of the Capitol, Capitol Buildings and Grounds, Capitol Complex Security Enhancements'', and shall remain available until expended.

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, $2,617,000 are rescinded.

ADMINISTRATIVE PROVISION

SEC. 702. The General Accounting Office may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before October 1, 1995, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $6,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

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.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $,300,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $35,314,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the available balances under this heading, $2,500,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $24,850,000 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 CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $2,094,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION OF CONTRACT AUTHORIZATION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $54,550,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSIONS OF CONTRACT AUTHORIZATION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $132,190,000, 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 $54,550,000 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, $100,000,000 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 available balances under this heading, $9,707,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT PLANNING AND RESEARCH

(RESCISSION)

Of the available balances under this heading, $7,000,000 are rescinded.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSIONS OF CONTRACT AUTHORIZATION)

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, $31,681,500, to be distributed as follows:

(a) $1,281,500 is rescinded from amounts made available for 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) $30,400,000 is rescinded from accounts made available for new fixed guideway systems, to be distributed as follows:

$1,000,000, Cleveland Dual Hub Corridor Project;

$465,000, Kansas City-South LRT Project;

$950,000, San Diego Mid-Coast Extension Project;

$17,100,000, Hawthorne-Warwick Commuter Rail Project;

$375,000 New York Staten Island Midtown Ferry Project;

$4,000,000, San Jose-Gilory Commuter Rail Project;

$1,620,000, Seattle—Tacoma Commuter Rail Project; and

$4,890,000, Detroit LRT Project.

Public Law 101–516, $2,230,000, to be distributed as follows:

(a) $2,230,000 is rescinded from amounts made available for new fixed guideway systems, for the Cleveland Dual Hub Corridor Project.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 801. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $6,000,000 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 $87,000,000.

SEC. 802. 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, $15,000,000 are permanently canceled.

SEC. 803. Section 326 of Public Law 103–122 is hereby amended to delete the words ''no previous Acts'' each time they appear in that section.

CHAPTER IX

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

In the paragraph under this heading in Public Law 103–329, delete ''of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities;''.

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $11,000,000, to remain available until September 30, 1996.

In the paragraph under this heading in Public Law 103–329, delete ''first-aid and emergency'' and insert ''short-term'' before ''medical services''.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–123, $5,000,000 are rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–329, $6,000,000 are rescinded: Provided, That $1,000,000 of the remaining funds made available under Public Law 103–123 shall be used to initiate design and construction of a Burn Building at the Training Center in Glynco, Georgia.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

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 RESCISSION AND TRANSFER 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, 102–393, 103–123, 103–329, $580,412,000 are rescinded from the following projects in the following amounts:

Arizona:

Bullhead City, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, U.S. Border Patrol Sector, headquarters, $2,000,000

Phoenix, U.S. Courthouse, $12,137,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

California:

Menlo Park, United States Geological Survey, Office laboratory building, $790,000

San Francisco, Federal Office Building, $9,701,000

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, $9,316,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Georgia:

Albany, U.S. Courthouse, $87,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $24,110,000

Hawaii:

University of Hawaii-Hilo, Consolidation, $12,000,000

Illinois:

Chicago, Social Security Administration District Office, $2,130,000

Chicago, Federal Center, $29,753,000

Chicago, John C. Kluczynski, Jr., Federal building, $13,414,000

Maryland:

Avondale, De LaSalle building, $16,671,000

Montgomery County, FDA consolidation, $228,000,000

Woodlawn, SSA East High-Low building, $17,292,000

Massachusetts:

Boston, Federal building-U.S. Courthouse, $4,076,000

Nevada:

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, $8,500,000

New Mexico:

Santa Teresa, Border Station, $4,004,000

North Dakota:

Fargo, Federal building-U.S. Courthouse, $1,371,000

Ohio:

Steubenville, U.S. Courthouse, $2,820,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Texas:

Ysleta, site acquisition and construction, $1,727,000

United States Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000

Washington:

Seattle, U.S. Courthouse, $10,949,000

Walla Walla, Corps of Engineers building, $2,800,000

West Virginia:

Wheeling, Federal building and U.S. Courthouse, $28,303,000

Nationwide:

Chlorofluorocarbons program, $12,300,000

Energy program, $15,300,000

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,396,000 are rescinded.

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.

GENERAL PROVISIONS

Sec. 901. Section 5545a of title 5, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in the matter before subparagraph (A) by striking ''is required to'' and inserting in lieu thereof ''who is required to''; and

(B) by inserting ''and'' immediately after subparagraph (E)(v); and

(2) by adding at the end thereof the following new subsection:

''(j) Notwithstanding any other provision of this section, any Office of Inspector General which employs fewer than 5 criminal investigators may elect not to cover such criminal investigators under this section.''.

SEC. 902. (a) Section 5545a of title 5, United States Code is amended by inserting at the appropriate place the following new subsection.

''(i) The provisions of subsections (a)–(h) providing for availability pay shall apply to a pilot employed by the United States Customs Service who is a law enforcement officer as defined under section 5541(3). For the purposes of this section, section 5542(d) of this title, and section 13(a) (16) and (b) (30) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213 (a) (16) (b) (30)), such pilot shall be deemed to be a criminal investigator as defined in this section. The Office of Personnel Management may prescribe regulations to carry out this subsection.''.

(b) The amendment made by subsection (a) of this section shall take effect on the first day of the first applicable pay period which begins on or after the 30th day following the date of enactment of this Act.

SEC. 903. Section 528 of Public Law 103–329 is amended by adding at the end a new proviso: ''Provided further, That the amount set forth therefor in the budget estimates may be exceeded by no more than 5 percent in the event of emergency requirements.''.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

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.), $3,350,000,000, 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.), $3,350,000,000, 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.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

BANK ENTERPRISE ACT

For an additional amount for eligible activities authorized under the bank Enterprise Act of 1991 (as enacted as subtitle C of title II of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242)), $36,000,000, to remain available until expended. Notwithstanding any other provision of law, for purposes of administering the requirements of the Bank Enterprise Act, the Chairman of the Federal Deposit Insurance Corporation shall have all powers and rights of the Community Enterprise Assessment Credit Board under section 233 of the Bank Enterprise Act of 1991.

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 section 509 of the general provisions carried in title V of Public Law 103–327 regarding personnel compensation and benefits expenditures shall not apply to the funds provided under this heading in such Act.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $31,000,000 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, $5,031,400,000 are rescinded: Provided, That of the total rescinded under this heading, $700,600,000 shall be from amounts earmarked for development or acquisition costs of public housing (including $80,000,000 of funds for public housing for Indian families), except that such rescission shall not apply to funds for priority replacement housing for units demolished or 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, as amended (hereinafter referred to as ''the Act'')) from the existing public housing inventory, as determined by the Secretary, 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 1974 and notwithstanding any other provision of law, the Secretary may recapture unobligated funds for development or acquisition costs of public housing (including public housing for Indians) irrespective of the length of time funds have been reserved or of any time extension previously granted by the Secretary; $1,956,000,000 shall be from amounts earmarked for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437(f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), excluding $300,000,000 previously made available for the Economic Development Initiative (EDI), 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 or 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; $815,000,000 shall be from amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, and the Secretary shall take actions necessary to assure that such rescission is distributed among public housing authorities, as if such rescission occurred prior to the commencement of the fiscal year; $22,000,000 shall be from amounts earmarked for special purpose grants; $148,300,000 shall be from amounts earmarked for loan management set-asides; $15,000,000 shall be from amounts earmarked for the family unification program; $30,000,000 shall be from amounts earmarked for the housing opportunities for persons with AIDS program; $34,200,000 shall be from amounts earmarked for lease adjustments; $39,000,000 shall be from amounts previously made available under this head in Public Law 103–327, and previous Acts, which are recaptured (in addition to other sums which are, or may be recaptured); $70,000,000 shall be from amounts earmarked for section 8 counseling; $50,000,000 shall be from amounts earmarked for service coordinators; $66,000,000 shall be from amounts earmarked for family investment centers; $85,300,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; and $1,000,000,000 shall be from funds available for all new incremental units [including funds previously reserved or obligated and recaptured for the development or acquisition costs of public housing (including public housing for Indian families), 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))] and non-incremental, unreserved balances: Provided further, That the Secretary shall submit to the appropriate committees of the Congress a detailed operating plan of proposed funding levels for activities under this account within 30 days of enactment of this Act, and such funding levels shall not be subject to pre-existing earmarks or set-asides, notwithstanding any other provision of law.

(DEFERRAL)

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, $405,900,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 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.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, and in prior years, $1,177,000,000 are rescinded: Provided, That renewals of expiring section 8 contracts with funds provided under this heading in Public Law 103–327, and in prior years, may be for a term of two years. In renewing an annual contributions contract with a public housing agency administering the tenant-based existing housing certificate program (42 U.S.C. 1437f) or the housing voucher program under section 8(o) (42 U.S.C. 1437f(o)) of the United States Housing Act of 1937, as amended, the Secretary shall take into account the amount in the project reserve under the contract being renewed in determining the amount of budget authority to obligate under the renewed contract (the total amount available in all such project reserves is estimated to be $427,000,000) and the Secretary

may determine not to apply section 8(o)(6)(B) of the Act to renewals of housing vouchers during the remainder of fiscal year 1995.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $10,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(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, and excess rental changes, collections and other amount in the fund, $8,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $10,500,000 are rescinded.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

(DEFERRAL)

Of the funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 1001. (a) 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 related to public housing which is currently authorized by this Act or applicable appropriations Acts for a public housing agency, including the demolition of existing units, for replacement housing, modernization activities related to the public housing portion of housing developments held in partnership, or cooperation with non-public housing entities, and for temporary relocation assistance, provided that the assistance provided to the public housing agency under section 14 is principally used for the physical improvement or replacement of public housing and for associated management improvements, except as otherwise approved by the Secretary, and provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing developments. The public housing agency shall establish procedures for consultation with local government officials and tenants, and shall follow applicable regulatory procedures as determined by the Secretary.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

(b) Subsection (a) shall be effective for assistance appropriated on or before the effective date of this Act.

SEC. 1002. (a) 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 build on the original public housing site or in the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''

(b) Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

(c) Section 5(h) of the United States Housing Act of 1937 is amended by striking the last sentence.

(d) Subsections (a), (b), and (c) 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, provided that no application for replacement housing submitted by a public housing agency to implement a final order of a court issued, or a settlement approved by a court, before enactment of this Act, shall be affected by such amendments.

SEC. 1003. 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, for relocation of families occupying units formerly assisted under the terminated contract.

''(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, $210,000,000 are rescinded: Provided, That none of the funds remaining for obligation during fiscal year 1995 may be used for national awards to Federal agencies.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 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

(RESCISSION)

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

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,302,200,000 are rescinded: Provided, That $1,299,000,000 of this amount is to be derived from amounts appropriated for State revolving funds and $3,200,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

ADMINISTRATIVE PROVISIONS

SEC. 1004. 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. 1005. 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. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1995.

SEC. 1006. 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), as amended (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. 1007. None of the funds made available in any Appropriations Act for fiscal year 1995 shall be spent by the Environmental Protection Agency to disapprove a state implementation plan (SIP) revision solely on the basis of the Agency's regulatory 50 percent discount for alternative test-and-repair inspection and maintenance programs. Notwithstanding any other provision of EPA's regulatory requirements, the EPA shall assign up to 100 percent credit when such State has provided data for the proposed inspection and maintenance system that demonstrates evidence that such credits are appropriate. The Environmental Protection Agency shall complete and present a technical assessment of the State's demonstration within 45 days after submittal by the State.

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, $52,000,000 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 of any unobligated balances from funds appropriated under this heading in prior years, $7,000,000 are rescinded.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $32,000,000 are rescinded.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(RESCISSION)

Of the available balances under this heading in previous fiscal years $20,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1008. The Administrator shall acquire, for no more than $35,000,000, a certain parcel of land, together with existing facilities, located on the site of the property referred to as the Clear Lake Development Facility, Clear Lake, Texas. The land and facilities in question comprise approximately 13 acres and include a Light Manufacturing Facility, an Avionics Development Facility, and an Assembly and Test Building which shall be modified for use as a Neutral Buoyancy Laboratory in support of human space flight activities.

SEC. 1009. Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration (NASA) shall convey, without reimbursement, to the State of Mississippi, all rights, title and interest of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and also including any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: Provided, That appropriated funds shall be used to effect this conveyance: Provided further, That $10,000,000 in appropriated funds otherwise available to NASA shall be transferred to the State of Mississippi to be used in the transition of the facility: Provided further, That each Federal agency with prior contact to the site shall remain responsible for any and all environmental remediation made necessary as a result of its activities on the site: Provided further, That in consideration of this conveyance, NASA may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: Provided further, That the conveyance of the site and the transfer of the funds to the State of Mississippi shall occur not later than thirty days from the date of enactment of this Act.

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. EMERGENCY SALVAGE TIMBER SALE PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) The term ''appropriate committees of Congress'' means the Committee on Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.

(2) The term ''emergency period'' means the period beginning on the date of the enactment of this section and ending on September 30, 1997.

(3) The term ''salvage timber sale'' means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also 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.

(4) The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to lands within the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands under the jurisdiction of the Bureau of Land Management.

(b) COMPLETION OF SALVAGE TIMBER SALES.—

(1) SALVAGE TIMBER SALES.—Using the expedited procedures provided in subsection (c), the Secretary concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands described in subsection (a)(4). During the emergency period, the Secretary concerned is to achieve, to the maximum extent feasible, a salvage timber sale volume level above the programmed level to reduce the backlogged volume of salvage timber. The preparation, advertisement, offering, and awarding of such contracts shall be performed notwithstanding any other provision of law, including a law under the authority of which any judicial order may be outstanding on or after the date of the enactment of this Act.

(2) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

(3) SALES IN PREPARATION.—Any salvage timber sale in preparation on the date of the enactment of this Act shall be subject to the provisions of this section.

(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

(1) SALE DOCUMENTATION.—

(A) PREPARATION.—For each salvage timber sale conducted under subsection (b), 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 such 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. At the sole discretion of the Secretary concerned and to the extent the Secretary concerned considers appropriate and feasible, the document prepared under this paragraph must consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(B) USE OF EXISTING MATERIALS.—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 (42 U.S.C. 4321 et seq.) before the date of the enactment of this Act, a biological evaluation written before such 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.

(C) 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.

(2) REPORTING REQUIREMENTS.—Not later than August 30, 1995, the Secretary concerned shall submit a report to the appropriate committees of Congress on the implementation of this section. The report shall be updated and resubmitted to the appropriate committees of Congress every six months thereafter until the completion of all salvage timber sales conducted under subsection (b). Each report shall contain the following:

(A) The volume of salvage timber sales sold and harvested, as of the date of the report, for each National Forest and each district of the Bureau of Land Management.

(B) The available salvage volume contained in each National Forest and each district of the Bureau of Land Management.

(C) A plan and schedule for an enhanced salvage timber sale program for fiscal years 1995, 1996, and 1997 using the authority provided by this section for salvage timber sales.

(D) A description of any needed resources and personnel, including personnel reassignments, required to conduct an enhanced salvage timber sale program through fiscal year 1997.

(E) A statement of the intentions of the Secretary concerned with respect to the salvage timber sale volume levels specified in the joint explanatory statement of managers accompanying the conference report on this Act.

(3) ADVANCEMENT OF SALES AUTHORIZED.—The Secretary concerned may begin salvage timber sales under subsection (b) intended for a subsequent fiscal year before the start of such fiscal year if the Secretary concerned determines that performance of such salvage timber sales will not interfere with salvage timber sales intended for a preceding fiscal year.

(4) DECISIONS.—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1) to achieve, to the maximum extent feasible, a salvage timber sale volume level above the program level.

(5) SALE PREPARATION.—

(A) USE OF AVAILABLE AUTHORITIES.—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 subsection (b).

(B) EXEMPTIONS.—The preparation, solicitation, and award of salvage timber sales under subsection (b) shall be exempt from—

(i) the requirements of the Competition in Contracting Act (41 U.S.C. 253 et seq.) and the implementing regulations in the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) and any departmental acquisition regulations; and

(ii) the notice and publication requirements in section 18 of such Act (41 U.S.C. 416) and 8(e) of the Small Business Act (15 U.S.C. 637(e)) and the implementing regulations in the Federal Acquisition Regulations and any departmental acquisition regulations.

(C) INCENTIVE PAYMENT RECIPIENTS; REPORT.—The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 5 U.S.C. 5597 note) shall not apply to any former employee of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph. The Director of the Office of Personnel Management and the Secretary concerned shall provide a summary report to the appropriate committees of Congress, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies involved of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provisions of such Act. This report shall not be conducted in a manner that would delay the rehiring of any former employees under this paragraph, or affect the normal confidentiality of Federal employees.

(6) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

(7) EFFECT OF SALVAGE SALES.—The Secretary concerned shall not substitute salvage timber sales conducted under subsection (b) for planned non-salvage timber sales.

(8) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case later than any applicable restocking period required by law or regulation.

(9) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under subsection (b) notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section.

(d) DIRECTION TO COMPLETE TIMBER SALES ON LANDS COVERED BY OPTION 9.—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 concerned shall expeditiously prepare, offer, and award timber sale contracts on Federal lands described in the ''Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl'', signed by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994. The Secretary concerned may conduct timber sales under this subsection notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section. The issuance of any regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to ease or reduce restrictions on non-Federal lands within the range of the northern spotted owl shall be deemed to satisfy the requirements of section 102(2c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2c)), given the analysis included in the Final Supplemental Impact Statement on the Management of the Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, prepared by the Secretary of Agriculture and the Secretary of the Interior in 1994, which is, or may be, incorporated by reference in the administrative record of any such regulation. The issuance of any such regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) shall not require the preparation of an environmental impact statement under section 102(2c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2c)).

(e) ADMINISTRATIVE REVIEW.—Salvage timber sales conducted under subsection (b), timber sales conducted under subsection (d), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

(f) JUDICIAL REVIEW.—

(1) PLACE AND TIME OF FILING.—A salvage timber sale to be conducted under subsection (b), and a timber sale to be conducted under subsection (d), shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale. The Secretary concerned may not agree to, and a court may not grant, a waiver of the requirements of this paragraph.

(2) EFFECT OF FILING ON AGENCY ACTION.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b) or a timber sale to be conducted under subsection (d), the Secretary concerned shall take no action to award the challenged sale.

(3) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND RELIEF PENDING REVIEW.—No restraining order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage timber sale pursuant to subsection (b) or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

(4) STANDARD OF REVIEW.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a review of the record that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (i)).

(5) TIME FOR DECISION.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date. The court shall render its final decision relative to any challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(6) PROCEDURES.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(7) APPEAL.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

(g) EXCLUSION OF CERTAIN FEDERAL LANDS.—

(1) EXCLUSION.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

(2) DESCRIPTION OF EXCLUDED LANDS.—The lands referred to in paragraph (1) are as follows:

(A) Any area on Federal lands included in the National Wilderness Preservation System.

(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.

(C) 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 the enactment of this Act.

(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

(h) RULEMAKING.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

(i) EFFECT ON OTHER LAWS.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to subsection (b) and any timber sale under subsection (d) shall be deemed to satisfy the requirements of all applicable Federal laws (and regulations implementing such laws) including but not limited to the following:

(1) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(2) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(6) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(7) Other Federal environmental and natural resource laws.

(j) EXPIRATION DATE.—The authority provided by subsections (b) and (d) shall expire on September 30, 1997. The terms and conditions of this section shall continue in effect with respect to salvage timber sale contracts offered under subsection (b) and timber sale contracts offered under subsection (d) until the completion of performance of the contracts.

(k) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other provision of 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, volumes, and bid prices, 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). The return of the bid bond of the high bidder shall not alter the responsibility of the Secretary concerned to comply with this paragraph.

(2) THREATENED OR ENDANGERED BIRD SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered bird 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 the enactment

of this Act, the Secretary concerned 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.

(l) 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. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 2003. 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 of 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. 2004. 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.

SEC. 2005. July 27 of each year until the year 2003 is designated as ''National Korean War Veterans Armistice Day'', and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organization, groups, and individuals to fly the American flag at halfstaff on July 27 of each year until the year 2003 in honor of the Americans who died as a result of their service in Korea.

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 2006. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

(b) ACTIONS TO DETERMINE LAWFUL STATUS.—Each Federal entity or official receiving funds under this Act shall take reasonable actions to determine whether any individual who is seeking any benefit or assistance subject to the limitation established in subsection (a) is lawfully within the United States.

(c) NONDISCRIMINATION.—In the case of any filing, inquiry, or adjudication of an application for any benefit or assistance subject to the limitation established in subsection (a), no Federal entity or official (or their agent) may discriminate against any individual on the basis of race, color, religion, sex, age, or disability.

TITLE III

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

ANTI-TERRORISM INITIATIVES

OKLAHOMA CITY RECOVERY

CHAPTER I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM FUND

There is hereby established the Counterterrorism Fund which shall remain available without fiscal year limitation. For necessary expenses, as determined by the Attorney General, $34,220,000, to remain available until expended, is appropriated to the Counterterrorism Fund to reimburse any Department of Justice organization for the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as the result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorism event: Provided, That funds from this appropriation also may be used to reimburse the appropriation account of any Department of Justice agency engaged in, or providing support to, countering, investigating or prosecuting domestic or international terrorism, including payment of rewards in connection with these activities and to conduct a terrorism threat assessment of Federal agencies and their facilities: Provided further, That any amount obligated from appropriations under this heading may be used under the authorities available to the organization reimbursed from this appropriation: Provided further, That amounts in excess of the $10,555,000 made available for extraordinary expenses incurred in the Oklahoma City bombing for fiscal year 1995, shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with Section 605 of Public Law 103–317: Provided further, That the entire 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent 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 to Congress.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount of expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and other anti-terrorism efforts, $2,000,000, to remain available until expended: Provided, That the entire 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent 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 to Congress.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and other anti-terrorism efforts, including the establishment of a Domestic Counter-terrorism Center, $77,140,000, to remain available until expended: Provided, That the entire 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent 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 to Congress.

GENERAL PROVISIONS

SEC. 3001. Any funds made available to the Attorney General heretofore or hereafter in any Act shall not be subject to the spending limitations contained in 18 U.S.C., sections 3059 and 3072: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General, and such approval may not be delegated.

SEC. 3002. Funds made available under this Act for this Title for the Department of Justice are subject to the standard notification procedures contained in Section 605 of Public Law 103–317.

THE JUDICIARY

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

COURT SECURITY

For an additional amount for ''Court Security'' to enhance security of judges and support personnel, $16,640,000, to remain available until expended, to be expended directly or transferred to the United States Marshals Service; Provided, That the entire 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: Provided further, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent 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 to Congress.

CHAPTER II

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for emergency expenses of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and anti-terrorism efforts, including the President's anti-terrorism initiative, $34,823,000, to remain available until expended: Provided, That the entire 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.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for the Federal response to the bombing of the Alfred P. Murrah

Federal Building in Oklahoma City, $1,100,000, to remain available until expended: Provided, That the entire 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.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for emergency expenses of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and other anti-terrorism efforts, including the President's antiterrorism initiative, $6,675,000, to remain available until expended: Provided, That the entire 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.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, $1,000,000, to remain available until expended: Provided, That the entire 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.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The aggregate limitation on Federal Buildings Fund obligations established under this heading in Public Law 103–329 (as otherwise reduced pursuant to this Act) is hereby increased by $66,800,000, of which $40,400,000 shall remain available until expended for necessary expenses of real property management and related activities (including planning, design, construction, demolition, restoration, repairs, alterations, acquisition, installment acquisition payments, rental of space, building operations, maintenance, protection, moving of governmental agencies, and other activities) in response to the April 19, 1995, terrorist bombing attack at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

In carrying out such activities, the Administrator of General Services may (among other actions) exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building (or a portion thereof) to the State of Oklahoma, to the City of Oklahoma City, or to any Oklahoma public trust that has the City of Oklahoma City as its beneficiary and is designated by the City to receive such property. Any such disposal shall not be subject to (1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.); (2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); or (3) any other Federal law establishing requirements or procedures for the disposal of Federal property: Provided, That these funds shall not be available for expenses in connection with the construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for required expenses in connection with the development of a proposed prospectus: Provided further, That for additional amounts, to remain available until expended and to be deposited into the Federal Buildings Fund, for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City: for ''Construction'', Oklahoma, Oklahoma City, Alfred P. Murrah Federal Building, Demolition, $2,300,000;' for ''Minor Repairs and Alterations'', $3,300,000; for ''Rental of Space'', $8,300,000, to be used to lease, furnish, and equip replacement space; and for ''Buildings Operations'', $12,500,000: Provided further, That the entire 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.

CHAPTER III

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for emergency expenses resulting from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, $3,200,000, to remain available through September 30, 1996: Provided, That the entire amount is designated by the 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.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $3,523,000, to increase Federal, State and local preparedness for mitigating and responding to the consequences of terrorism: Provided, That the entire 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.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency Management Planning and Assistance'', $3,477,000, to increase federal, state and local preparedness for mitigating and responding to the consequences of terrorism: Provided, That the entire 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.

This Act may be cited as the ''Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995''.

And amend the title of the bill to read as follows:

Making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

And the Senate agree to the same.

BOB LIVINGSTON,
JOHN T. MYERS,
RALPH REGULA,
JERRY LEWIS,
JOHN EDWARD PORTER,
HAL ROGERS,
JOE SKEEN,
FRANK R. WOLF,
TOM DELAY,
BARBARA F. VUCANOVICH,
JIM LIGHTFOOT,
S. CALLAHAN,
RON PACKARD,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
P. GRAMM,
C.S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
CONRAD BURNS,
RICHARD SHELBY,
JIM JEFFORDS,
JUDD GREGG,
R.F. BENNETT,
ROBERT C. BYRD,
D.K. INOUYE,
E.F. HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DALE BUMPERS,
BARBARA A. MIKULSKI,
HARRY REID,
BOB KERREY,
HERB KOHL,
PATTY MURRAY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate 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, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1158 (H. Rept. 104–70) and the report accompanying H.R. 1159 (H. Rept. 104–71) which is not changed by the report of the Senate (S. Rept. 104–17), and Senate Report language which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

ENACTING CLAUSE

The conference agreement contains an amended enacting clause that reflects the inclusion of emergency supplemental appropriations for recovery operations in response to the tragedy that occurred at Oklahoma City and for anti-terrorism initiatives. Neither the House nor Senate bills included these purposes in their respective enacting clauses.

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

The conference agreement transfers $2,218,000 back to the Agricultural Research Service as proposed by the Senate. These funds were appropriated to the Agricultural Research Service and subsequently transferred to a new account, ''Nutrition Initiatives,'' established by the Department. The Food and Nutrition Service can continue to fund ''Nutrition Initiatives'' from funds made available to the Service, such as those for Dietary Guidelines. The House bill contained no similar provision.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides a supplemental appropriation of $9,082,000 for the Food Safety and Inspection Service as proposed by the Senate instead of $9,048,000 as proposed by the House.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

The conference agreement provides a supplemental appropriation of $5,000,000 for Agricultural Stabilization and Conservation Service, Salaries and Expenses instead of $10,000,000 as proposed by the House. The Senate bill contained no similar provision.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

The conference agreement includes language raising the limit from $30,000,000 to $50,000,000 on transport and other noncommodity funds available from the Commodity Credit Corporation to facilitate donations of commodities under the Food for Progress Program. Both the House and the Senate bills contained similar provisions.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The conference agreement includes language to eliminate the interest cap on the Treasury rate telephone loan program as proposed by the Senate. The House bill contained no similar provision.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conference agreement includes language allowing 20 percent of funds carried over from fiscal year 1994 to be available for administrative costs of the Commodity Supplemental Food Program as proposed by the Senate. The House bill contained no similar provision.

GENERAL PROVISIONS

MARKET PROMOTION PROGRAM

The conference agreement includes language permitting the operation of the Market Promotion Program at a level not to exceed $110,000,000 as proposed by the Senate. The House bill contained no similar provision.

DELINEATION OF WETLANDS

The conference agreement deletes Senate language prohibiting the Department from making wetland delineations through December 31, 1995, unless the owner or operator of the land requests such a determination. On April 6, 1996, the Secretary of Agriculture announced that the Department would make wetland delineations and certifications only on request of the landowner until Congress completes action on the 1995 Farm Bill and the National Academy of Sciences completes work on a wetlands study. The conferees strongly support this position and direct the Secretary to enforce his policy until the 1995 Farm Bill is enacted into law.

OFFICE OF THE SECRETARY

The conference agreement rescinds $31,000 from the Office of the Secretary as proposed by both the House and the Senate. The conference agreement also includes language limiting the use of the Secretary's transfer authority without prior notification to the Committees on Appropriations as proposed by both the House and the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

The conference agreement rescinds $1,500,000 from Alternative Agricultural Research and Commercialization instead of $3,000,000 as proposed by the House. The Senate bill contained no similar provision.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

The conference agreement rescinds $1,400,000 from Agricultural Research Service, Buildings and Facilities instead of $12,678,000 as proposed by the House and $1,500,000 as proposed by the Senate. The amount rescinded is to be taken from unobligated balances of the U.S. Salinity Laboratory in Riverside, California, and other miscellaneous projects. The House bill proposed rescinding $12,678,000 from amounts appropriated for the National Swine Research Facility in Ames, Iowa. The conference agreement provides that the $12,678,000 for the National Swine Research Facility be provided as a grant to Iowa State University to construct that facility at Ames, Iowa. The conferees direct the Agricultural Research Service to convey ownership to Iowa State University. The conferees are aware of the interest and need for important swine research; however, financial constraints require difficult choices. The conferees expect that any future costs of operation associated with that facility be provided by sources other than the federal government. Iowa State University should work in collaboration with the industry to cover research and additional construction costs or to offset these costs through the consolidation of federal research activities.

COOPERATIVE STATE RESEARCH SERVICE

The conference agreement rescinds $1,051,000 from the Cooperative State Research Service as proposed by the House instead of $958,000 as proposed by the Senate. The conference agreement rescinds $524,000 from the Oregon/Massachusetts/Pennsylvania biotechnology project; $434,000 from the American Indian Initiative of the Arid Lands Development Fund; and $93,000 from the Potato Tariff and Trade Association. The conference agreement also makes a technical correction to Public Law 103–330 for the 1890 capacity building grants program as proposed by both the House and the Senate.

BUILDINGS AND FACILITIES

The conference agreement rescinds $2,184,000 from Cooperative State Research Service, Buildings and Facilities instead of $20,994,000 as proposed by the House. The Senate bill contained no similar provision. The conference agreement rescinds funds from projects at Minot State University, North Dakota—$280,000; Cornell University, New York—$143,000; and the University of Idaho—$1,761,000. The conferees note that continuation of feasibility studies and/or planning or construction funds in fiscal year 1995 do not signal potential for continued funding. The conferees expect a thorough review and significant changes to the criteria for future consideration of any funding. Universities should be aware that potential future restrictions on subcommittee allocations make future funding in doubt.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

The conference agreement rescinds $2,000,000 from Animal and Plant Health Inspection Service, Buildings and Facilities instead of $6,000,000 as proposed by the Senate. The amount rescinded is to be taken from unobligated balances. The House bill contained no similar provision.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement rescinds $15,500,000 from the section 515 Rural Rental Housing Program instead of $115,500,000 as proposed by the House. The Senate bill contained no similar provision. The conferees agree that available funds should be used to rehabilitate projects in need of repair.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

The conference agreement rescinds $1,750,000 from Local Technical Assistance and Planning Grants as proposed by both the House and the Senate.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

The conference agreement rescinds $9,000,000 from the Alcohol Fuels Credit Guarantee Program Account as proposed by both the House and the Senate.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The conference agreement rescinds $1,500,000 from the Rural Electrification and Telephone Loans Program Account for 5 percent telephone loans as proposed by the Senate instead of $3,000,000 as proposed by the House.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement rescinds $20,000,000 from the Special Supplemental Food Program for Women, Infants, and Children (WIC) instead of $25,000,000 as proposed by the House. The Senate bill contained no similar provision.

The conference agreement also deletes Senate language allowing $10,000,000 of WIC administrative funds to be available for grants to state agencies to promote immunization. The conferees are aware of studies, such as the Chicago WIC Study, that show a direct link between increased immunizations among low-income children and immunization screening at WIC clinics. In fiscal year 1994, the average monthly participation of infants and children under the age of five in the WIC program was five million. Providing immunization screening and incentives for this population would result in future health care savings to both states and the federal government. The conferees direct the Department to provide a report to the House and Senate authorizing and Appropriations Committees that outlines legislative changes needed to allow state WIC agencies to provide incentives to participants to increase immunization activities by July 31, 1995. The conferees also expect the Department to provide assistance to state agencies interested in obtaining Center for Disease Control and Prevention grants for immunization support activities.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNT

TITLE III—COMMODITY GRANTS

The conference agreement rescinds $40,000,000 from the Public Law 480 title III Program Account. The House bill proposed a rescission of $20,000,000 from title III—Commodity Grants. The Senate bill proposed rescissions of $43,865,000 from title I—Credit Sales, $6,135,000 from Ocean Freight Differential, and $92,500,000 from title III—Commodity Grants.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

The conference agreement includes the transfer of $1,000,000 from the Department of Justice Working Capital Fund to the National Bankruptcy Review Commission. The Senate bill included a transfer of $1,500,000 from the Working Capital Fund for the National Bankruptcy Review Commission, as proposed by the Administration. The House bill did not provide funds to the National Bankruptcy Review Commission, but rescinded $1,500,000 in unobligated balances from the Working Capital Fund.

Given the obvious constraints on the Committees' resources in fiscal year 1996, the conferees urge the Commission to explore ways to accomplish its mission within the amounts provided.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes a supplemental appropriation of $7,290,000, the amount requested by the Administration, to be provided to Radio Free Europe/Radio Liberty (RFE/RL) to make up for currency exchange losses, as proposed by the House. The Senate proposed a rescission of $27,710,000 from International Broadcasting Operations, which includes RFE/RL and the Voice of America (VOA).

International broadcasting programs are in the middle of a major downsizing and reorganization mandated by the 1994 authorization bill, the United States International Broadcasting Act of 1994. As it is being implemented, the total savings of the reorganization over the four-year period 1994–1997 will exceed $400 million. The rescission proposed by the Senate would make it impossible to complete that action, and, in fact, in the words of the Director of the United States Information Agency, ''will throw both VOA and RFE/RL into a complete state of chaos for the remainder of FY 1995, with ramifications extending well beyond.''

RFE/RL has already been severely impacted by the fall of the dollar against the German mark, totaling potentially $24 million, which is the reason for the supplemental recommendation by the conferees, to at least partially offset the costs of the exchange losses.

In lieu of the Senate passed rescission of International Broadcasting funds, the conferees have agreed to rescind $28,000,000 from other USIA broadcasting and exchange programs, which are set forth under the rescissions portion of this chapter.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

The conference agreement includes a rescission of $22,100,000 from the Drug Courts program, instead of $27,750,000 as proposed by the House and $17,100,000 as proposed by the Senate.

OUNCE OF PREVENTION COUNCIL

The conference agreement includes language requested by the Administration which allows funds appropriated for grants by the Ounce of Prevention Council in Public Law 103–317 to also be available for administrative expenses of the Council. The language also allows the Council to accept, hold, administer and use gifts, both real and personal, for the purpose of facilitating its work. This language was included in both the House and Senate versions of the bill.

The conference agreement does not include the rescission of $1,000,000 from this account as proposed by the Senate.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

The conference agreement includes a rescission totaling $5,500,000 from unobligated balances available in the Working Capital fund, instead of $1,500,000 as proposed by the House and $5,000,000 as proposed by the Senate. The conferees have also agreed to the transfer of $1,000,000 from the Working Capital Fund for necessary expenses of the National Bankruptcy Review Commission, instead of $1,500,000 as proposed by the Senate.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

The conference agreement includes a rescission of $5,000,000 from the Assets Forfeiture Fund as proposed by the Senate. The House bill contained no provision on this matter.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes a rescission of $1,000,000 from the Immigration and Naturalization Service as proposed by both the House and the Senate.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes a rescission of $28,037,000 as proposed by the Administration, not included in either the House or Senate bills, to partially offset the antiterrorism supplemental included in a separate title. These funds represent balances the Bureau of Prisons has indicated are not necessary and will expire at the end of this fiscal year due to adjustments in the schedule of new facility activations.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes a rescission of $17,000,000 from the National Institute of Standards and Technology (NIST) internal research account, instead of $16,500,000 as proposed by the House, and $19,500,000 as proposed by the Senate. The conferees expect NIST and the Department of Commerce to submit a reprogramming notification, under the Committee's standard reprogramming procedures, indicating the proposed distribution of this reduction by research category in accordance with the guidance given in the House and Senate reports accompanying this bill.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes a rescission of $16,300,000 from the NIST Industrial Technology Services account for Manufacturing Extension Partnership (MEP) Program and the Quality Program, instead of $27,100,000 as proposed by the House and $3,100,000 as proposed by the Senate.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement includes a rescission of $30,000,000 from unobligated balances available in the NIST Construction account as proposed by the Senate. The House bill included no provision on this matter.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

The conference agreement includes a rescission of $24,200,000 from the National Oceanic and Atmospheric Administration (NOAA), instead of $37,000,000 as proposed by the House and $23,100,000 as proposed by the Senate. The distribution of this rescission is as follows:

National Undersea Research Program (NURP)	−$3,500,000
Coastal Ocean Program	−3,000,000
High Performance Computing	−1,000,000
Climate and Global Change	−14,000,000
Aircraft Services (Doppler Radar)	−2,700,000

The conferees expect NOAA to submit a notification under the Committees' standard reprogramming procedures, informing the Committees of the proposed distribution by activity of the rescissions provided for the NURP and Coastal Ocean programs.

The conferees direct the National Marine and Fisheries Service (NMFS) to immediately convene a team of experts to scientifically peer review and examine all the information available on its March 14, 1995, Sea Turtle, Shrimp Fishery Emergency Response Plan (ERP) and the NMFS and NOAA Sea Turtle Conservation Restrictions Applicable to Shrimp Trawling Activities announced in the May 3, 1995 Federal Register. The conferees direct that individuals with appropriate scientific expertise nominated by the shrimp fishing industry and the conservation community be part of the peer process and team.

The conferees also direct NMFS to immediately seek detailed recommendations and analysis from affected shrimp industry members and the conservation community on its March 14, 1995 restrictions, including a detailed assessment of the economic impact on the affected shrimp fishing industry. The Assistant Administrator shall convene immediate meetings with representatives of such groups to review and develop such recommendations.

The conferees direct NMFS to work with the shrimp fishing industry to revise its March 14, 1995 Emergency Response Plan and its May 3, 1995 restrictions to include the results of the scientific peer review and the alternatives for lessening the economic impact on the shrimp fishing industry. These alternatives may include exemptions to using turtle excluder devices (TEDs) in smaller try nets. NMFS is directed to publish for public comment and input only the revised plans for the May 14, 1995 Emergency Response Plan and the May 3, 1995 restrictions by June 30, 1995. The conferees direct NMFS and the Department of Commerce not to implement any shrimp fishery closures, that may result from the March 14, 1995 ERP, prior to September 30, 1995.

Due to the urgency of this situation, the conferees intend that the scientific peer review process and the meetings between NMFS and the affected industry and conservation groups will be exempt from Federal Advisory Committee Act (FACA) requirements.

CONSTRUCTION

The conference agreement rescinds $15,000,000 from the NOAA Construction account, as proposed by the Senate. The House bill contained no provision on this matter. The conferees intend that this rescission be distributed as follows: $9,000,000 from unobligated balances for the replacement of the Tiburon laboratory and $6,000,000 from unobligated balances designated for above standard costs at the Boulder laboratory.

GOES SATELLITE CONTINGENCY FUND

The conferees have included a rescission of $2,500,000 from the remaining balances in the GOES Contingency Fund, as proposed by the Senate. The House bill contained no provision on this matter.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

The conference agreement includes a rescission of $1,750,000 from the Under Secretary for Technology/Office of Technology Policy account, instead of $3,300,000 as proposed by the House. The Senate bill includes no provision on this matter.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

The conference agreement includes a rescission of $1,000,000 from the NTIS Revolving Fund, including appropriated amounts and offsetting collections received into the Fund. The House bill rescinded $4,000,000 of appropriated amounts from this account, and the Senate bill a rescission of $7,600,000 of appropriated amounts.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE

The conference agreement includes a rescission of $4,000,000 from the National Telecommunications and Information Administration (NTIA) Information Infrastructure Grant program. The House bill included a rescission of $30,000,000 from this account. The Senate bill included no provision on this matter. An additional rescission of $15,000,000 from this account was included in the conference agreement on H.R. 889 (Public Law 104–6).

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes a rescission totaling $30,250,000 from the Economic Development Assistance Programs account under the Economic Development Administration. This amount includes $5,250,000 in remaining balances from prior year emergency appropriations for Hurricanes Andrew and Iniki and the Midwest floods, and $25,000,000 from amounts in fiscal year 1995 that were set aside for the proposed Competitive Communities program, which was never approved by Congress. The $25,000,000 rescission should be distributed proportionately to the categories which served as the source of the original reprogramming proposal—Defense Conversion and traditional title XI grants. The conferees note that more than $2,000,000 in unobligated balances related to the emergency supplements for Hurricanes Andrew and Iniki and the Midwest floods will remain available for projects currently in the funding pipeline.

The House bill included a rescission totaling $45,084,000 under this heading, of which $37,584,000 was from prior year emergency appropriations and $7,500,000 was from the other prior year projects. Most of these funds have since been obligated. The Senate rescissions totaled $47,384,000, of which $7,384,000 was from prior year emergency appropriations and $40,000,000 was from funds made available to EDA for fiscal year 1995.

Although EDA's proposed Competitive Communities program was denied by the Congress, the conferees are disturbed by recent actions that appear to pursue the Competitive Communities proposal. The conferees note that the cornerstone of the Competitive Communities proposal was to provide single grant-loans to private industries. The conferees also note that the Congress specially rejected this policy change when the Competitive Communities proposal was denied. The conferees understand that while single purpose grant-loans have been awarded by EDA in the past, these types of grants had been the exception rather than the rule: between 1982 and 1992, only 18 single grant-loans were awarded. In the last two years, however 8, single grant-loans have been awarded. The conferees believe that this dramatic increase in the number of single grant-loans awarded represent a major policy change away from the traditional Title IX programs—a change of which the Appropriations Committees were not apprised. The conferees strongly disagree with this policy shift, and expect EDA to continue to give highest priority to the traditional and more flexible Title IX programs: multi-purpose revolving loan funds, infrastructure and technical assistance. The conferees strongly encourage EDA to use remaining unobligated Title IX funds for traditional Title IX programs.

THE JUDICIARY

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes a rescission of $1,000,000 from amounts provided in fiscal year 1995 for the U.S. Court of International trade, as proposed by the Senate. The House bill contained no provision on this matter. This amount has been identified as excess by the Court, and will have no impact on its operations.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

The conference agreement includes a rescission totaling $9,500,000 from the Judiciary's Defender Services account. The House bill included a rescission of $1,100,000 from this account, and the Senate bill rescinded $4,100,000. The conferees have agreed to the Senate level, plus the additional $5,400,000 proposed by the Judiciary as an offset to the anti-terrorism supplemental included in a separate title in this bill.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes a rescission of $5,000,000 from the Judiciary's Fees of Jurors and Commissioners account. This rescission was not included in either the House or Senate version of the bill, but was proposed by the Judiciary as an offset to the anti-terrorism supplemental request which is addressed in another title in this bill.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes no rescission under this heading. Both the House and Senate versions of the bill included a rescission of $15,000,000 from the Small Business Administration's tree planting program, but this rescission was included in the conference agreement on H.R. 889 (Public Law 104–6) and is no longer available.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes a rescission of $6,000,000 from the Small Business Administration's Business Loans Program Account, instead of $15,000,000 as proposed by the Senate. The House bill contained no provision on this matter.

The conferees intend that the rescission of $6,000,000 be applied as follows: $4,000,000 from the subsidy amounts available under the Microloan program, and $2,000,000 from other loan programs referenced in the Senate report.

The conference agreement also includes language clarifying the availability of funds provided to the SBA in fiscal year 1994 and fiscal year 1995 for the National Center for Genome Resources.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes language not in either bill that delineates reductions to the Legal Services Corporation included in a prior rescission of funds and provides no further rescission. The House bill included a rescission of $5,849,000. The Senate bill contained no provision on this matter. The conferees note that a $15,000,000 rescission to the Corporation was included in Public Law 104–6.

The conference agreement includes language, not in either bill, allocating the reductions contained in Public Law 104–6. The conferees believe that any reductions should be taken out of lower priority programs, in order to minimize the impact on the basic field programs which provide direct legal assistance of individuals and are the central mission of the Corporation. The reductions delineated are based on: (1) reductions of the unanticipated carryover balances by program; (2) reductions of the supplemental and specialized delivery programs, which are in addition to the basic field programs, to their Fiscal Year 1994 levels; (3) reductions of support programs, which do not provide direct legal assistance to individuals, to their Fiscal year 1993 levels; and (4) reductions of Corporation management and grant administration to the Fiscal Year 1994 levels.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a rescission of $2,250,000 from Diplomatic and Consular Programs of the Department of State. The House bill included a rescission of $2,000,000, and the Senate bill included a rescission of $2,500,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

The conference agreement includes a rescission of $30,000,000 from unobligated balances in the State Department's overseas construction and maintenance account, as proposed by the Senate. The House Bill included a rescission of $23,000,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes a rescission of $14,617,000 from the International Peacekeeping Activities account,which funds the payment of assessed costs of United Nations peacekeeping operations, as proposed by both the House and the Senate. Of this amount, $1,216,000 is rescinded from the amount previously appropriated for the United Nations Operation in Somalia and $13,401,000 is rescinded from the amount previously provided for the United Nation's Mission for the Referendum in Western Sahara.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes a rescission of $4,000,000, of which $2,500,000 is rescinded from the amount appropriated for the implementation of the Chemical Weapons Conventions, and $1,500,000 is rescinded as a general administrative reduction. The House proposed a rescission of $3,000,000, of which $2,000,000 was from the Chemical Weapons Convention, and $1,000,000 was a general administrative reduction. The Senate proposed a rescission of $4,000,000, of which $2,000,000 was from the Chemical Weapons Convention, and $2,000,000 was a general administrative reduction.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

The conference agreement includes a rescission of $2,000,000 from unobligated funds available for a canceled project, the Israel Relay station, as proposed by both the House and the Senate.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes a rescission of $5,000,000 from the United States Information Agency's exchange programs, as proposed by both the House and the Senate. The conferees direct USIA to submit its proposal to carry out this rescission through the normal reprogramming procedures prior to implementing specific program reductions.

RADIO CONSTRUCTION

The conference agreement includes a rescission of $16,000,000 from unobligated balances in USIA's Radio Construction account. Both the House and the Senate had proposed a rescission of $6,000,000.

RADIO FREE ASIA

The conference agreement includes a rescission of $5,000,000 of the $10,000,000 appropriated in fiscal year 1995 for Radio Free Asia, instead of $6,000,000, as proposed by the Senate. The House bill had no similar provision.

None of the fiscal year 1995 appropriation for Radio Free Asia has been spent or obligated. Under the authorizing legislation, the United States International Broadcasting Act of 1994, no funds can be spent on Radio Free Asia until a new Broadcasting Board of Governors is in place and has submitted a detailed plan within 90 days for the establishment and operation of Radio Free Asia. As of this point, the full Board has not been nominated, let alone confirmed, and obviously, no plan has been submitted. Since the fiscal year is more than half over, and the likelihood of the full appropriation being obligated this year is remote, the conferees have agreed to rescind one-half of the appropriation for this fiscal year.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes a rescission of $10,000,000 as proposed by the House and the Senate.

CONSTRUCTION, GENERAL

The conference agreement includes a rescission of $60,000,000 as proposed by the Senate instead of $40,000,000 as proposed by the House.

Columbia River Juvenile Fish Mitigation, Oregon and Washington.—The conferees reiterate language regarding the juvenile fish mitigation program and surface collection bypass systems contained in Senate Report 103–291 and agreed to in the statement of the managers accompanying Public Law 103–316, the Energy and Water Development Appropriations Act, 1995. The conferees expect the Corps of Engineers to move forward aggressively to test and install project modifications that improve the effectiveness and efficiency of bypass systems. One modification, identified by both Federal and private engineers, is baffled or slotted spillway gates. Experience from non-Federal Columbia River dams indicates that slotted spillway gates could improve fish passage efficiency and reduce dissolved gas saturation levels, as well as the cost of the fish spill program. A larger percentage of juvenile fish could be passed through the project using significantly less water than would occur with existing, unmodified spillways.

The conferees direct the Corps to begin work immediately to design, construct and test spillway gate modifications at The Dalles and on one other project by next spring. The Corps is encouraged to use private sector engineering firms and any other available means to accelerate the work, as necessary, to assist in completing this effort early in 1996. The Corps shall report to the Committees on Appropriations on the progress of this effort by August 15, 1995.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

The conference agreement includes a rescission of $10,000,000 as proposed by the House and the Senate.

DEPARTMENT OF ENERGY

GENERAL APPLICATION OF RESCISSIONS

The conferees direct that the reductions be applied as broadly as possible without targeting, disproportionately affecting or terminating any single project or activity, including congressional directives and priorities. Reductions should be taken against low priority, noncritical activities to the greatest extent possible, and the Department should use this as an opportunity to review and reduce uncosted balances remaining in many program areas.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conference agreement rescinds $74,000,000 for Energy Supply, Research and Development Activities instead of $116,500,000 as proposed by the House and $71,500,000 as proposed by the Senate. Differences between the House and Senate recommendations are explained below.

Solar and Renewable Energy.—The conferees agree to rescind $30,000,000 instead of $35,000,000 as proposed by the House and $25,000,000 as proposed by the Senate. The conferees direct that renewable energy programs that are being cost-shared with U.S. industry for research and development and commercialization collaboratives and technology validation be preserved, to the extent possible, so that program downsizing will not adversely affect the industry co-investors in U.S. programs. Also, reductions should be applied, to the extent possible, to increases provided in fiscal year 1995 over the fiscal year 1994 levels including the global climate change programs in order to preserve needed research priorities.

Environmental, Safety and Health.—The conference agreement includes a rescission of $6,000,000 as proposed by the House and the Senate.

Biological and Environmental Research.—The conferees agree to rescind $10,000,000 instead of $15,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Fusion Energy.—The conferees agree to rescind $7,500,000 instead of $15,000,000 as proposed by the Senate. The House had proposed no rescission for this program. The conferees direct that the fiscal year 1995 rescission be taken evenly from every component of the program, domestic and international, and that no program or project should be held harmless.

Basic Energy Sciences.—The conference agreement rescinds $5,000,000 as proposed by the House and the Senate.

Advanced Neutron Source.—The conference agreement rescinds $7,500,000 as proposed by the House and the Senate.

Energy Oversight, Research Analysis & University Support.—The conference agreement rescinds $8,000,000 as proposed by the House and the Senate.

Environmental Restoration and Waste Management (Nondefense).—The conferees have proposed no rescission for this program as proposed by the Senate instead of $45,000,000 as proposed by the House.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conferees have proposed no rescission for this program instead of $28,000,000 as proposed by the House and $13,000,000 as proposed by the Senate.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

The conference agreement rescinds $15,000,000 from the security investigation program as proposed by the Senate. The House had proposed no rescission for this program.

DEPARTMENTAL ADMINISTRATION

The conference agreement includes a rescission of $20,000,000 as proposed by the House and the Senate.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE

WESTERN AREA POWER ADMINISTRATION

The conference agreement rescinds $30,000,000 as proposed by the Senate. The House had proposed no rescission for this program.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement includes a rescission of $10,000,000 as proposed by the House and the Senate.

TENNESSEE VALLEY AUTHORITY

The conference agreement includes a rescission of $5,000,000 as proposed by the House and the Senate.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

The conference agreement provides new budget authority of $275,000,000 for ''Debt relief for Jordan'', the same as the budget request. The House had proposed an appropriation of $50,000,000 for this purpose to cover debt owed by Jordan for direct loans issued by the Department of Defense, the Agency for International Development, and the Export-Import Bank. The Senate amendment would have provided new budget authority of $275,000,000 to cover debt owed by Jordan for direct loans issued by these agencies as well as by the Department of Agriculture's P.L. 480 program and by the Commodity Credit Corporation. However, the Senate amendment would have limited obligations in fiscal year 1995 to $50,000,000. The conference agreement does not contain any such limitation on obligations.

RESCISSIONS

The House bill contained rescissions totaling $191,575,000 from specific appropriations accounts. The Senate amendment had proposed a general rescission of $125,000,000 from any unearmarked and unobligated balances of funds provided in Public Law 103–87 and Public Law 103–306. The conference agreement contains rescissions from specific appropriations accounts totaling $157,700,000, as described below.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement rescinds $15,000,000 from funds appropriated in Public Law 103–306 for ''International organizations and programs''. The House bill proposed a rescission of $25,000,000 from this account. The Senate amendment did not contain a provision on this matter.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

The conference agreement rescinds $41,300,000 from ''Development assistance fund''. The House bill had proposed a rescission of $45,500,000 from this account. The Senate amendment did not contain a provision on this matter.

POPULATION, DEVELOPMENT ASSISTANCE

The conference agreement rescinds $19,000,000 from ''Population, development

assistance''. The House bill had proposed a rescission of $9,000,000 from this account. The Senate amendment did not contain a provision on this matter.

DEVELOPMENT FUND FOR AFRICA

The conference agreement rescinds $21,000,000 from ''Development fund for Africa''. Neither the House bill nor the Senate amendment addressed this matter.

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

The conference agreement rescinds $2,400,000 from ''Debt restructuring under the Enterprise for the Americas Initiative'', the same as recommended in the House bill. The Senate amendment did not contain a provision on this matter.

ECONOMIC SUPPORT FUND

The conference agreement rescinds $25,000,000 from ''Economic Support Fund''. The House bill had proposed total rescissions of $42,975,000, including $7,500,000 from funds provided in Public Law 103–306; $20,000,000 from funds provided in Public Law 103–87; and $15,475,000 from funds provided in Public law 102–391 and prior appropriations acts, including earmarked funds. The conference agreement does not rescind funds earmarked for Camp David countries. The Senate amendment did not contain a provision on this matter.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement rescinds $2,000,000 from ''Operating expenses of the Agency for International Development''. The House bill had proposed a rescission of $5,000,000 from this account. The Senate amendment did not contain a provision on this matter.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement rescinds $25,000,000 from funds provided in this account and allocated for the Russian government. The House bill proposed total rescissions of $47,700,000, including $17,500,000 from funds provided in Public Law 103–306 and $30,200,000 from funds provided in Public Laws 103–87 and 102–391. The House bill did not limit these rescissions to funds allocated for the Russian government. The Senate amendment did not contain a provision on this matter.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

The conference agreement rescinds $3,000,000 from ''Peacekeeping operations''. The House bill had proposed a rescission of $4,500,000 from this account. The Senate amendment did not contain a provision on this matter.

EXPORT ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

The conference agreement rescinds $4,000,000 from ''Trade and Development Agency''. The House bill had proposed a rescission of $4,500,000 from this account. The Senate amendment did not contain a provision on this matter.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement rescinds $70,000 from Management of Lands and Resources 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, and places a moratorium on the implementation of such plans. This provision was identical in the House and Senate bills.

CONSTRUCTION AND ACCESS

The conference agreement rescinds $900,000 from Construction and Access, instead of $4,500,000 as proposed by the House and $2,100,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Campbell Creek Environmental Education Center, AK	−$3,500,000	−$2,100,000	−$900,000
Yaquina Head Ecological Interpretive Center, OR	−1,000,000		
Total	−4,500,000	−2,100,000	−900,000

PAYMENTS IN LIEU OF TAXES

The conference agreement rescinds $2,500,000 from Payments in Lieu of Taxes instead of $5,000,000 as proposed by the House and $0 as proposed by the Senate.

LAND ACQUISITION

The conference agreement rescinds $1,497,000 from Land Acquisition as proposed by the Senate, instead of $1,997,000 as proposed by the House. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Organ Mountains, NM	−$500,000		
Oregon City, OR	−728,000	−728,000	−728,000
Pariette Wetlands, UT	−185,000	−185,000	−185,000
Warner Lake, OR	−584,000	−584,000	−584,000
Total	−1,997,000	−1,497,000	−1,497,000

UNITED STATES FISH AND WILDLIFE SERVICE

RESEARCH MANAGEMENT

The conference agreement includes no rescission from Resource Management as proposed by the Senate, instead of $2,000,000 for endangered species listing activities as proposed by the House. The 1995 Defense Supplemental Appropriations Act, Public Law 104–6, contained a rescission of $1,500,000 for activities involving the listing of endangered species and the designation of critical habitat, and prohibited the Fish and Wildlife Service from using other funds to make final listings or critical habitat designations.

CONSTRUCTION

The conference agreement rescinds $12,415,000 from Construction, instead of $14,390,000 as proposed by the House and $13,215,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Confrence agreement
Alaska Maritime NWR, refuge facilities	−$1,100,000	−$1,100,000	−$1,100,000
Crab Orchard NWR, IL dam repairs completed	−51,000	−51,000	−51,000
Flint Hills NWR, KS, office/visitor center renovations	−649,000	−649,000	−649,000
Flood Damage Repair, Upper Mississippi		−800,000	−800,000
Grays Harbor NWR, WA, Bowerman Basin trails	−349,000	−174,000	−174,000
Hatchie NWR, TN, handicapped fishing access	−485,000	−485,000	−485,000
Hurricane Andrew relief funds completed	−66,000	−66,000	−66,000
J. Clark Salyer NWR, ND, dam and bridge completed		−30,000	−30,000
Kenai NWR, AK, Skilak loop campground	−4,097,000	−2,697,000	−1,897,000
Lake Ilo NWR, ND, dam completed	−1,146,000	−966,000	−966,000
Little River NWR, OK, headquarters	−2,500,000	−2,500,000	−2,500,000
Lower Suwannee NWR, FL, bridge completed	−20,000	−20,000	−20,000
Lower Suwannee NWR, FL, facility completed	−139,000	−139,000	−139,000
Mark Twain NWR, Il, Brussels/Wapello, boat ramp	−408,000	−408,000	−408,000
Stillwater NWR, NV, water delivery system	−1,200,000	−1,200,000	−1,200,000
Stone Lakes NWR, CA, water supply	−293,000	−43,000	−43,000
Tensas NWR, LA, public use access road	−150,000	−140,000	−150,000
Tishimingo NWR, OK, administrative office	−422,000	−422,000	−422,000
Trempealeau NWR, WI, Lower Barrier Dike comp	−33,000	−33,000	−33,000
Upper Mississippi NWR, MN, repair public access	−959,000	−959,000	−949,000
Upper Mississippi NWR, NM, boat ramps	−319,000	−319,000	−319,000
White River NWR, AR, Essex Bayou bridge comp	−4,000	−4,000	−4,0001rn,s
Total	−14,390,000	−13,215,000	−12,415,000

LAND ACQUISITION

The conference agreement rescinds $1,076,000 from Land Acquisition, instead of $7,345,000 as proposed by the House and $3,893,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Anahuac NWR,TX		−$309,000	−$278,000
Canaan Valley NWR, WV	−$500,000		
EB Forsythe NWR, NJ	−2,800,000	−1,152,000	−140,000
Grays Harbor NWR, WA	−749,000		
Great Meadows NWR, MA	−352,000	−331,000	−331,000
James Campbell NWR, HI		−704,000	
Lake Umbagog NWR, ME, NH	−2,250,000	−430,000	
Moapa Valley NWR, NV		−327,000	−327,000
Petit Manan NWR, ME	−461,000	−423,000	
Walnut Creek NWR, IA	−233,000	−217,000	
Total	−7,345,000	−3,893,000	−1,076,000

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

The conference agreement rescinds $14,549,000 from Research, Inventories, and Surveys, instead of $16,680,000 as proposed by the House and $12,544,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Research	−$8,660,000	−$849,000	−$849,000
Inventory and Monitoring	−3,350,000	−1,200,000	−2,200,000
Information Transfer	−1,870,000	−620,000	−1,200,000
Cooperative Research Units	−1,450,000		
Facilities Operation and Maintenance	−750,000		
Administration	−600,000	−175,000	−600,000
Unobligated carryover from 1994		−9,700,000	−9,700,000
Total	−16,680,000	−12,544,000	−14,549,000

The conference agreement does not identify specific program cuts for the research, inventory and monitoring, and information transfer activities.

The managers recognize that rescissions at this time of year have significant impacts on agency programs, facilities, and personnel. Future budgets are unlikely to allow for restoration of the funds proposed for rescission, thus, lower priority areas should be the focus of fiscal year 1995 adjustments. The agency should try to avoid facility closures in this fiscal year. But, in preparing for action on the fiscal year 1996 budget, the National Biological Service should review all programs and facilities in light of the need for possible future reductions, closures, or consolidations.

NATIONAL PARK SERVICE

CONSTRUCTION

The conference agreement rescinds $20,890,000 from Construction, instead of $22,831,000 as provided by the House and $25,970,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Bering Land Bridge NPP, Employee housing, AK		−$264,000	
Big South Fork NRA, Reconstruct Lodge & Fac., TN		−271,000	−$271,000
Blue Ridge Parkway (Admin.), NC		−905,000	
Blue Ridge Parkway (Fisher Peak), VA	−$4,900,000	−4,900,000	−4,900,000
Chamizal NM, TX	−1,200,000	−1,200,000	−1,200,000
Chickamauga-Chattanooga NMP, GA	−1,900,000	−1,900,000	−1,900,000
Cuyahoga Valley NRA, OH	−200,000		−200,000
Cuyahoga Valley NRA, Boston Store, OH		−1,734,000	
Cuyahoga Valley NRA, OH, Remove Abandoned Structures		−259,000	
Gates of the Arctic NPP, Employee Bunkhouse, AK		−778,000	−778,000
Glacier Bay NPP, Employee Housing, AK		−800,000	−800,000
Grand Canyon NP, AZ	−2,000,000	−2,000,000	−2,000,000
Indiana Dunes, Phase I Goodfellow Camp, IN		−788,000	
Lincoln Research Center, IL	−5,100,000	−5,100,000	−5,100,000
Lowell Historic Preservation Commission, MA	−1,773,000		−388,000
Lowell NHP, Rehab. Kirk St. Agent's house, MA		−849,000	−435,000
Maine Acadian Culture (Tech. assistance), ME	−995,000	−995,000	−995,000
Monocacy NB (Gambrill), MD	−863,000	−1,473,000	−1,473,000
National Trail Center, IA	−3,700,000		
Steamtown NHS, PA		−1,002,000	−250,000
Ulysses S. Grant NHS, (structure rehab.), MO		−552,000	
Vicksburg NB (tech. assistance), MS	−200,000	−200,000	−200,000
Total	−22,831,000	−25,970,000	−20,890,000

Bill language has been included to specify that the rescission applies to fiscal year 1995 and prior year funds.

URBAN PARK AND RECREATION FUND

The conference agreement rescinds $7,480,000 from the Urban Park and Recreation Fund as proposed by both the House and the Senate. This will eliminate the program in fiscal year 1995.

While the program's goal of providing incentives for cities to improve their recreational opportunities is of value, the managers believe that, given the size of the federal deficit, programs of this nature are appropriately left to State and local governments.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement rescinds $13,634,000 from Land Acquisition and State Assistance, instead of $16,509,000 as proposed by the House and $9,983,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Acadia NP, ME	−$1,000,000	−$667,000	−$363,000
Alaska Exchange, AK		−100,000	−100,000
Allegheny Portage NHS, PA		−365,000	−365,000
Antietam NB, MD	−1,400,000	−700,000	−1,100,000
Big South Fork NRA, TN, KY	−500,000	−500,000	−500,000
Biscayne NP, FL		−393,000	
Black Canyon of the Gunnison NM, CO		−93,000	−93,000
Chaco Culture NHP, NM	−271,000		
Colonial NHP, VA		−13,000	−13,000
Congaree Swamp NM, SC	−100,000	−100,000	−100,000
C&O Canal NHP, MD, WV, DC	−205,000		−100,000
Denial NPP, AK	−4,800,000	−1,000,000	−4,800,000
Fire Island NS, NY	−300,000	−300,000	−300,000

	House bill	Senate bill	Conference agreement
Ft. Raleigh NHS, NC	−372,000	−372,000	−56,000
Gulf Islands NS, FL, MS		−55,000	−55,000
Jefferson Expansion Memorial, IL	−700,000		
Lowell NHP, MA	−447,000	−447,000	−321,000
Natchez NHP, MS	−321,000		
North Cascades NP, WA		−31,000	−31,000
Obed River WSR, TN	−261,000	−261,000	−261,000
Palo Alto NB, TX	−494,000		
Petersburg NB, VA		−119,000	−119,000
Pictured Rocks NS, MI		−133,000	−133,000
Salem Maritime NHS, MA		−160,000	
Salt River NHP, VI	−3,000,000	−3,000,000	−3,000,000
San Antonio Missions NHP, TX	−424,000	−424,000	−424,000
Utah Land Exchanges, UT		−100,000	−100,000
Valley Forge NHP, PA	−1,300,000	−650,000	−1,300,000
Weir Farm NHS, CT	−614,000		
Total	−16,509,000	−9,983,000	−13,634,000

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement rescinds $514,000 from Royalty and Offshore Minerals Management for environmental studies, instead of $0 as proposed by the House and $814,000 as proposed by the Senate.

The managers expect the Service to initiate the Northeastern Gulf of Mexico circulation modeling study in fiscal year 1995 as planned. As in the past, the managers encourage the Service to concentrate its Outer Continental Shelf environmental study efforts in those areas where there is active leasing and production.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement rescinds $4,850,000 from Operation of Indian Programs, instead of $4,046,000 as proposed by the House and $11,350,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Indian Self-Determination Fund		−$2,000,000	−$2,000,000
Education-Forward Funding		−750,000	−750,000
Central Office Operations		−4,500,000	−500,000
Area Office Operations		−3,000,000	
Special Tribal Courts	−$1,463,000		
Indian Business Development Grants	−2,583,000		−500,000
Community Reservation Economic Development		−600,000	−600,000
Indian Rights Protection		−500,000	−500,000
Total	−$4,046,000	−11,350,000	−4,850,000

The $750,000 proposed for rescission from forward-funded education programs should be derived by reducing travel not related to student transportation. This decrease should be derived by taking a pro rata reduction to forward-funded Indian School Equalization Program (ISEP) formula funds.

CONSTRUCTION

The conference agreement rescinds $9,571,000 from Construction as proposed by the Senate, instead of $10,309,000 as proposed by the House. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Employee Housing	−$2,900,000	−$2,900,000	−$2,900,000
Contingency Funds	−4,000,000	−4,000,000	−4,000,000
Emergency Shelters	−2,000,000	−1,671,000	−1,671,000
Fish hatchery Rehab	−1,409,000		
General Reduction		1,000,000	
Education. Facility Improvement & Rehab			−500,000
Resource Management			−500,000
Total	−10,309,000	−9,571,000	−9,571,000

The conference agreement does not include a general reduction for construction, as proposed by the Senate, but has replaced that rescission with reductions of $500,000 for education facility improvement and rehabilitation and $500,000 for resource management.

Bill language has been included to specify that the rescission applies to fiscal year 1995 and prior year funds.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

The conference agreement rescinds $1,700,000 for the Indian Direct Loan Program Account, instead of $0 as proposed by the House and $1,900,000 as proposed by the Senate.

The $200,000 which has been restored is to cover the expert witness costs of the Red Lake Chippewa Tribe and Minnesota Chippewa Tribe.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

The conference agreement rescinds $1,938,000 from Administration of Territories, instead of $2,438,000 as proposed by the House and $1,900,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Disaster assistance	−$438,000		−$438,000
Maintenance assistance	−2,000,000	−$400,000	
Technical assistance		−750,000	−750,000
Insular Management		−750,000	−750,000
Total	−2,438,000	1,900,000	−1,938,000

TRUST TERRITORY OF THE PACIFIC ISLANDS

The conference agreement rescinds $32,139,000 from the Trust Territory of the Pacific Islands for government operations grants as proposed by both the House and the Senate.

COMPAT OF FREE ASSOCIATION

The conference agreement rescinds $1,000,000 from the Compact of Free Association as proposed by the Senate, instead of $0 as proposed by the House.

DEPARTMENTAL OFFICES

Office of the Secretary

SALARIES AND EXPENSES

The conference agreement includes no rescission for the Office of the Secretary as proposed by the House, instead of $150,000 for aircraft services as proposed by the Senate.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

The conference agreement rescinds $6,000,000 from Forest Research as proposed by both the House and the Senate.

STATE AND PRIVATE FORESTRY

The conference agreements rescinds $7,800,000 from State and Private Forestry for the Forest Legacy program, instead of

$12,500,000 as proposed by the House and $6,250,000 as proposed by the Senate.

INTERNATIONAL FORESTRY

The conference agreements $2,000,000 from International Forestry, instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

NATIONAL FOREST SYSTEM

The conference agreement rescinds $1,650,000 from the National Forest System, instead of $3,327,000 as proposed by the House and $0 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Recreation use, wilderness management	−500,000		−250,000
General Administation	−2,827,000		−1,400,000
Total	−3,327,000		−1,650,000

The managers are concerned that adequate public comments be provided on the environmental assessment for the proposed Inland Native Fish Strategy that will provide interim management for resident fish in the inland Rocky Mountains, and expect the Forest Service to hold extensive public hearings in the affected States to obtain complete public input on this issue.

CONSTRUCTION

The conference agreement rescinds $6,072,000 from Construction, instead of $4,919,000 as proposed by the House and $7,824,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Alabama NFs, Bankhead NF, Clear Creek campground	−$418,000	−$415,000	−$415,000
Arapaho-Roosevelt NF, CO, Boulder office	−50,000	−50,000	−50,000
Chequamegon NF, WI, Northern Great Lakes Visitors Center		−300,000	
Croatan NF, NC, Cedar Point & Flanders Beach campground		−599,000	
FA&O Change Orders/Claims Region 9		−100,000	−100,000
Florida NFs, Ocala NF, Salt Springs rehab	−599,000	−515,000	−515,000
Florida NFs, Ocala NF, Salt Springs roads		−457,000	
Hiawatha NF, MI, St. Ignace admin. site	−210,000		−210,000
Job Corps, Region 8, 3 Ranger Dist. Expansions		−413,000	
Kaibab NF, AZ, Chalender Ranger Station	−85,000		
Lake Tahoe Basin Mgt. Unit, CA, Supervisors Office		−486,000	−486,000
Lolo NF, MT, Seeley Lake warehouse	−239,000	−214,000	−214,000
Los Padres NF, CA, Arroyo Seco Rec. Site		−1,469,000	−1,469,000
Nebraska NF, Hudson-Meng, Prairie Center design	−231,000		
North Carolina NFs, NC, Cradle of Forestry		−500,000	
North Carolina NFs, NC, Uwharrie NF, Badin Lake campground	−399,000	−134,000	
Pike/San Isabel, CO: Twin Lakes Rec area rehab	−370,000	−330,000	−330,000
Routt NF, CO, Fish Creek Falls Rec. area	−77,000		
Routt NF, CO, Routt Office	−211,000	−161,000	−161,000
Sierra NF, CA, Huntington/Deer Creek		−309,000	−309,000
Sierra NF, CA, Huntington/Deer Creek Roads		−635,000	−635,000
Texas NF, Cagle campground	−238,000	−230,000	−230,000
Texas NF, Cagle campground roads		−114,000	−61,000
Toiyabe NF, NV, Carson Office Expansion	−360,000		
Tongass-Chatham NF, AK, Hoonah warehouse	−494,000		−494,000
Wasatch-Cache NF, UT, Salt Lake District Office	−351,000	−351,000	−351,000
White River: Maroon Valley rec area	−95,000	−42,000	−42,000
White River, CO: Redstone campground rehab	−492,000		
Total	−4,919,000	−7,824,000	−6,072,000

The managers agree that the Forest Service should reprogram $487,000 from the Croatan NF, NC, Cedar Point-Flanders Beach Campground to the North Carolina NFs, Cradle of Forestry to provide funding for the exhibits at this facility.

The conference agreement includes bill language, as proposed by the Senate, which corrects a reference in the fiscal year 1995 appropriation.

LAND ACQUISITION

The conference agreement rescinds $1,429,000 from Land Acquisition, instead of $3,974,000 as proposed by the House and $3,720,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Chattooga WSR	−$405,000		
Colorado Wilderness, CO	−300,000		−300,000
Green Mountain NF, VT	−1,600,000		
Osceola NF, FL		−400,000	−400,000
Pinhoti Trail, AL, trail acquisition	−257,000	−135,000	−135,000
Caribbean NF, PR		−163,000	
Rio Grande NF (Kit Carson), CO		−1,500,000	
Seneca Rocks, WV	−422,000		
Uwharrie NF, NC inholdings	−900,000	−621,000	−89,000
Wayne NF, OH	−90,000	−704,000	−308,000
Wisconsin NFs		−197,000	−197,000
Total	−3,974,000	−3,720,000	−1,429,000

The conference agreement modifies bill language proposed by the Senate which would prohibit the Forest Service from using available land acquisition funds to initiate new acquisitions of private lands within the Wayne National Forest. The managers expect the Forest Service to honor any existing commitment where the Service has signed an option to buy with the land owner.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement rescinds $18,100,000 from Fossil Energy Research and Development, instead of $18,650,000 as proposed by the House and, $20,750,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Natural Gas Research:			
Coal bed methane	−$1,250,000	−$1,250,000	−$1,250,000
Advanced computational technology	−3,500,000	−3,500,000	
Planar solids oxide fuel cells	−1,700,000	−1,700,000	−1,700,000
Prior Year Unobligated (offset)			−720,000
Gas to liquids	−1,000,000	−1,000,000	−1,000,000
Subtotal, Natural Gas Research	−7,450,000	−7,450,000	−4,670,000

	House bill	Senate bill	Conference agreement
Oil Research:			
Advanced computational technology	−1,500,000	−4,000,000	
Class 4 recovery field demonstration projects	−5,000,000	−1,000,000	−5,000,000
Subtotal, Oil Research	−6,500,000	−5,000,000	−5,000,000
Coal Research:			
Gasification project improvement facility, WV	−1,200,000		−1,200,000
Liquefaction research (indirect)	−2,000,000	−2,000,000	−150,000
Liquefaction research (direct)	−1,500,000	−1,500,000	−1,000,000
Prior Year Unobligated (offset)			−1,280,000
Mild Gasification project, IL		−4,800,000	−4,800,000
Subtotal, Coal Research	−4,700,000	−8,300,000	−8,430,000
Total, Fossil Energy Research & Development	−18,650,000	−20,750,000	−18,100,000

The managers expect that the funds remaining for the gasification product improvement facility in West Virginia and the mild gasification facility in Illinois, after necessary closeout costs, will be made available for high priority, in-house gasification research activities.

The managers have included a rescission of $2,000,000 which is an offset for funds which are available from unobligated prior year balances in the gas research ($720,000) and coal research ($1,280,000) programs. These reductions are taken to replace partially the fiscal year 1995 funds that were recommended for rescission by both the House and the Senate but which have been obligated by the Department since the original rescission recommendations were made.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement includes no rescission from the Naval Petroleum and Oil Shale Reserves, instead of $21,000,000 as proposed by the House and $11,000,000 as proposed by the Senate.

ENERGY CONSERVATION

The conference agreement rescinds $49,628,000 from Energy Conservation, instead of $59,928,000 as proposed by the House and $48,628,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Buildings:			
Federal Energy Management Program planning		−$1,000,000	−$1,000,000
Federal energy efficiency fund	−$5,000,000	−5,000,000	−5,000,000
Rebuild America (leaves $5.5 million for effort)	−2,500,000	−2,500,000	−2,500,000
Market pull partnerships in the areas of heating and cooling	−510,000	−510,000	−510,000
Codes and standards—State assistance		−1,000,000	−1,000,000
General Reduction		−1,000,000	
Subtotal, Buildings	−8,010,000	−11,010,000	−10,010,000
Industry:			
Steelmaking demonstration project (FY 1994 funding)	−13,700,000	−13,700,000	−13,700,000
Electric drives	−347,000	−347,000	−347,000
Climate-wise initiative (leaves $2.4 million for project)	−1,571,000	−1,571,000	−1,571,000
General Reduction		−3,000,000	
Subtotal, Industry	−15,618,000	−18,618,000	−15,618,000
Transportation:			
Fleet demonstration vehicle purchases	−20,000,000	−5,000,000	−10,000,000
Partnership for new generation vehicles initiative	−1,500,000	−1,500,000	−1,500,000
General Reduction		−1,000,000	
Alternative Fuels (excluding vehicle purchases)			−500,000
Electric and Hybrid Vehicles			−500,000
Subtotal, Transportation	−21,500,000	−7,500,000	−12,500,000
Technical and Financial Assistance:			
Weatherization assistance program	−14,800,000	−10,000,000	−11,500,000
General Reduction		−1,500,000	
Subtotal, Technical and Financial Assistance	−14,800,000	−11,500,000	−11,500,000
Total, Energy Conservation	−59,928,000	−48,628,000	−49,628,000

The conference agreement does not include a general reduction in transportation programs, as proposed by the Senate, but has replaced that rescission with reductions of $500,000 for alternative fuels activities, excluding Federal fleet purchases, and $500,000 for electric and hybrid vehicles.

The managers agree that the Department of Energy should ensure that all the remaining, available funds for Federal fleet vehicle purchases of alternatively fueled vehicles should be used for a well-balanced program which includes both original equipment manufactured vehicles and converted vehicles. The Department should concentrate its limited resources on getting these vehicles widely spread across all non-Defense Federal agencies. The long-term viability of the program depends on participation by all Federal agencies. The Department of Defense funds its own program for alternatively fueled vehicle purchases. The funds currently available to the Department of Energy should concentrate on the other agencies. None of the funds available from fiscal year 1995 or from prior year appropriations should be used for the purchase of alternatively fueled vehicles for the Department of Defense. Further, all Federal agencies should be encouraged to budget for future alternatively fueled vehicle purchases in their own budget requests.

The managers expect that the rescission for the weatherization assistance program should not interfere with the adoption of the new distribution formula. The new formula should be applied and this rescission should then be assessed against each State in the same proportion as the funds were distributed under the new formula.

The managers agree that the many new programs funded in fiscal year 1995 and proposed for funding in fiscal year 1996, through the climate change action plan, should not be protected at the expense of successful, ongoing programs.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

The conference agreement rescinds $2,000,000 from Indian Education as proposed by both the House and the Senate.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

The conference agreement rescinds $1,000,000 from Construction and Improvements, National Zoological Park as proposed by both the House and Senate.

CONSTRUCTION

The conference agreement rescinds $11,512,000 from Construction, instead of $31,012,000 as proposed by the House and $11,237,000 as proposed by the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Post Office Building renovation	−$1,700,000	−$1,700,000	−$1,700,000
Air and Space Extension	−3,900,000	−3,900,000	−3,900,000
Air and Space Extension planning	−375,000	−	−275,000

	House bill	Senate bill	Conference agreement
NMAI Cultural Center in Suitland, MD	−21,900,000	−2,500,000	−2,500,000
NMAI—Mail facility planning	−987,000	−987,000	−987,000
Alterations and Modifications Act. (delays 10 display projects)	−2,150,000	−2,150,000	−2,150,000
Total	−31,012,000	−11,237,000	−11,512,000

The managers have restored $19.4 million of the funds proposed for rescission by the House to begin construction of the National Museum of the American Indian Cultural Resources Center in Suitland, Maryland. This will bring the total federal contribution to date for this project to $27.8 million including all planning and design costs.

While the managers are sensitive of the need to provide for the adequate storage and conservation needs of the National Museum of the American Indian collection, the managers are concerned about the total operating and construction costs associated with the Custom House facility in New York, the Cultural Resource Center in Maryland and the proposed Mall Museum. The managers encourage the Smithsonian to seek nonFedeal funding to assist with the construction of the Suitland facility and further urge the Smithsonian to work with the House and Senate Appropriations Committees to reduce the scope and cost of the resource center.

The managers also direct the Smithsonian to develop additional cost scenarios for the proposed Mall facility, including downsizing the museum building and decreasing the amount of Federal appropriations.

The managers urge the Smithsonian to name an independent board to review the Institutions complete collections. The Smithsonian currently owns or leases 40 storage facilities to house the 138 million objects in its collections. Providing adequate and appropriate space for these collections emerges repeatedly as the most critical collections management priority. Because of the severe lack of adequate space, objects are stored in potentially dangerous conditions. In light of current budget constraints the managers believe it is prudent for the Smithsonian to begin to evaluate all its collections with a view towards possible downsizing of the collections as one means to address the storage problems.

Of the $375,000 currently available for planning of the National Air and Space Museum Extension, $275,000 is rescinded. The managers continue to have serious concerns regarding the federal government's ultimate responsibility for costs associated with the Smithsonian's involvement in this project. The managers understand that construction costs for this project will be financed through a combination of state and local funding, including bonds and an interest-fee loan. Prior to appropriating additional planning dollars for this project, the managers require more detailed information and binding commitments regarding the revised scope of the project and how it will be financed. Documentation of estimated operating costs will be necessary in order for the managers to make an informed decision on future funding. It is the managers intention that no federal funds will be appropriated for the construction of this facility.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

The conference agreement rescinds $407,000 from Repair, Restoration, and Renovation of Buildings as proposed by both the House and the Senate to eliminate the remaining funds for a proposed sculpture garden.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

The conference agreement rescinds $3,000,000 from Construction as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement rescinds $1,000,000 from Salaries and Expenses as proposed by the Senate, instead of $2,300,000 as proposed by the House.

The managers agree that none of the funds available to the Center for outfitting space in the Federal Triangle Building or for other moving-related expenses may be used until the Center has fully delineated to the House and Senate Appropriations Committees the complete costs of the move and subsequent annual operating expenses. This information should be transmitted in writing to the Committee for approval using established reprogramming procedures.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement rescinds $5,000,000 from Grants and Administration as proposed by both the House and the Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Grants and Administration:			
Administration	−$1,000,000	−$1,000,000	−$1,000,000
Grants	−4,000,000	−4,000,000	−4,000,000
Total	−5,000,000	−5,000,000	−5,000,000

Of the $4,000,000 reduction in grants, the managers recommended that grants to individuals should be reduced to the extent practicable, excluding the National Heritage Fellowship Awards from any reductions.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement rescinds $5,000,000 from Grants and Administration as proposed by both the House and Senate. The managers agree to the following rescissions:

	House bill	Senate bill	Conference agreement
Grants and Administration:			
Administration	−$1,000,000	−$1,000,000	−$1,000,000
Grants	−4,000,000	−4,000,000	−4,000,000
Total	−5,000,000	−5,000,000	−5,000,000

GENERAL PROVISIONS

Section 501. The conference agreement includes language proposed by the Senate in Section 501 of the Senate bill which prohibits the Department of the Interior from expending funds 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. The House bill included no similar provision.

Section 502. The conference agreement includes language proposed by the Senate in Section 503 of the Senate bill which prohibits the Forest Service from expending funds to implement Habitat Conservation Areas (HCAs) in the Tongass NF, AK for unlisted species except in certain cases for goshawks, and requires Congressional notification of timber sales which may be delayed or canceled due to Goshawk HCAs. The House bill included no similar provision.

Section 503. The conference agreement includes language proposed by the Senate in Section 2011 of the Senate bill which deems sufficient certain environmental impact statements or subsistence evaluations prepared for a timber sale to one party if the Forest Service sells the timber to an alternate buyer. The House bill included no similar provision.

Section 504. The conference agreement modifies language proposed by the Senate in Section 2013 of the Senate bill which requires each Forest Service unit to establish and adhere to a schedule for completion of NEPA analyses for grazing permits and further addresses expired permits for grazing on Forest Service lands. The House bill included no similar provision.

The conference agreement deletes language proposed by the Senate in Section 502 of the Senate bill regarding access to Back Bay NWR, VA. The House bill included no similar provision. The managers understand that an agreement has been reached between the Fish and Wildlife Service and the State of Virginia regarding access to the refuge and False Cape State Park.

The conference agreement deletes language proposed by the Senate in Section 504

of the Senate bill relating to grazing permits. Section 504 of the conference agreement includes alternative language on grazing permits which modifies Section 2013 of the Senate bill. The House bill included no similar provision.

The conference agreement includes language under Title II relating to the salvage, Pacific Northwest forest plan, and Section 318 timber programs at the Forest Service and the Bureau of Land Management. Similar language was included in section 706 of the House bill and Section 2001 of the Senate bill.

CHAPTER VI

DEPARTMENTS OF LABOR HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

The conference agreement on Chapter VI includes a total of 45 program terminations in the Departments of Labor, Health and Human Services and Education. The following programs are terminated in fiscal year 1995:

Youth Fair Chance
Veterans Homeless Job Training
Rural Concentrated Employment Program
JTPA Capacity Building
National Commission for Employment Policy
National Center for the Workplace
Trauma Care Planning
Pacific Basin Initiative
Health Care Reform Data Analysis
New Rural Health Grants
Rural Housing
Farmworker Assistance
Demonstration Partnerships, CSBG
Crime Bill, Community Schools
Goals 2000, National Programs
School-to-Work, National Programs
Education for the Disadvantaged, Evaluations—Title I
Education Infrastructure
Dropout Demonstrations
Training in Early Childhood Education & Violence Counseling
Family & Community Endeavor Schools—Crime Bill
Vocational Education, Community-Based Organizations
Consumer and Homemaking Education
Vocational Education, Demonstrations
State Literacy Resource Centers
Literacy Training for Homeless Adults
State Postsecondary Review Entities
Native Hawaiian & Alaska Native Culture Arts
Student Financial Aid Database
National Academy of Science, Space & Technology
Douglas Teacher Scholarships
Olympic Scholarships
Teacher Corps
Harris Fellowships
Faculty Development Fellowships
College Housing Loans

The following programs are being phased out and will be terminated upon completion of current awards:

Pacific Basin Medical Officer Training
Law-related Education
Law School Clinical Experience
Eisenhower Leadership Program
National Science Scholarships
Javits Fellowships

The following programs are being terminated as categorical programs but funded under other line items in fiscal year 1995:

American Samoan Job Training
Microenterprise Grants
State Offices of Rural Health

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Rescinds $1,399,115,000, instead of $2,284,132,000 as proposed by the House and $1,308,700,000 as proposed by the Senate and inserts language proposed by the Senate with respect to the transfer of funds between different parts of the Job Training Partnership Act. The conference agreement includes the following rescissions:

[In thousands of dollars]

	FY 1995 appropriation	House bill	Senate bill	Conference agreement
Adult job training	1,054,813	−33,000	−33,000	−98,000
Youth job training	398,682	−110,000	−272,010	−272,010
Summer youth employment (1995)	867,070	−867,070	.....	.....
Summer youth employment (1996)	871,540	−871,540	−871,540	−871,540
Displaced worker program	1,296,000	−99,300	−35,600	−67,450
School-to-work	125,000	−12,500	−2,500	−12,500
Job corps construction	142,029	−10,000	−46,404	−10,000
Youth Fair Chance	24,785	−24,785	−24,785	−24,785
Native Americans job training	64,080	−6,408	.....	−4,293
Migrants and seasonal farmworkers job training	85,710	−8,571	.....	−5,743
JTPA pilots and demonstrations	35,522	−10,500	−6,236	−2,336
JTPA research and demonstration	12,196	−3,000	−3,000	−3,000
Veterans homeless job training	5,011	−5,011	.....	−5,011
Rural concentrated employment programs	3,861	−3,861	−3,861	−3,861
American Samoans	5,000	−5,000	.....	−5,000
Microenterprise grants	2,250	−2,250	.....	−2,250
JTPA capacity building	6,000	−6,000	−6,000	−6,000
National Commission for Employment Policy	2,223	−2,223	−750	−2,223
National Occupational Information Coordinating Committee	6,000	−500	−421	−500
National Center for the Workplace	1,113	−1,113	−1,113	−1,113
National Skill Standards Board	6,000	−1,500	−1,500	−1,500

The conferees encourage the Labor Department to consider closing Job Corps centers with persistently poor performance to offset increased costs necessary in subsequent years to complete opening of new centers.

The conferees note that $184,788,000 of the 1995 summer youth funds were provided as an add-on in the fiscal 1995 bill, over the amount originally provided in fiscal year 1994. These supplemental funds are available July 1, 1995. Given the uncertainty over fiscal year 1996 appropriations due to extremely tight budget constraints, the Labor Department should not discourage project sponsors from reserving these funds for the 1996 summer program.

The conference agreement for JTPA pilots and demonstrations includes $1,400,000 for the Microenterprise Grants program and $2,500,000 for the American Samoan employment and training program. For microenterprise grants, the agreement is sufficient to fund continuation costs. For the American Samoan program, priority should be given to continuing activities of a State agency with a proven track record involving American Samoan job training.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Rescinds $14,440,000 as proposed in both the House and Senate bills.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Rescinds $20,000,000 for one-stop career centers as proposed by the Senate, instead of $12,000,000 as proposed by the House, and reduces the limitation on trust funds by $67,700,000 as proposed by the Senate instead of $47,700,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Deletes rescission of $2,487,000 proposed by the House. The Senate included no rescission for this account.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Deletes rescission of $19,572,000 proposed by the House. The Senate included no rescission for this account. The conference agreement includes bill language in section 602 under General Provisions related to the proposed ergonomics standards.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Rescinds $700,000 instead of $1,100,000 as proposed by the Senate. The House included no rescission for this account.

GENERAL PROVISION

Inserts a general provision (section 602) that prohibits the Occupational Safety and Health Administration from promulgating or issuing any proposed or final standard or guideline with respect to ergonomic protection but permits the agency to conduct any peer-reviewed risk assessment activity regarding ergonomics.

Deletes a Department of Labor general provision proposed by the Senate that would have rescinded $8,975,000 throughout the Department for compliance assistance and enforcement activities. The House included no similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes a rescission of $41,350,000 in 1995 funding for health resources and services instead of $53,925,000 as proposed by the House and $42,071,000 as proposed by the Senate. The agreement allocates this rescission as shown on the following table:

[In thousands of dollars]

Program	FY 1995 appropriations	President's request	House bill	Senate bill	Conference agreement
Nat'l. Health Service Corps	125,148		−12,500		−4,938
State offices of rural health	3,875		−3,875		−3,875
Native Hawaiian health care	4,524		−3,300	−188	−188
Pacific Basin initiative	2,861	−15	−1,000	−393	−1,361
Organ transplantation	2,629			−1,250	
Health care facilities	15,000	−2,000	−15,000	−4,000	−5,000
Healthy Start	110,000		−10,000	−2,500	−5,000
Rural health outreach grants	27,029			−1,875	−938
Trauma care	4,793		−4,500	−4,500	−4,500
Rural research	13,176		−3,750	−3,750	−3,750
Health professions		−27,132		−23,615	−11,800
Area health education centers	24,625	−3,926		−1,000	−500
Health education training centers	3,709	−396		−396	−200
Geriatric education centers and training	9,092	−2,288		−2,288	−819
Rural health interdisc. training	3,981	−101		−101	−101
General dentistry	3,730	−1,877		−1,177	−200
Allied health	3,935	−1,683		−1,500	−355
Centers of excellence	23,481	−441		−707	−441
Exceptional fin. need scholarships	11,113	−778		−852	−571
Financial asst. for disadv. HP students	6,185	−492		−433	−290
Health careers opportunity program	26,668	−1,967		−1,967	−1,318
Faculty loan repayments	1,043	−132		−132	−88
Loans for disadv. students	8,472	−623		−679	−455
Scholarships for disadv. students	18,262	−1,323		−1,323	−886
Family medicine	47,194	−2,700		−2,700	−1,137
General internal med. and pediatrics	16,695	−192		−192	−192
Physician assistants	6,554	−1,210		−1,210	−590
Public health and preventive medicine	7,746	−469		−469	−200
Health administration	986	−8		−8	−8
Nursing special projects	10,401	−922		−922	−553
Nurse practitioners/midwives	16,943	−1,339		−1,339	−803
Advanced nurse educ.	12,253	−1,018		−1,018	−611
Nurse anesthetists	2,724	−250		−250	−150
Professional nurse traineeships	15,473	−1,072		−1,072	−643
Nursing disadv. assistance	3,693	−130		−130	−87
HP data systems	637	−89		−637	−89
Research on certain HP issues	1,113	−155		−1,113	−513
Podiatric medicine	615	−615			
Chiropractic grants	936	−936			

The conferees intend that the agency may use $3,000,000 of funds appropriated for the National Health Service Corps for State offices of rural health. The conferees intend that $3,000,000 of the funds rescinded come from field placements rather than recruitment activities.

The conferees intend that $300,000 of the Native Hawaiian health care funding shall be made available for the administrative grant and that of the funds remaining, priority shall be given to the health systems network and scholarship program in that order.

The conferees are agreed that the $1,500,000 in remaining funding for the Pacific Basin initiative is to be used only for the continuation costs of students currently receiving assistance in the medical officer training program. Upon completion of the training of the current cohort of students, the training program will be terminated. The conferees are agreed that the portion of the program which supports projects to build capacity and improve health services and systems is terminated.

The conferees encourage the agency to use the remaining funds in the rural health outreach program consistent with the priorities indicated in the 1995 appropriations bill reports.

The conferees intend that rural telemedicine initiatives continue to be given high priority in the rural research program.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes a rescission of $2,300,000 in 1995 funding for the Centers for Disease Control and Prevention instead of $8,883,000 as proposed by the House and $1,300,000 as proposed by the Senate. The agreement allocates this rescission as shown on the following table:

[In thousands of dollars]

Program	FY 1995 appropriations	President's request	House bill	Senate bill	Conference agreement
Infectious diseases	54,500		−2,800		
Injury control	45,000	1,300	−1,300	−1,300	−1,300
NIOSH	133,337		−4,783		−1,000

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes a rescission of $10,000,000 in 1995 funding for extramural facility construction and renovation instead of $20,000,000 as proposed by the House. The Senate bill contained no similar provision. The conferees intend that $2,500,000 of the remaining $10,000,000 in funding be allocated to qualified regional primate centers as originally indicated in the 1995 appropriations bill conference report.

BUILDINGS AND FACILITIES

The conference agreement includes a rescission of $60,000,000 in fiscal year 1995 and prior year funds for intramural research construction projects that are no longer anticipated to be built. The House proposed a $50,000,000 rescission and the Senate proposed a $79,289,000 rescission.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Rescinds $1,400,000 as proposed by the House, instead of $2,320,000 as proposed by the Senate, thereby terminating all remaining unobligated funding for Health Care Reform Data Analysis. Funding for Streamlining activities was obligated prior to the meeting of the conferees, and no rescission is included for this program.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement includes a rescission of $3,132,000 as proposed by both the House and the Senate.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement includes a rescission of $19,700,000 in 1995 trust funds instead of $28,200,000 as proposed by the House and $15,700,000 as proposed by the Senate. The agreement allocates this rescission as shown on the following table:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Research	56,146		−11,000	−11,000	−11,000
Insurance counseling	10,036		−5,500		−5,500
Rural hospital transition grants	17,584	−17,000	−8,500		
Essential access community hospitals	3,500	−3,000	−1,500	−3,000	−1,500
New rural health grants	1,737		−1,700	−1,700	−1,700

The conferees intend that rural telemedicine initiatives continue to be given high priority consistent with the 1995 appropriations reports.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Deletes language proposed by the Senate that would have rescinded $67,000,000 from this account. The House included no rescission for this account.

LIMITATION ON ADMINISTRATIVE EXPENSES

Deletes language proposed by the Senate that would have rescinded $88,283,000 from this account. The House included no rescission for this account. The conferees agree to defer without prejudice the Senate recommended reduction of automation investment funds, with the intent that this matter be addressed during consideration of the regular fiscal year 1996 Labor, Health & Human Services and Education appropriations bill.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

Inserts a provision proposed by the Senate to rescind $330,000,000, the amount by which the 1995 appropriation for this account is estimated to exceed allowable State claims, and inserts language to amend Section 403 of the Social Security Act to reduce State entitlements in those cases where funds will not be utilized. The House included no similar provision for this account.

LOW INCOME HOME ENERGY ASSISTANCE

Rescinds $319,204,000, instead of $1,319,204,000 as proposed by the House. The Senate included no rescission for this account. The conference agreement includes a provision extending the availability of $300,000,000 of previously-appropriated emergency contingency funding, subject to submission to Congress of a formal budget request by the President 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. The conferees intend that States give priority to using LIHEAP funds for heating assistance rather than cooling assistance.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

Rescinds $2,000,000, instead of $6,000,000 as proposed by the Senate, from amounts appropriated for language and civics instruction. The House included no rescission for this account.

COMMUNITY SERVICES BLOCK GRANT

Rescinds $15,287,000, instead of $26,988,000 as proposed by the House and $12,888,000 as proposed by the Senate. The conference agreement includes the following rescissions:

[In thousands of dollars]

	FY 1995 appropriation	House bill	Senate bill	Conference agreement
Training and technical assistance	3,915	.....	−1,900	−1,900
Rual housing	2,927	−2,927	−2,927	−2,927
Farmworker assistance	3,084	−3,084	−3,084	−3,084
Demonstration partnerships	7,977	−7,977	−4,977	−7,376

CHILD CARE AND DEVELOPMENT BLOCK GRANT

Rescinds $8,400,000 for the Child Care and Development Block Grant. Neither the House nor the Senate bills included a rescission for this account.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Rescinds $25,900,000 from the Violent Crime Reduction Trust Fund as proposed by the House. The Senate included no rescission for this account.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Deletes language proposed by the House that would have limited payments in 1995 for State administration for foster care under the Social Security Act to not more than 110 percent of the 1994 allocation for each State. The Senate included no similar provision.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Rescinds $899,000 as proposed in both the House and Senate bills.

OFFICE OF THE SECRETARY

POLICY RESEARCH

Rescinds $4,018,000 as proposed by the Senate. The House included no rescission for this account.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

Rescinds $104,030,000, instead of $186,030,000 as proposed by the House and $10,100,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands or dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Goals 2000:					
State grants	371,870	.....	−142,000	−6,300	−70,000
National programs	21,530	.....	−21,530	−1,300	−21,530
Parental assistance	10,000	.....	−10,000	.....	.....
School-to-Work:					
State grants	115,625	.....	−3,125	−1,771	−3,125
National programs	9,375	.....	−9,375	−729	−9,375

EDUCATION FOR THE DISADVANTAGED

Rescinds $4,606,000, instead of $148,570,000 as proposed by the House and $7,900,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands or dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Grants to LEA's	6,698,356	.....	−140,300	.....	.....
Evaluations	8,270	.....	−8,270	−5,900	−4,606
Even Start	102,024	.....	.....	−2,000	.....

IMPACT AID

Deletes language included in the House bill that would have rescinded $16,293,000. The Senate included no similar provision.

SCHOOL IMPROVEMENT PROGRAMS

Rescinds $402,940,000 instead of $747,021,000 as proposed by the House and $122,417,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands or dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Eisenhower professional development grants	320,298	.....	−100,000	−69,000	−69,000
Safe and drug free schools	481,962	.....	−471,952	.....	−235,981
Education infrastructure [1]	35,000	−65,000	−100,000	.....	−35,000
Arts in education	12,000	.....	.....	−1,500	−1,500
Law-related education	5,899	−5,899	−5,899	−1,630	−1,399
Training and advisory services	21,412	.....	.....	−7,412	.....
Dropout demonstrations	28,000	−28,000	−28,000	−2,000	−16,000
Ellender fellowships	4,185	−4,185	−4,185	.....	−1,185
Education of native Hawaiians	12,000	.....	−12,000	−1,000	−3,000
Training in early childhood education and violence counseling	13,875	.....	−13,875	−13,875	−13,875
Comprehensive regional assistance centers	44,541	.....	.....	−14,900	−14,900

[In thousands or dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Family and community endeavor schools	11,100		−11,100	−11,100	−11,100

[1] P.L. 103–333 originally funded this program at $100,000,000. P.L. 104–6 rescinded $65,000,000 from this program, reducing the FY '95 funding level to $35,000,000.

For the Arts in Education program, the remaining funds will provide $4,996,000 for the Very Special Arts Program and $4,004,000 for the John F. Kennedy Center for the Performing Arts.

BILINGUAL AND IMMIGRANT EDUCATION

Rescinds $38,500,000 as proposed by the House instead of $34,580,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Bilingual education	155,960		−38,500	−32,380	−38,500
Immigrant eduction	50,000			−2,200	

The conference agreement does not require termination of continuation grants. Instead, consistent with departmental regulations, the reduction would be taken entirely from the amount available for new awards.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Deletes the House proposal to rescind $799,000. The Senate included no rescission for this account.

GALLAUDET UNIVERSITY

Deletes the House proposal to rescind $1,298,000. The Senate included no rescission for this account.

VOCATIONAL AND ADULT EDUCATION

Rescinds $90,607,000, instead of $119,544,000 as proposed by the House and $54,566,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Community Based Organizations	9,479	−9,479	−9,479	−9,479	−9,479
Consumer and Homemaking Education	34,409	−34,409	−34,409	−34,409	−34,409
National Programs:					
Research	7,851		−7,851	−1,851	−1,000
Demonstrations	20,684		−20,684		−20,684
National Occupational Info. Coord. Committee	6,000		−6,000	−1,040	−1,750
State Literacy Resource Centers	7,787		−7,787	−7,787	−7,787
Workplace Literacy Partnerships	18,736		−18,736		−6,000
Literacy Train. for Homeless Adults	9,498		−9,498		−9,498
Literacy Program for Prisoners	5,100		−5,100		

STUDENT FINANCIAL ASSISTANCE

Rescinds $85,000,000, instead of $187,475,000 as proposed by the House and $10,000,000 as proposed by the Senate. The conference agreement includes the following rescissions:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Pell grants	6,680,243	0	−104,100	0	−65,000
State student incentive					
Grants	63,375	0	−63,375	0	0
State postsecondary					
Review entities	20,000	0	−20,000	−10,000	−20,000

A previous rescission of $35,000,000 from the fiscal year 1994 Pell Grant appropriation was enacted in Public Law 104–6.

HIGHER EDUCATION

Rescinds $54,672,000, instead of $102,246,000 as proposed by the House and $42,159,000 as proposed by the Senate. The conference agreement includes the following rescissions:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Native Hawaiian and Alaska Native	1,000	0	−1,000	0	−500
Culture Arts					
Eisenhower Leadership Program	4,000	−4,000	−4,000	−2,900	−2,920
Law School Clinical Experience	14,920	−14,920	−14,920	−2,888	−1,698
Urban Community Service Grants	13,000	0	−13,000	−500	−3,000
Student Financial Aid Database	496	0	−496	−496	−496
TRIO Program	463,000	0	−11,200	0	−11,200
National Early Intervention					
Scholarships and Partnerships	3,108	−3,108	−3,108	−600	0
Byrd Honors Scholarships	29,117	0	−9,823	−2,000	0
National Science Scholarships	4,424	0	−4,424	0	−1,121
National Academy of Science, Space and Technology	2,000	−2,000	−2,000	−2,000	−2,000
Douglas Teacher Scholarships	14,599	0	−14,300	−14,300	−14,300
Olympic Scholarships	1,000	−1,000	−1,000	−1,000	−1,000
Teacher Corps	1,875	−1,875	−1,875	−1,875	−1,875
Harris Fellowships	20,244	0	−10,100	−10,100	−10,100
Javits Fellowships	7,787	0	−7,500	0	−942
Faculty Development Fellowships	3,732	0	−3,500	−3,500	−3,520

The conference agreement includes a provision permitting all remaining funding for the Native Hawaiian Alaska Native Culture and Arts Development program to be awarded to a project in Alaska. The rescission for the Byrd Honors Scholarship program is less than proposed by the House and Senate bills because funds were obligated prior to the meeting of the conference. The rescission for the Law School Clinical program is less than provided in either the House or Senate bill due to new Departmental estimates which indicate the cost of non-competing continuations is greater than previously reported to

the subcommittees. The conference agreement contains language proposed in the House bill prohibiting the expenditure of funds for doctoral degree study under the Harris program. The rescission for Faculty Development Scholarships is greater than provided in either the House of Senate bill due to revised Departmental estimates of unobligated balances in the program.

HOWARD UNIVERSITY

Rescinds $1,800,000 from the regular academic program as proposed by both the House and Senate. The conference agreement does not include a rescission for Howard University Construction. The House proposed a rescission of $2,500,000 for construction, and the Senate proposed a rescission of $1,500,000 for the same program.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Inserts a provision as proposed by the House and Senate to repeal the authority to subsidize gross loans obligations. Rescinds $168,000 as proposed by the House and Senate, from amounts made available for direct loans. Rescinds $264,000, instead of $322,000 as proposed by the House and Senate, for administrative expenses. The conference agreement reduced rescissions for administration because the balance of 1995 funding was obligated prior to the meeting of the conference.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

Rescinds $30,925,000, instead of $55,250,000 as proposed by the House and $15,200,000 as proposed by the Senate. The Conference Agreement includes the following rescissions:

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
International Education Exchange	3,000		−3,000	−600	
Javits Gifted and Talended	9,521		−4,600	−4,600	−4,600
Education Telecom, Demos for Math	2,250		−2,250		−1,125
Star Schools	30,000		−30,000	−5,000	−5,000
Fund for the Improvement of Education	36,750		+20,000		
National Diffusion Network	14,480		2,700		−2,700
Ready to Learn TV	7,000		−2,700		
Technology in Education	40,000		−30,000	−5,000	−17,500

The conferees direct the Secretary to use $8,000 reserved in the bill for the Star Schools program to make new awards to the two highest rated applicants on the slate for the 1994 competition in this authority for statewide fiber optic projects that did not receive funding.

LIBRARIES

Deletes language included in the House bill that would have rescinded $26,716,000 and in the Senate bill that would have rescinded $2,916,000.

[In thousands of dollars]

Program	FY 1995 appropriation	President's request	House bill	Senate bill	Conference agreement
Public Library Construction	17,792		−15,300		
Library Education and Training	4,916	−4,916	−4,916	−2,916	
Research and Demonstration	6,500		−6,500		

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

Deletes language proposed by the Senate that would have rescinded $4,424,000. The House bill included no similar provision.

GENERAL PROVISION

FEDERAL DIRECT STUDENT LOAN PROGRAM

Inserts a provision to rescind $61,000,000, instead of $47,000,000 as proposed by the House and $95,000,000 as proposed by the Senate, from funds available under section 458(a) of the Higher Education Act for the administration of the William D. Ford Direct Loan Program. The conferees agree that this reduction should not adversely affect the Federal Family Education Loan Program and therefore direct the Department to continue to pay administrative cost allowances to all guaranty agencies consistent with its formally-stated policy for fiscal year 1995. The conferees direct the Department to notify the House and Senate Appropriations Subcommittees on Labor, Health & Human Services, and Education prior to exercising borrowing authority authorized by Section 458(a) of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

Rescinds $37,000,000, instead of $47,000,000 as proposed by the House and $26,360,000 as proposed by the Senate, from funds available to the Corporation for Public Broadcasting in fiscal year 1996. The conference agreement rescinds $55,000,000, instead of $94,000,000 as proposed by the House and $29,360,000 as proposed by the Senate, from funds available to the Corporation for Public Broadcasting in fiscal year 1997. The conferees direct, to the maximum extent possible, that taxpayer funds made available to the Corporation for Public Broadcasting shall be used to fund public radio and television stations which serve rural, underserved and unserved areas.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

Rescinds $7,000,000 as proposed by the Senate, instead of $5,000,000 as proposed by the House.

STRIKER REPLACEMENTS

Deletes a general provision proposed by the House that would have prohibited the use of any funds in any appropriations act for fiscal year 1995 to issue, administer or enforce any executive order, or other rule or order, that prohibits Federal contracts with companies that hire permanent replacements for striking employees. The Senate included no similar provision.

Chapter VII.—Legislative Branch

HOUSE OF REPRESENTATIVES PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement appropriate $133,600 for payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, as proposed by the House and Senate.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

The conference agreement rescinds $460,000 of funds provided for salaries and expenses of the Joint Economic Committee, as proposed by the House and Senate.

JOINT COMMITTEE ON PRINTING

The conference agreement rescinds $238,137 of funds provided for salaries and expenses of the Joint Committee on Printing, as proposed by the Senate, instead of $418,000 and a provision which transferred the remaining balances, as proposed by the House.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

The conference agreement rescinds $650,000 of funds provided for the salaries and expenses of the Office of Technology Assessment, as proposed by the House and Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

The conference agreement rescinds $187,000 of funds provided for the salaries and expenses of the Congressional Budget Office, as proposed by the House and Senate.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS—CAPITOL BUILDINGS

The Conferees agree not to rescind $2,500,000, as proposed by the House and deleted by the Senate, of Capitol buildings funds provided to the Architect of the Capitol for converting and maintaining property and facilities at Fort Meade, MD. for long term storage requirements of the Library of Congress and other legislative branch entities. The conferees agree with the language in the Senate report which directs the Architect of the Capitol and Library of Congress to obtain approval from the House and Senate Committees on Appropriations before proceeding with the obligation of funds. The conferees believe that the remote book storage and retrieval design must be cost effective and applicable to the stated purposes of the need for off-site book storage.

SENATE OFFICE BUILDINGS

The conference agreement rescinds $850,000 of funds provided for Senate office buildings, as proposed by the Senate.

CAPITOL POWER PLANT

The conference agreement rescinds $1,650,000 of funds provided for the Capitol power plant, as proposed by the Senate.

ADMINISTRATIVE PROVISION

The conferees have included an administrative provision which makes technical corrections to legislation which established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol, and adds the chairmen and ranking minority members of the House and Senate Committees on Appropriations.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

The conference agreement rescinds $5,000,000 of funds provided for Congressional printing and binding, as proposed by the Senate, instead of $3,000,000, as proposed by the House.

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS SALARIES AND EXPENSES

The conference agreement rescinds $600,000 of funds provided for salaries and expenses of the Superintendent of Documents, as proposed by the House and Senate.

BOTANIC GARDEN

SALARIES AND EXPENSES

The conference agreement rescinds $4,000,000 of funds provided for salaries and expenses of the Botanic Garden, as proposed by the House, instead of $7,000,000, as proposed by the Senate. The Conference agreement also transfers $3,000,000 of Botanic Garden no-year funds to Capitol complex security enhancement within the account ''Architect of the Capitol, Capitol Buildings and Grounds'', as proposed by the House. These funds may not be expended unless approved by the House and Senate Committees on Appropriations.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

The conference agreement rescinds $150,000 of funds provided for salaries and expenses of the Library of Congress, as proposed by the House and Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED SALARIES AND EXPENSES

The conference agreement rescinds $100,000 of funds provided for salaries and expenses of the Books for the Blind and Physically Handicapped program, as proposed by the House and Senate. These funds are available due to savings in equipment requirements.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

The conference agreement rescinds $2,617,000 of funds provided for salaries and expenses of the General Accounting Office, instead of $8,867,000 as proposed by the House and Senate. The conferees have also inserted a provision which authorizes a separation incentive to GAO employees who retire or voluntarily leave federal service before October 1, 1995. This authority has been requested by the agency to assist in carrying out staffing reductions. The conferees have been advised that the intent is to use this authority to help achieve a balance between necessary staffing realignments and the maintenance of organizational skills and capabilities.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The conference agreement deletes language proposed by the Senate, and not addressed in the House bill, which contained rescissions totalling $230,834,000. This matter was addressed in the Conference Report accompanying H.R. 889.

CHAPTER VII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Transportation Planning, Research, and Development

The conference agreement deletes the House provision to rescind $1,293,000 from transportation planning, research, and development. The Senate bill contained no similar rescission.

Working Capital Fund

The conference agreement lowers the fiscal year 1995 obligation limitation for the working capital fund by $6,000,000 and includes a general provision (Sec. 801) rescinding those funds, instead of lowering the obligation limitation by $8,000,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Payments to Air Carriers

(Airport and Airway Trust Fund)

The conference agreement rescinds $5,300,000 in contract authority for payments to air carriers, as proposed by the Senate. The House bill contained no similar rescission. This rescission will have no effect on current air service contracts. The conference agreement also includes a provision proposed by the Senate that prohibits the Secretary of the Department of Transportation from entering into any contracts that extend beyond September 30, 1995, and deletes the proposed Senate provision that prohibited payments authorized under subchapter II of chapter 417, title 49, United States Code.

COAST GUARD

Operating Expenses

The conference agreement deletes the supplemental appropration of $28,197,000 for Coast Guard operating expenses proposed by the House. These funds were intended to cover the incremental costs associated with Haitian and Cuban migrant interdiction activities during 1994. Funding of $28,297,000 for these expenses was included in the Emergency Supplemental Appropriations and Rescissions Act for the Department of Defense (Public Law 104–6).

Operating Expenses

The conference agreement rescinds $4,300,000 in Coast Guard operating expenses instead of $6,440,000 as proposed by the House and $3,700,000 as proposed by the Senate. A comparison of the House and Senate proposals and the conference agreement follows:

	House bill	Senate bill	Conference agreement
General detail	−$2,000,000	−$2,000,0000	−$2,000,000
Ship spares	−1,000,000		
Ammunition/small arms	−200,000	−200,000	−200,000
Persian Gulf operations	−240,000		
Military rotations	−3,000,000	−1,500,000	−2,100,000
Total	−6,440,000	−3,700,000	−4,300,000

Military rotations.—The conferees agree with the Senate direction regarding allocation of the reduction in military rotation expenses.

Acquisition, Construction, and Improvements

The conference agreement rescinds $35,314,000 from ''Acquisition, construction, and improvements'' instead of $42,569,000 as proposed by the House and $34,298,000 as proposed by the Senate. A comparison of the House and Senate proposals and the conference agreement follows:

Year	Program	House bill	Senate bill	Conference agreement
1991	WLB service life extension program	−$2,700,000	−$1,100,000	−$1,100,000
	HH–65 LTS–101 engine replacement	−500,000		
	Cockpit voice and flight data recorders	−2,900,000		
	Station Burlington, Vermont	−361,000		−361,000
	Kodiak, Alaska fire station	−155,000		−155,000
	Marine safety information system	−1,655,000		
1992	Hurricane Andrew/Iniki supplemental	−4,400,000	−4,400,000	−4,400,000
	32 foot ports and waterways boats	−1,783,000	−1,783,000	−1,783,000
1993	Specific emitter identification system	−2,500,000	−2,500,000	−2,500,000
	Vessel traffic service system 2000	−1,000,000	−2,000,000	−1,000,000
	Systems to integrate/automate logistics	−2,500,000		−500,000
1994	San Pedro, CA medical/dental bldg	−4,000,000	−4,000,000	−4,000,000
	Vessel traffic service system 2000	−1,000,000		−1,000,000
	Aquadila, PR rinse rack/fuel farm	−6,300,000	−6,300,000	−6,300,000
	Cape May, NJ enlisted housing	−800,000	−800,000	−800,000
1995	New York, NY ANT/ET shops	−3,250,000	−3,250,000	−3,250,000
	Stalwart class conversion (T–GOS)	−3,750,000	−3,750,000	−3,750,000
	Survey and design, shore facilites	−1,415,000	−1,415,000	−1,415,000
	Polar icebreaker	−1,600,000		
	Seagoing buoy tender		−3,000,000	−3,000,000
	Total	−42,569,000	−34,298,000	−35,314,000

HH–65 LTS–101 engine replacement.—The conferees agree not to rescind funds for this project due to its impact on Coast Guard operational missions such as search and rescue. However, the conferees note that these funds were provided in fiscal year 1991 for proof of concept evaluation of possible reengining options for the HH–65 helicopter, due to severe reliability problems with the engine. That effort was later terminated when design changes improved the engine's performance. Since that time, the Coast Guard developed plans to use these funds for general purpose improvements to the existing LTS–101 engine gearbox. The conferees believe using funds for this new project constituted a significant change in the scope of a project, requiring Congressional approval through the formal reprogramming process.

Night vision goggles reprogramming.—The conferees approve the reprogramming of funds from the cockpit voice and flight data

recorders program to the night vision goggles program, as proposed by the Senate. These funds are no longer needed for the original program, and will be used instead to accelerate installation of night vision capability in Coast Guard aircraft. This capability is particularly important for search and rescue, drug interdiction, and maritime law enforcement missions.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement rescinds $2,500,000 in ''Environmental compliance and restoration'' instead of $3,500,000 as proposed by the House and $400,000 as proposed by the Senate. According to the Coast Guard, as of March 31, 1995, this appropriation had a total unobligated balance of $20,198,103. The conference agreement rescinds 12.4 percent of this amount.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement rescinds $1,000,000 in operating expenses of the Federal Aviation Administration as proposed by the Senate. The House bill contained no similar rescission. The conference agreement deletes bill language proposed by the Senate repealing the set-aside in the Department of Transportation and Related Agencies Appropriations Act, 1995 for permanent change of station moves for air traffic controllers.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement rescinds $24,850,000 from ''Facilities and equipment'' instead of $69,825,000 as proposed by the House and $31,850,000 as proposed by the Senate. An additional rescission of $35,000,000 from this appropriation was contained in the recently-enacted Emergency Supplemental Appropriations and Rescissions Act for the Department of Defense (Public Law 104–6). This rescission had been included in the House version of H.R. 1158, which accounts for most of the difference between the House and Senate bills. A comparison of the House and Senate proposals and the conference agreement follows:

Year	Program	House bill	Senate bill	Conference agreement
1991	Establish airport surveillance radar	−$2,375,000		
	Southern California TRACON	−2,000,000	−$2,000,000	−$2,000,000
1993	Tower replacement (Newburgh, NY)	−850,000	−850,000	−850,000
	Tower replacement (Islip, NY)	−1,500,000	−1,500,000	−1,500,000
	Tower (Pullman/Moscow, WA/ID)	−3,500,000	−3,500,000	−3,500,000
	Air route surveillance radar leapfrog	−4,700,000	−2,000,000	−2,000,000
	Refurbish FPS–20 radars	−1,400,000		
1994	Instrument landing systems	−7,000,000	−7,000,000	−7,000,000
	Terminal radars—DBRITE system	−2,000,000		
	Radio control equipment	−2,000,000	−2,000,000	−2,000,000
1995	AAS (engineering)	−35,000,000		
	System engineering/development spt	−5,000,000	−5,000,000	−5,000,000
	Gulf of Mexico offshore program		−2,000,000	
	Tower/TRACON facilies imp.	−2,500,000	−1,000,000	−1,000,000
N/A	Airway science grants		−5,000,000	
	Total	−69,825,000	−31,850,000	−24,850,000

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement rescinds $7,500,000 in unobligated balances from the FAA research, engineering, and development appropriation, as proposed by both the House and the Senate. The conferees agree that none of the reduction is to be allocated to human factors research or safety research.

Grants-In-Aid for Airports

(Airport and Airway Trust Fund)

The conference agreement rescinds $2,094,000,000 in unused contract authority for grants-in-aid for airports, instead of $2,000,000,000 proposed by the Senate. The House bill contained no similar rescission. The agreement includes the rescission proposed by the Senate and, in addition, the $94,000,000 proposed for rescission in a Presidential message transmitted to the Congress on May 2, 1995. The entire amount of the rescission is above the obligation limitation placed on this appropriation by the Department of Transportation and Related Agencies Appropriations Act, 1995 and is therefore not available for obligation during fiscal year 1995.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on General Operating Expenses

The fiscal year 1995 obligation limitation for general operating expenses for the Federal Highway Administration is reduced by $54,550,000, instead of $45,950,000 is proposed by the Senate and $42,500,000 as proposed by the House. The conference agreement includes the following program rescissions:

LGOE programs

	Conference agreement
Administrative expenses	−$2,000,000
Contract programs, research and development:	
Highway research and development	−8,000,000
ITS:	−40,300,000
Research and development	(−10,000,000)
Operational tests	(−17,950,000)
Commercial vehicle operations	(−1,000,000)
Automated highway system	(−1,250,000)
Advanced technology applications	(−6,100,000)
Priority corridors	(−2,000,000)
Program and system support	(−2,000,000)
Technology development	−1,000,000
Long-term pavement performance	−250,000
OJT/supportive services	−3,000,000

The conferees agree that the joint program officer should coordinate all ITS program activities and should have the flexibility to manage each of these reductions, notwithstanding where the funding may have been originally earmarked.

Federal-Aid Highways

(Limitation on Obligations)

(Highway Trust Fund)

The conference agreement includes the rescission of $132,190,000 in contract authority for the federal-aid highways program instead of $70,140,000 as proposed by the House and $123,590,000 as proposed by the Senate. The conference agreement provides for the rescission of the following programs:

	Conference agreement
Applied research and technology	−$27,640,000
Congestion pricing pilot program	−50,000,000
Limitation on general operating expenses	−54,550,000

The conferees have agreed to rescind $50,000,000 from the congestion pricing pilot program as proposed by the Senate. The House bill contained no similar rescission.

The conferees agree not to rescind $139,948,000 in contract authority for highway demonstration projects provided in Public Laws 97–424 and 100–17, as proposed by the Senate. The House bill contained no similar rescissions.

Ellis Island Bridge.—The conferees agree to make available for other parkways and park highways under the Federal Lands program the $15,000,000 set aside for the Ellis Island Bridge as proposed by the House.

Federal-Aid Highways

(Highway Trust Fund)

The conference agreement deletes the Senate provision to rescind $690,074 of contract authority from Public Law 100–17. The House bill contained no similar rescission.

Emergency Relief Program

(Highway Trust Fund)

The conferees agree to rescind $100,000,000 in emergency relief, instead of $50,000,000 as proposed by the Senate and $351,000,000 as proposed by the House.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Highway Traffic Safety Grants

(Highway Trust Fund)

The conference agreement deletes the Senate provision to rescind $20,000,000 in contract authority from the highway traffic safety grants program. The House bill contained no similar rescission.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

The conferees agree to include language permitting the Office of the Administrator to transfer recoveries received from section 511 loan guarantees. Both the House and the Senate bills included this provision.

Northeast Corridor Improvement Program

The conference agreement includes a rescission of $9,707,000 from the Northeast Corridor Improvement Program. The House and Senate bills contained identical provisions to rescind $7,768,000. The Department of Transportation identified an additional $1,939,000 of unobligated balances that are being held as a contingency for litigation in connection with station work done in the 1980s and not expected to be required in fiscal year 1995.

National Magnetic Levitation Prototype Development Program

(Highway Trust Fund)

The conference agreement rescinds $250,000,000 in contract authority for the national magnetic levitation (maglev) prototype development program as proposed by the Senate. The House bill contained no

similar rescission. The maglev funds are not available for obligation due to annual obligation limitations.

FEDERAL TRANSIT ADMINISTRATION

Transit Planning and Research

The conferees agree to rescind $7,000,000 for transit planning and research, instead of $8,800,000 as proposed by the House. The Senate bill contained no similar rescission. The conferees direct the Federal Transit Administration to reduce expenditures for unnecessary and lower priority programs, such as ''Coming and Going'', other transit education programs and the transit ambassadors program, and to limit expenditures for ''livable communities'' to no more than $350,000 in fiscal year 1995.

The conferees reiterate their support for the important, ongoing planning and research activities included in the fiscal year 1995 Department of Transportation and Related Agencies Appropriations Act and direct the Federal Transit Administration to make available immediately the following amounts:

Advanced transportation systems and electric vehicle technology	$2,500,000
Inertial navigation technology for transit vehicles	500,000
Research on large circuit breakers and switch gear	750,000
Fuel cell transit bus program	2,500,000
Team transit	500,000
Criteria and cost-benefit studies	200,000

The conferees direct the Federal Transit Administration to allocate $1,000,000 of the funds made available for the Advanced Transportation Systems and Electric Vehicle Technology Program to the Advanced Lead-Acid Battery Consortium (ALABC). This is the second and final phase of funding for the consortium and will enable the ALABC to place prototype, advanced valve-regulated lead-acid batteries in electric bus facilities for inservice testing and demonstration.

Discretionary Grants

(Limitation on Obligations)

(Highway Trust Fund)

The conference agreement includes rescissions of $33,911,500 in unobligated balances from the Federal Transit Administration's discretionary grants, instead of $67,293,000 as proposed by the Senate and $131,651,000 as proposed by the House.

The conferees have agreed not to rescind any new start or bus funds that were made available in fiscal year 1993. Public Law 102–388 provided that such discretionary transit funds shall be available for obligation through the end of fiscal year 1995. The conferees also agreed not to rescind unallocated bus and bus facilities funds made available in fiscal year 1995.

The conference agreement rescinds, without prejudice, the following amounts made available before fiscal year 1993:

Section 3 new starts:	
Fiscal year 1991:	
Cleveland Dual Hub	−$2,230,000
Fiscal year 1992:	
Cleveland Dual Hub	−1,000,000
Kansas City-South LRT	−465,000
San Diego-Mid Coast	−950,000
NJ-Hawthorne-Warwick	−17,100,000
NY Staten Island—Midtown Ferry	−375,000
San Jose-Gilroy CR	−4,000,000
Seattle-Tacoma CR	−1,620,000
Detroit LRT	−4,890,000
Total, section 3 new starts	−32,630,000
Section 3 buses and bus facilities:	
Fiscal year 1992:	
Eureka Springs, AR	−31,500
San Francisco, CA	−1,250,000
Total, section 3 buses and bus facilities	−1,281,500
Grand total, section 3	−$33,911,500

Mass Transit Capital Fund

(Liquidation of Contract Authorization)

(Highway Trust Fund)

The conference agreement includes an appropriation of $350,000,000 in liquidating cash for mass transit capital programs. The Federal Transit Administration has identified a $350,000,000 shortfall in this account due to an increased pace of obligation and outlays this year and insufficient reestimates of liquidating cash in prior years. This appropriation does not score as new discretionary budget authority under the Budget Enforcement Act of 1990.

General Provisions

The conference agreement includes language (Section 801) that rescinds $6,000,000 from the working capital fund and limits the fiscal year 1995 obligational authority to no more than $87,000,000. The Senate proposed to rescind $4,000,000 and limit obligational authority to no more than $89,000,000. The House proposed to rescind $8,000,000 and limit obligational authority to no more than $85,000,000.

The conference agreement includes language (Section 802) that rescinds $15,000,000 for fiscal year 1995 civilian and military compensation and benefits and other administrative expenses, instead of $10,000,000 as proposed by the Senate and $20,000,000 as proposed by the House. In making this reduction, the conferees agree that the Department is to reduce each modal administration (except for the Maritime Administration) by an amount equal to its pro-rata share of staffing and administrative resources. Further, the Department is to report to the House and Senate Committees on Appropriations the amounts reduced, by account, not later than fifteen days after the enactment of this Act.

The conference agreement includes a technical correction (Section 803) to the fiscal year 1994 Department of Transportation and Related Agencies Appropriations Act (Public Law 103–122) regarding the availability of transit funds.

CHAPTER IX

INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Salaries and Expenses

The conferees deny $500,000 in supplemental funding for the Advisory Commission on Intergovernmental Relations (ACIR) as proposed by the Senate. The conferees agree that the Committees may entertain an increase in funding for ACIR should a FY 1996 budget amendment be submitted.

GENERAL SERVICES ADMINISTRATION

Federal Buildings Fund

Christopher Columbus Research Center

The conferees included this provision which was in both the House and Senate passed bills. The available funds will be paid to the Christopher Columbus Research Center in Baltimore, Maryland, for space, equipment, and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

Government Payment for Annuitants, Employee Life Insurance Benefits

The conferees included this provision, which was requested by the President and which was in both the House and Senate passed bills. This will allow an additional $9,000,000 for the Government's contribution to basic life insurance premium payments for Federal retirees under 65 years of age. This is a technical adjustment in a mandatory program due to an inaccurate estimate on the part of the Administration.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Salaries and Expenses

The conferees have agreed to eliminate FTE floors on certain Treasury activities, as proposed by the House and requested by the President.

The conferees agree with the Senate position that the $100,000 rescission to the Departmental Offices appropriation may be applied at the discretion of the Secretary.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Salaries and Expenses

The conferees agree to provide $11,000,000 to the Federal Law Enforcement Training Center to partially offset the cost of FY 1996 operations. This is consistent with the President's Budget, which proposes to transfer unobligated balances with FLETC construction to this account to offset FY 1996 appropriations. With this change, the conferees agree to regard the FY 1996 appropriation request to be $36,428,000, for a total program level of $47,228,000.

The conferees have agreed to allow FLETC to provide short-term medical services to students, as proposed by the House and requested by the President.

Acquisition, Construction, Improvements and Related Expenses

The conferees have agreed to terminate the construction of a permanent facility at Davis-Monthan Air Force Base and to rescind $11,000,000 to offset FLETC Salaries and Expenses in FY 1996.

FINANCIAL MANAGEMENT SERVICE

Salaries and Expenses

The conferees agree with the Senate position that the $160,000 rescission to the Financial Management Service appropriation may be applied at the discretion of the Commissioner.

BUREAU OF THE PUBLIC DEBT

Administering the Public Debt

The conferees agree to rescind $1,500,000. This rescission was included in both the House and Senate passed bills.

UNITED STATES MINT

Salaries and Expenses

The conferees included a provision which was requested by the President and included in both the House and Senate passed bills. This change will allow the Mint to use funds provided for facility improvements to be used for coin production if demand requires increased production.

INTERNAL REVENUE SERVICE

Information Systems

The conferees agree to rescind $1,490,000. This rescission was included in both the House and Senate passed bills.

The conferees have agreed with the Senate position to deny lowering the amount dedicated to Tax Systems Modernization from $650,000,000 to $640,000,000, as proposed by the House.

Administrative Provision

The conferees included a provision which was included in both the House and Senate

passed bills. This provision allows the IRS to use up to $119,000,000 in fees collected annually for operations.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

Salaries and Expenses

The conferees agree with the Senate position that the $171,000 rescission to the White House Office appropriation may be applied at the discretion of the President.

FEDERAL DRUG CONTROL PROGRAMS

Special Forfeiture Fund

The conferees agree with the Senate's technical adjustment making $13,200,000 available for Customs interdiction activities through a General Fund appropriation. The conferees direct that all of these resources be used to fund ''Operation Hardline'', the Customs initiative directed at making ports of entry along the Southern border safer and narcotics smuggling more difficult.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

Federal Buildings Fund

The conferees agree to rescind a total of $580,412,000 from the Federal Buildings Fund instead of $136,593,000 as proposed by the House and $1,894,840,000 as proposed by the Senate, as follows:

State	City	Project	Conference rescission
AZ	Phoenix	Federal Bldg.—Courthouse	$12,137,000
AZ	Lukeville	Border Station	1,219,000
AZ	San Luis	Border Station	3,496,000
AZ	Nogales	Border Patrol	2,000,000
AZ	Bullhead City	FAA—Grant	2,200,000
AZ	Sierra Vista	U.S. Magistrates Office	1,000,000
CA	Menlo Park	U.S. Geological Survey Bldg. 3	790,000
CA	San Francisco	Lease Purchase	9,701,000
DC	Washington	U.S. Secret Service	9,316,000
DC	Washington	Central & West Heating Plants	5,000,000
DC	Washington	Corps of Engineers	37,618,000
DC	Washington	GSA HQ	25,000,000
FL	Tampa	Courthouse	5,994,000
GA	Albany	Courthouse	87,000
GA	Atlanta	CDC Mercer Site	25,890,000
GA	Atlanta	CDC Mercer Bldg.	14,110,000
HI	Hilo	University of Hawaii—Grant	12,000,000
IL	Chicago	Federal Center	29,753,000
IL	Chicago	SSA District Office	2,130,000
IL	Chicago	J.C. Kluczynski FB	13,414,000
MA	Boston	Courthouse	4,076,000
MD	Mongtomery County	FDA Consolidation	228,000,000
MD	Woodlawn	SSA E. High-Low Bldg.	17,292,000
MD	Avondale	DeLaSalle Building	16,671,000
ND	Fargo	Federal Bldg.—Courthouse	1,371,000
NH	Concord	Federal Bldg.—Courthouse	3,519,000
NJ	Newark	Parking Facility	8,500,000
NM	Santa Teresa	Border Station	4,004,000
NV	Reno	Federal Bldg.—Courthouse	1,465,000
OH	Steubenville	Courthouse	2,820,000
OR	Portland	Courthouse	5,000,000
PA	Philadelphia	Veterans Administration	1,276,000
TX	El Paso	Ysleta, Border Station	1,727,000
VI	Charlotte Amalie	Courthouse Annex	2,184,000
WA	Seattle	Courthouse	10,949,000
WA	Walla Walla	Corps of Engineers Building	2,800,000
WV	Wheeling	Federal Bldg.—Courthouse	28,303,000
	CFC's		12,300,000
	Energy		15,300,000

Food and Drug Administration Consolidation

The conferees agree to rescind $228,000,000 in funds previously appropriated for the consolidation of the Food and Drug Administration (FDA), instead of no rescission as proposed by the House and $284,650,000 as proposed by the Senate. This rescission affects only the Montgomery County, Maryland phase of the FDA consolidation.

The conferees agree that this rescission should not prejudice future efforts at consolidation and restructuring in Montgomery County, Maryland. The conferees note that there is considerable congressional concern and interest in both the restructuring and the consolidation of FDA. The conferees support the concept of FDA consolidation in Montgomery County, Maryland, in accordance with Public Law 101–635, the FDA Revitalization Act of 1990, and Conference Report 102–919 to accompany the FY 1993 Treasury, Postal service, and General Government Appropriations Act, but believe that any future FDA restructuring may present opportunities for downsizing the next phase of FDA consolidation. The conferees urge FDA to work with the General Services Administration to create a more cost effective site and construction plan for this phase of consolidation in order that future consolidation may continue.

Tampa, Florida U.S. Courthouse

The conferees agree to rescind $5,994,000 from funds previously appropriated for the U.S. Courthouse in Tampa, Florida. This is the amount identified by the GSA during its Time Out and Review process.

While the conferees agree that this reduction should not affect the completion of the planned project, should additional funds be required, GSA should submit a reprogramming to the Committees on Appropriations of the House and Senate.

Operating Expenses

The conferees agree to no rescission from the Operating Expenses account as proposed by the Senate instead of $2,065,000 as proposed by the House.

The conferees are very pleased with the General Services Administration's (GSA's) rapid response to the tragic bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and commend GSA employees for their efforts in this area. Additionally, the conferees note with pleasure that, in response to a request from the Committees on Appropriations, the GSA provided the conferees with timely and extensive information on the construction and repair and alternation projects considered for rescission in both the House and Senate-passed rescission packages.

Telecommuting Center

The funds previously specified in Public Law 103–329 for the flexiplace work telecommuting center project in Southern Maryland are to be transferred to the Charles County Community College to complete the establishment of the two additional telecommuting centers in Southern Maryland. This is in recognition of the results of the interim report to the Congress on Federal Interagency telecommuting Centers which show that the Southern Maryland project, developed and operated by the Charles County Community College, resulted in the highest utilization rate and lowest cost per user of any telecommuting demonstration project, and the demonstrated efficiencies of the private sector to accomplish and expand developmental projects in the most timely and cost effective manner.

FEDERAL ELECTION COMMISSION

Salaries and Expenses

The conferees agree to rescind $1,396,000 from FEC's salaries and expenses, instead of $2,792,000 as proposed by the House. The conferees also agree to the FEC's request to carry over $20,000 of FY 1994 unobligated balances for use in FY 1995. The conferees note that, since 1992, FEC has received an increase of 37 percent in its annual appropriations and that the total FY 1995 revised appropriations for FEC in the amount of $25,730,000 represents an increase of 9 percent over the FY 1994 appropriated level. Within this amount, the conferees expect FEC to fulfill its commitment, as expressed before the House Appropriations Committee on March 1, 1995, to spend not less than $972,000 on computer modernization and electronic filing initiatives in FY 1995. The conferees further direct the FEC to complete strategic plans, including both a requirements and cost-benefit analysis, on (1) internal ADP modernization efforts and (2) electronic filing and provide these plans to the House and Senate Committees on Appropriations no later than August 1, 1995.

MERIT SYSTEMS PROTECTION BOARD

Salaries and Expenses

The conferees agree with the report language detailed in the Senate Report accompanying H.R. 1158 and reiterate the intent of that language in this statement of the managers.

Congressional oversight and the work of the General Accounting Office have raised the conferees' concern over the direction, in recent years, of the U.S. Merit Systems Protection Board. In particular the conferees believe the statutory accountability and responsibility of the MSPB Chairman must be

more adequately described to ensure the proper operation of the agency. Concern for the accountability of the MSPB Chairman to Congress necessitates the use of this vehicle to reiterate the intent of the statute.

The second sentence of the language at 5 USC 1203(a) and the first sentence of section 1204(j) shall be construed as the official named therein to include authorities of the predecessor official described at 5 USC 1104(a)(3) up to the word ''except'' in said paragraph and section 1104(a), paragraph (4) in its entirety prior to amendment by P.L. 94–454, Title II, sec. 201(a), October 13, 1978, 92 Stat. 1120. It is the intent of the conferees that this interpretation shall be used to expand only, and not derogate from, the authorities and responsibilities of the official named at 5 USC 1203(a) set forth in existing law.

OFFICE OF PERSONNEL MANAGEMENT

Salaries and Expenses

The conferees agree to rescind $3,140,000. This rescission was included in both the House and Senate passed bills. This rescission is from amounts appropriated in FY 1995 for OPM training and from its Office of International Affairs.

GENERAL PROVISIONS

Section 901. The conferees agree to changes affecting availability pay for criminal investigators in certain Offices of Inspectors General as proposed by the Senate. This was originally identified in the Senate bill as Section 2002.

Section 902. The conferees agree to extend Law Enforcement Availability Pay to Customs pilots. This was originally identified in the Senate bill as section 2005.

Section 903. The conferees have included a new general provision allowing agencies to exceed estimates of travel expenses in the event of emergency requirements.

The conferees agree to delete Section 2003 and Section 2004 of the Senate bill.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

Disaster Relief

The conferees propose a supplemental appropriation for fiscal year 1995 of $3,350,000,000, a decrease of $2,010,000,000 below the House level and an increase of $1,450,000,000 above the Senate level. In his February 6, 1995 messages, the President requested $6,700,000,000 for disaster relief activities. When these additional 1995 funds are added to those funds provided in the Disaster Relief Contingency Fund, which becomes available for obligation on October 1, 1995, the conferees have met the President's request.

The conferees agree that the additional funds made available in fiscal year 1995 are more than sufficient to meet ongoing and anticipated disaster relief requirements well into fiscal year 1996, including the most recent disaster operations resulting from extraordinary rains and hail during May 1995 in Louisiana, as well as numerous other declared disasters in some 40 states.

While the conferees remain committed to adequately fund necessary disaster assistance, the mounting cost and number of declared disasters remains a difficult question which must be addressed. The conferees are further concerned that FEMA disaster assistance policies need to be applied fairly and consistently to all regions hit by disasters. Specific questions have been raised regarding FEMA policies for those disasters occurring as a result of or directly attributable to a previously identified preexisting condition. The conferees thus direct FEMA to report to Congress within 90 days of passage of this Act on, 1) its current policies in this regard; 2) how these policies were applied in making eligibility determinations in Lead, South Dakota and Ventura, California; and 3) its recommendations for appropriate policy changes in this area.

Disaster Relief Emergency Contingency Fund

The conferees propose a supplemental appropriation of $3,350,000,000 for a disaster relief emergency contingency fund, an increase of $3,350,000,000 above the level proposed by the House and a decrease of $1,450,000,000 below the level proposed by the Senate. This contingency fund will be available beginning October 1, 1995, and is provided once the President has made a specific request for a specific amount, and designates such amount as an emergency requirement pursuant to law. The conferees believe such a contingency fund will make it possible to continue mandated disaster relief requirements, such as ongoing obligations associated with the 1994 Northridge earthquake, while at the same time ensuring adequate Congressional oversight of these funds.

National Flood Insurance Fund

The conferees have proposed a transfer of $331,000 for administrative costs from the flood insurance fund to the ''Salaries and Expenses'' appropriation, and a transfer of $5,000,000 from the flood insurance fund to the ''Emergency Management Planning and Assistance'' appropriation. The House had included no such transfers in its bill while the Senate had proposed both items as requested in the President's February 6, 1995 messages. The conferees agree that these funds are needed to enable the Agency to initiate flood mitigation activities authorized by the National Flood Insurance Reform Act of 1994.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

BANK ENTERPRISE ACT

Provides $36,000,000 for eligible activities authorized under the Bank Enterprise Act (BEA) of 1991. The Senate's proposed rescission of $88,000,000 from the Community Development Financial Institutions Fund Account would have left approximately $36,000,000 to implement this new agency. Instead of creating a new agency such as CDFI, the conferees agree to accomplish the same goal of promoting community-based financial institutions through the incentive program authorized under the BEA. Under the original fiscal year 1995 appropriation of $125,000,000, approximately one-third would have been available for this same incentive program. The Chairman of the FDIC is granted authority to operate this activity as authorized by the BEA.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

Medical Care

Inserts language rescinding $50,000,000 of fiscal year 1995 medical care funds and exempting such funds from any restrictions on personnel compensation and benefits expenditures, instead of language rescinding $50,000,000 from medical care, reducing the funds earmarked for the equipment and land and structures object classifications by $20,000,000, and decreasing the funds restricted for personnel compensation and benefits by $30,000,000 as proposed by the Senate. The rescission is consistent with the Department's latest estimate of savings in fiscal year 1995 salary costs. The VA's fiscal year 1996 budget justifications estimated that $30,000,000 of the fiscal year 1995 appropriation restricted to salary costs would not be utilized for such purposes. The VA now estimates that $50,000,000 will be saved. The conferees have agreed to language that exempts all fiscal year 1995 medical care funds from personnel compensation and benefits restrictions in the event that salary savings are more than $50,000,000.

DEPARTMENTAL ADMINISTRATION

Construction, Major Projects

Rescinds $31,000,000 of major construction funds, instead of $50,000,000 as proposed by the Senate. The conferees agree that the rescission is to be taken from excess funds in the working reserve, and have reduced the amount proposed by the Senate based on the VA's latest estimate of available savings.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

Rescinds $50,000,000 as proposed by the House and Senate.

Annual Contributions for Assisted Housing

Rescinds $5,031,400,000 from annual contributions for assisted housing, instead of $5,733,400,000 as proposed by the House and $3,721,289,000 as proposed by the Senate, including:

$700,600,000 from the development or acquisition cost of public housing from fiscal year 1995 and prior year unobligated balances, including $80,000,000 from public housing for Indian families;

$1,956,000,000 from rental assistance under the Section 8 existing housing certificate program and the housing voucher program, of which, $100,000,000 shall be from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327. The remaining funding level will allow $300,000,000 for the Secretary's Economic Development Initiative, and in addition, public housing relocation and replacement needs, litigation settlements or court orders, amendments to continue assistance for participating families, and the implementation of ''mixed population'' plans for developments housing primarily elderly residents;

$815,000,000 from the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, including $100,000,000 to eliminate funding for the Choice in Management initiative, as proposed by the Administration. If there are situations where housing authorities already have placed funds under contract which are now to be rescinded, the Department may use its authority under the current modernization statute (section 14(k)(1)) to provide funding for emergencies which must be repaid from future modernization allocations;

$22,000,000 from unobligated balances of special purpose grants;

$148,300,000 from funds earmarked for Loan Management Set-asides (LMSA);

$15,000,000 from Family Unification as proposed by the Administration;

$30,000,000 from housing opportunities for persons with AIDS (HOPWA) program, allowing program funding to match the President's FY 1995 request of $156,000,000;

$34,200,000 from amounts reserved for lease adjustments as proposed by the Administration;

$39,000,000 from recaptures as proposed by the Administration;

$70,000,000 from Section 8 counseling;

$50,000,000 from amounts set-aside for service coordinators, including Sections 674/675/676 and FSS funding;

$66,000,000 earmarked for Family Investment Centers;

$85,300,000 from the lead-based paint abatement program. The Administration proposed rescinding $80,000,000 from such funds; and

$1,000,000,000 from unspecified balances for incremental units, including unreserved and unobligated program amounts totaling $3,477,600,000, remaining Section 8 rental assistance totaling over $400,000,000, and miscellaneous recaptures of previously obligated funds, such as $1,506,600,000 available from public housing development funds. The Secretary is required to provide to the appropriate appropriations subcommittees of the House and Senate a detailed operating plan within 30 days of enactment to implement this reduction.

The conferees strongly support immediate changes in the Department's program policies to focus the use of available resources on activities which will yield a more efficient and competitive inventory of Federally subsidized low-income housing. Such measures include aggressive efforts to demolish failed housing developments and to provide local housing authorities greater flexibility to facilitate improvements in public housing. The conference agreement also focuses rescissions on funding activities such as new incremental units which, if obligated, would exacerbate budgetary shortfalls over the next several years.

The conference agreement provides a deferral of $405,900,000 of preservation funds until September 30, 1995 to allow authorizing committees ample time to reformulate this program. The House proposed rescinding $465,100,000 from the program activity while the President's budget request had proposed rescinding $150,000,000.

The conference agreement deletes a provision in the Senate-passed language which would have mandated continued processing of certain applications which met specific statutory deadlines. The conferees agree that the Department should have greater discretion in continuing such processing. It is the expectation of the conferees, however, that processing should not be suspended in cases where such an action would jeopardize on-going efforts to preserve these affordable housing units, particularly in cases where purchases by non-profits or by resident organizations are being developed.

Assistance for the Renewal of Expiring Section and Subsidy Contracts

Rescinds $1,177,000,000 of rental assistance for the renewal of expiring Section 8 subsidy contracts. The Senate had proposed the rescission of $1,050,000,000 from the Annual Contributions for Assisted Housing account and directed the Secretary to use excess Section 8 reserves of public housing authorities to make up this shortfall. The House proposed no rescission. In order to renew all expiring Section 8 subsidy contracts in fiscal year 1995, the conferees agree to shorten approximately one-half of fiscal year 1995 renewal contracts to two-year terms instead of three. In addition, the Secretary is directed to use an estimated $427,000,000 of Section 8 excess project reserves to fund remaining Section 8 contract renewal needs.

Payments for Operation of Low-Income Housing Projects

Rescinds no funding from this account as proposed by the Senate. The House had proposed a rescission of $404,000,000 from the program activity to bring it down to the President's request for fiscal year 1995. The conferees acknowledge the difficulty of implementing a reduction in this account midyear, but also note that future reductions for this program activity are likely. Housing authorities, through more efficient management and implementation of uncoming reauthorization deregulation, must work diligently to prepare for possible lower funding levels in fiscal year 1996.

Severely Distressed Public Housing

Rescinds no funding from this account as proposed by the Senate. The House had proposed rescinding $523,000,000 from this account. While these funds are permitted to go forward, the conferees note that it is possible that this activity may not be funded in fiscal year 1996. Also, approximately three-fourths of the House rescission amount had been obligated by the time of conference and was unavailable for rescission.

Drug Elimination Grants for Low-Incoming House

Rescinds no funding from this account as proposed by the Senate. The House had proposed rescinding $32,000,000 from the program activity to return it to the fiscal year 1994 funding level of $265,000,000.

Youthbuild Program

Rescinds $10,000,000 from the Youthbuild program. The House had proposed rescinding $38,000,000 to return program activity to last year's funding level of $40,000,000 while the Senate had proposed no rescission.

Housing Counseling Assistance

Rescinds $38,000,000 as proposed by the House and Senate, returning this program activity to its fiscal year 1994 funding level of $12,000,000.

Flexible Subsidy Fund

Rescinds $8,000,000 as proposed by the House. The Senate had proposed no rescission for this program activity.

NEHEMIAH HOUSING OPPORTUNITIES FUND

Rescinds $10,500,000 of remaining unobligated balances from the Nehemiah Housing Opportunities Fund. The House had proposed rescinding $19,000,000 and the Senate $17,700,000 from this account.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

Defers the availability of $297,000,000 of homeless assistance grants until September 30, 1995 as proposed by the House. The Senate did not propose a similar provision. The remaining appropriation of $823,000,000 available for all of fiscal year 1995 would match the fiscal year 1994 program funding level.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Rescinds no funds from this account as proposed by the Senate. The House had proposed la rescission of $349,200,000 from this program activity.

ADMINISTRATIVE PROVISIONS

The conference agreement includes modifications proposed by the Senate to the public housing modernization program to permit greater flexibility in the use of these funds. For example in places like Dallas, Houston, and Louisville, Federal modernization funds can help pay the cost of demolition of public housing that is beyond repair. This is the case in Houston, where the costs of demolishing Allen Parkway Village can be shifted from the city to the local PHA. The conferees agree to several technical changes that clarify that modernization funds are to be used only for public housing or the public housing portion of jointly-administered housing.

Both the House- and the Senate-passed bills including provisions to eliminate one-for-one replacement requirements for public housing demolition or disposition applications approved prior to September 30, 1995. The conferees agree to the Senate language amended to exclude housing required to be replaced because of a court order or litigation settlement. The House language included this provision. The Department is urged to approve as quickly as possible qualified applications for demolition or disposition.

The conferees agree to the Senate proposal allow public housing authorities to reuse certain recaptured Section 8 rental assistance. The House bill contained no comparable provision.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Rescinds $500,000, as proposed by both the House and the Senate. This rescission terminates the Board before members have sworn the oath of office and prior to expenditure of any funds, and is consistent with the rescission and termination proposal made by the President in the February 6, 1995 messages.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

Rescinds $124,000,000 from this account as proposed by the House. The Senate has proposed a rescission of $88,000,000. In order to limit the growth of government and achieve the same goals, the conferees agree to provide $36,000,000 to the Federal Deposit Insurance Corporation to implement Bank Enterprise Act (BEA) incentives to promote community-based financial institutions.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Rescinds $210,000,000 of National and Community Service Programs Operating Expenses funds, instead of $416,110,000 as proposed by the House and $105,000,000 as proposed by the Senate. This action will permit the Corporation to maintain the fiscal year 1994 funding level of $365,000,000 in the current fiscal year. The conferees have agreed to add language to prohibit the remaining fiscal year 1995 appropriation from being used for national awards to Federal agencies. This action is taken to increase program participation by traditional private voluntary organizations such as the Girl Scouts, the American Red Cross, and the Future Farmers of America.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

The conferees propose to rescind $14,635,000 of fiscal year 1995 appropriations, the same as proposed by the House and $5,000,000 more than that proposed by the Senate. In addition to the $3,635,000 proposed in the President's February 6, 1995 messages for academic training ($1,000,000), neurotoxicity research ($700,000), health effects research ($600,000), and procurement savings ($1,335,000), the conferees have proposed to rescind $6,000,000 of funds appropriated in fiscal year 1995 for the Environmental Monitoring and Assessment Program and $5,000,000 of unspecified reductions. The conferees expect the Agency to submit specific proposals, in a format consistent with normal reprogramming procedures, of where these unspecified reductions will occur within the research and development account.

ABATEMENT, CONTROL, AND COMPLIANCE

The conferees propose to rescind $9,806,805 of fiscal year 1995 appropriations, an increase of $5,000,000 over the level proposed by the House and the same as proposed by the Senate. In addition to the rescissions of $3,141,805 for termination of the Clean Lakes program and $1,665,000 for procurement savings as proposed in the President's February 6, 1995 messages, the conferees have proposed to rescind $5,000,000 from the Agency's ''green'' programs. The conferees agree that budget constraints require reduced spending

in this area, and further agree that the agency should strongly consider the phase-out of those ''green'' programs, such as the ''energy star buildings'' program, which are essentially identical to programs already offered by private enterprise or by other Federal or State agencies.

Bill language has been included which stipulates that the Agency will not be required to site a supercomputer in the Bay City, Michigan vicinity as is required by current law.

BUILDINGS AND FACILITIES

The conferees propose to rescind $83,000,000 of prior year appropriations, an increase of $58,000,000 over the level proposed by the House, and the same as proposed by the Senate. These funds are derived from appropriations made in fiscal years 1992 and 1993 for the EPA Center for Ecology Research and Training, a new laboratory which would add to the Agency's existing 39 such facilities. This proposed rescission will terminate further activities associated with the lab's development before significant sums are expended. The conferees note that sufficient funds remain in the buildings and facilities account to cover expected necessary ''close-out'' costs associated with the lab site, and direct the Agency to provide the House and Senate Appropriations Committees a specific plan and schedule for such close-out within 60 days of passage of this Act.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees propose to rescind $100,000,000 of fiscal year 1995 appropriations, an increase of $100,000,000 above the level proposed by the House and the same as proposed by the Senate. The conferees agree that while this proposed rescission is not expected to severely disrupt the program, it nevertheless will slow current program activities somewhat while the Congress works on reauthorizing and perhaps restructuring this expired program.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

The conferees propose to rescind $1,302,200,000 of fiscal year 1995 and prior year appropriations, a decrease of $1,000,000 from the level proposed by the House and an increase of $60,105,000 above the level proposed by the Senate. Of the proposed $1,302,200,000 rescission, $1,299,000,000 had been appropriated in fiscal years 1994 and 1995 for distribution upon enactment of a safe drinking water state revolving fund. While this rescission should not be interpreted as opposition to the creation of such an SRF, the conferees acknowledge that fiscal realities make it difficult to provide large sums for programs which await authorization.

The remaining $3,200,000 rescission is derived from funds appropriated in fiscal year 1995 for specific wastewater infrastructure improvements, and has been recommended for rescission in the President's February 6, 1995 messages.

ADMINISTRATIVE PROVISIONS

The conferees adopted language included in the Senate bill which prevents the Agency from requiring that States adopt a centralized inspection and maintenance facility as part of their state implementation plan under the Clean Air Act, although the states retain the flexibility to adopt such a program should they desire.

The conferees adopted identical language included in both the House and Senate bills which provides that no funds can be expended by the Environmental Protection Agency to impose or enforce any requirement that a State implement a trip reduction plan as part of their state implementation plan. Additional new language which stipulates that Section 304 of the Clean Air Act (regarding citizen suits) does not apply in cases where States choose not to implement such a trip reduction plan was also adopted by the conferees.

The conferees adopted language contained in the Senate bill which prevents EPA from adding new sites to the National Priorities List during the balance of fiscal year 1995, unless such new site is specifically requested for listing by the Governor of the affected State, or unless Superfund legislation is reauthorized prior to the end of the fiscal year.

The conferees carefully considered a provision to impose a moratorium on EPA Clean Air Act deadlines for state attainment plans and permitting programs and considered mandating full credit for decentralized inspection and maintenance programs. This legislation was deferred pending a review of EPA's actions in reviewing and approving applications by states for up to 100 percent credit where such states have submitted evidence of an effective test-and-repair program. The conferees strongly agree that EPA should defer imposition of sanctions against any state which is preparing, or has submitted an application to EPA for up to 100 percent compliance credit for their test-and-repair inspection and maintenance program. The conferees agree that a demonstration for up to 100 percent compliance credit may be submitted by a state with their SIP revision, and that such demonstration may require two years or two full cycles to complete. EPA should exercise flexibility in reviewing and approving each state's plan in this regard.

EPA should seriously consider abandoning an inflexible standard that test-and-repair facilities are 50 percent as effective as test-only facilities and should grant test-and-repair programs the credit, up to 100 percent, based on scientific evidence and/or data that supports the determination of additional credits.

The conferees note that EPA issued regulations in November 1992 stating that in order to get more than 50 percent credit for a test-and-repair program, the state would have to demonstrate actual operating data that its program was more effective. States should be prepared to provide such data.

In complying with the prohibition on use of funds for disapproval of a state implementation plan, the conferees agree that it would apply only in the case where only a 50 percent discount was applied by the agency, and not at any other percentage discount which the Agency may apply or if the state implementation plan was not in compliance with law on a basis other than inspection and maintenance.

The conferees further agree that should EPA fail to demonstrate flexibility and reasonableness in responding to such state applications, further legislation will be enacted by Congress.

No language was included regarding the Agency's responsibilities for the California Federal Implementation Plan as the matter was resolved earlier in Public Law 104–6.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

The conferees agree to rescind a total of $52,000,000 as proposed by the House and $68,000,000 as proposed by the Senate.

The conference agreement is as follows:

Earth Observing System ...	−$17,000,000
Hubble Telescope Mission .	−5,000,000
Regional Ecosystem Supercomputer	−3,000,000
Hypersonics	−12,000,000
Life and Microgravity	−15,000,000.

The conferees agree to impose no rescission in the area of academics. The conferees agree that the recent expansion of NASA funded educational programs, that expand opportunities and enhance diversity in the NASA sponsored research and education community—especially for the minority institutions and for socially and economically disadvantaged and disabled students, historically underrepresented in the Agency's research and education programs—are meritorious and should be supported. The conferees, however, note that such rapid and cumulative growth through incrementally funded, multi-year commitments will be very difficult to sustain during a period when overall NASA funding and employment will be reduced. NASA should undertake a review of all academic programs which includes revisions of its multi-year program plan in anticipation of such funding constraints with careful attention to the balance between the proportion of NASA's dollars received by minority institutions of higher education and other institutions of higher education.

CONSTRUCTION OF FACILITIES

The conferees agree to a rescission of $34,000,000 in prior years appropriations for construction of facilities instead of $27,000,000 as proposed by the House and $76,000,000 as proposed by the Senate. The conference agreement includes rescission of $27,000,000 which was appropriated in fiscal year 1993 for construction of a facility for the Consortium for International Earth Science Information Network. In addition, the conference agreement includes rescission of $7,000,000 which was appropriated in prior years for construction of a Rocket Engine Test Facility at the Lewis Research Center.

MISSION SUPPORT

The conferees agree to rescind $32,000,000 of fiscal year 1995 funding instead of $1,000,000 as proposed by the House and $6,000,000 as proposed by the Senate. The conference agreement includes rescission of $1,000,000 for administrative aircraft, $10,000,000 for salaries and expenses (ROS), and $21,000,000 for salaries and expenses savings.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

The conferees agree to rescind $20,000,000 from funds made available for the replacement orbiter for the Challenger. The President had proposed a rescission of $10,000,000 in his message of May 2, 1995. After this rescission, $23,448,844 will remain for this purpose.

ADMINISTRATIVE PROVISIONS

Clear Lake Development Facility

The conferees agree to include an administrative provision which will enable the National Aeronautics and Space Administration to exercise an option to purchase the Clear Lake Development Facility, as modified for use as a Neutral Buoyancy Laboratory. The facility is currently being leased by NASA. It is the intention of the conferees that the cost of the facility as modified by the current owner (or contractor) and delivered completely modified to NASA, will be no more than $35,000,000.

Yellow Creek Facility, Mississippi

The federal government has a long history of involvement in Yellow Creek, located near Iuka, Mississippi. The site, originally purchased by the Tennessee Valley Authority for use as a nuclear energy plant, was subsequently transferred to NASA after the nuclear energy plant's cancellation. NASA intended to use Yellow Creek to build the Advanced Solid Rocket Motor (ASRM) and, after its cancellation, instead committed to use the site to build nozzles for the Redesigned Solid Rocket Motor (RSRM). On May 2, 1995, due to its current budgetary constraints, NASA terminated the RSRM nozzle

production effort at Yellow Creek. The bill language included by the conferees on the transfer of the NASA Yellow Creek facility reflects the most recent commitment made by the NASA Administrator to the Governor of the State of Mississippi. The major investment by the State of Mississippi in facilities and infrastructure to support Yellow Creek, in excess of $100,000,000, is a key factor in NASA's agreement to turn the site over to the State of Mississippi. The main elements of the agreement reached between NASA and the State of Mississippi, which the conferees expect to be adhered to by the two parties, are as follows:

The Yellow Creek facility will be turned over to the appropriate agency of the State of Mississippi within 30 days of enactment of this Act. All of the NASA property on Yellow Creek which the State of Mississippi requires to facilitate the transfer of the site transfers with the site to the State, subject to the following exceptions anticipated by the conferees:

(1) Any property assigned to a NASA facility other than Yellow Creek prior to May 2, 1995, but located at Yellow Creek, will be returned to its assigned facility;

(2) Only those contracts for the sale of NASA property at Yellow Creek signed by both parties prior to May 2, 1995 shall be executed;

(3) Those items deemed to be in the ''national security interest' of the federal government shall be retained by NASA. The national security clause shall be narrowly construed and shall apply only in a limited manner, consistent with established criteria relating to national security interests. This clause shall not be used to circumvent the intent of this Act, which is to transfer the site and all of its property, except as otherwise noted, to the State of Mississippi; and

(4) Other items of interest to NASA may be retained by NASA with the consent of the State of Mississippi.

It is the expectation of the conferees that all other NASA personal property will transfer to the State of Mississippi. The conferees further expect facilities on the site not subject to the above provisions, such as the environmental lab, to be left as is.

Any environmental remediation of Yellow Creek necessary as a result of the activities of governmental agencies, such as NASA, or quasi-governmental agencies, such as the Tennessee Valley Authority, will be the responsibility of the federal agency or quasi-federal agency, including any successors and interests.

Within thirty days of enactment of this Act, $10,000,000 will be transferred from NASA to the appropriate agency of the State of Mississippi.

The site's environmental permits will become the property of the State of Mississippi. NASA will provide all necessary assistance in transferring these permits to the State of Mississippi.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

Rescinds $131,867,000, as proposed by both the House and the Senate.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

Rescinds $11,281,034 from the FDIC Affordable Housing program as proposed by the House and Senate.

TITLE II—GENERAL PROVISIONS

EMERGENCY TIMBER SALVAGE

The managers have included bill language (section 2001) that directs the appropriate Secretary to prepare, advertise, offer, and award salvage timber sale contracts utilizing emergency processes and procedures provided in the bill.

The managers, in order to establish their expectation of performance have included salvage timber sale volume requirements in this statement. The managers have not included volume requirements directly in bill language but expect the Secretary concerned to reduce backlogged salvage volume and award additional salvage sale contracts to the maximum extend feasible. However, the managers underscore their intent that the salvage volume levels are not merely aspirational; each Secretary is expected to meet the volume levels specified herein.

The managers, in cooperation with the authorizing committees of jurisdiction, have agreed to monitor the USDA and BLM progress toward meeting the salvage levels set out herein. The committees of jurisdiction will carefully assess the reports to determine whether or not the agencies have met the salvage levels put forward in the statement of the managers. Depending on performance, the need for volume targets will be reevaluated in future appropriations bills, beginning in FY 1996.

Forest Health

The managers note that the emergency forest health situation from fire, insect infestation and disease has approached epidemic levels. As a result, the backlog of dead and dying trees in National Forests and other public lands is substantial.

In part, the severe risk of permanent damage to forest land necessitates removal of dead, dying, and salvage trees before greater damage occurs—including second phase fires which burn hotter and destroy land and streams. Once removal of salvage tress occurs, reforestation is required by the emergency salvage provision. Reforestation will facilitate regrowth of healthy forests that are less prone to fire damage, insect infestation, and disease.

Much of this salvage volume must be removed within one year or less for the timber of retain maximum economic value, and to prevent future disasters from fire that can permanently damage forest land, eradicate wildlife, and ruin aquatic habitat. Therefore, the managers have included bill language to provide all necessary tools to expedite environmental processes, streamline, administrative procedures, expedite judicial review, and give maximum flexibility to the Secretary concerned in order to provide salvage timber for jobs, to improve forest health, and prevent future forest fires.

The managers expect the agencies to implement available flexibility to achieve maximum returns and that agency personnel expeditiously process the environmental documentation needed to finalize emergency timber sales.

Volume Levels

The managers have carefully reviewed the materials submitted by the Departments concerning the capability of the Forest Service and Bureau of Land Management to respond to the emergency nature of the forest health situation. For the Forest Service, the documents submitted indicate that the total merchantable salvage volume (dead and dying trees) in national forests exceeds 18.25 BBF. The Forest Service identified 12.68 BBF of volume which is economically operable during the next two years, while still complying with basic forest land stewardship protection measures.

Of particular interest in the Forest Service's assessment that 6.75 BBF of volume could be available during the next three years using the expedited procedures of this section, without violating the substantive requirements of existing environmental laws. This volume estimate was developed by Forest Service line managers and biologists. The Forest Service reports that there is a significant margin of error (+/−25%) in these estimates, and it is reasonable to expect that the volumes may increase somewhat as on-the-ground implementation gets underway. Given the margin of error in the estimates, it appears the Forest Service could meet the salvage volumes in the House bill without sacrificing the substantive objectives of all environmental laws. The Senate bill contained no sale volumes.

The managers extended the provisions of this section through FY 1997, effectively making the program duration 2.5 years. Based on the capability statements by the Forest Service and similar representatives by the Bureau of Land Management, the managers expect that the procedures of this section will expedite the implementation of existing programmed salvage volumes and allow the Secretary of Agriculture to prepare, advertise, offer, and award contracts for an additional increment of salvage volume as follows: FY 1995—750 million board feet; FY 1996—1.5 billion board feet; FY 1997—1.5 billion board feet. These programmed levels for the Forest Service are contained in the attachment to the April 25, 1995, letter to the Chairman of the House Resources Committee. Similarly, the managers expect an emergency timber salvage program from the Secretary of the Interior as follows: FY 1995—115 million board feet; FY 1996—115 million board feet; FY 1997—115 million board feet. These numbers are within the range of achievement in an environmentally sound program. Each Secretary may exceed these salvage levels if field conditions demonstrate additional salvage opportunities.

The managers have directed periodic reporting on the agencies' progress in implementing the procedures of this section in order to reassess their expectation concerning achievement of specified salvage volumes and agency performance. The managers expect that the committees of jurisdiction will remain actively involved in the monitoring of the emergency salvage program.

Process

The managers intend that as the environmental processes are completed for individual sales, the Secretary concerned may choose among the completed combined documents to determine how sales should go forward.

The bill language provides a process for judicial review of emergency salvage sales by the Federal District Courts. The managers provided this mechanism for legitimate concerns with agency actions. Automatic stays for 45 days are required pending the final decision on review of the record by the district court within that time period. Due to the exigency of the emergency salvage situation administrative appeals are waived.

For emergency timber salvage sales, Option 9, and sales in Section 318 areas, the bill contains language which deems sufficient the documentation on which the sales are based, and significantly expedites legal actions and virtually eliminates dilatory legal challenges. Environmental documentation, analysis, testimony, and studies concerning each of these areas are exhaustive and the sufficiency language is provided so that sales can proceed.

The managers are aware of the high cost, time, and personnel commitment needed to mark salvage trees individually. The managers also recognize the requirement for federal agencies to designate timber authorized for cutting. Federal agencies are directed to determine the extent to which the use of designation by description is practical and are further directed to use the most effective method of designation to prepare salvage timber sales.

The emergency salvage provision clearly prohibits harvesting in National Wilderness Preservation System lands, roadless areas designated by Congress for wilderness study, and roadless areas recommended for wilderness designation in the most recent land management plan. Lands not specifically protected by the provision include prohibitions such as agency initiatives, timber sale screens, interim guidelines, settlement agreements, the CASPO Report, riparian areas covered by other initiatives, and any other area where the agencies restrict timber harvesting on their own accord.

The bill also allows all salvage sales proposals in development on the date of enactment of this Act to be immediately brought into conformity with this, the emergency salvage provision.

Reporting

The bill language directs the agencies to prepare a report by August 30, 1995, detailing the steps the agency is taking, and intends to take, to meet salvage timber sale volumes. The report shall also include a statement of the intention of the Secretary concerned with respect to the salvage volumes specified herein.

The managers will carefully review the Administration's implementation of the salvage program, and, if found to be inadequate, will employ such actions as deemed necessary. Such actions might include, but are not limited to, reallocation within budget categories or other prioritizations to be determined by the Congress.

Option 9

The managers have retained bill language added by the Senate that provides the Forest Service and Bureau of Land Management the authority to expedite timber sales allowed under the President's forest plan for the Pacific Northwest, commonly known as option 9. The managers are concerned that the administration has not made the necessary efforts to fulfill the commitment it made to the people of the region to achieve an annual harvest level of 1.1 billion board feet and have included bill language to assist the administration in this effort.

On December 21, 1994, the Federal District Court issued an opinion upholding option 9 as valid under all present environmental laws. The managers wish to make clear that the bill language does not independently validate option 9 and does not restrict pending or future challenges.

The managers have added bill language to eliminate the need for an additional environmental impact statement in order to speed up the issuance of a final 4(d) rule, which will provide expedited relief to thousands of nonfederal landowners in the region. The managers understand that the Secretary of the Interior is extending the comment period on the proposed Section 4(d) rule, and expect the Secretary to review carefully the extensive Special Emphasis Areas in Washington to assure regulatory relief for nonfederal lands, particularly in light of new owl population data on the Olympic Peninsula. As provided in bill language, the managers have agreed that no environmental impact statement will be required for the Section 4(d) rule notwithstanding the outcome of pending litigation over Option 9. Finally, nothing in this provision is intended to prejudice the outcome of pending litigation over Endangered Species Act Section 9 prohibitions.

Released Timber Sales

The bill releases all timber sales which were offered for sale beginning in fiscal year 1990 to the date of enactment which are located in any unit of the National Forest System or District of the Bureau of Land Management within the geographic area encompassed by Section 318 of the Fiscal Year 1990 Interior and Related Agencies Appropriations Act. Included are all sales offered, awarded, or unawarded, whether or not bids have subsequently been rejected by the offering agency, with no change in original terms, volumes, or bid prices. The sales will go forward regardless of whether the bid bond from the high bidder has been returned, provided it is resubmitted before the harvesting begins. The harvest of many of these sales was assumed under the President's Pacific Northwest forest plan, but their release has been held up in part by extended subsequent review by the U.S. Fish and Wildlife Service. The only limitation on release of these sales is in the case of any threatened or endangered bird species with a known nesting site in a sale unit. In this case, the Secretary must provide a substitute volume under the terms of subsection (k)(3).

FUNDS AVAILABILITY

The conference agreement retains a Senate provision (section 2002) restricting funds availability to the current fiscal year unless otherwise stated. The House bill contained no similar provision.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

The conferees agree to include a provision (section 2003) included in both the House and Senate bills that would reduce the discretionary spending limits by the savings resulting from this act for the fiscal years 1995 through 1998. The House bill also included an additional provision that would have made additional projected reductions by assuming that similar savings would be enacted in each of the next three fiscal years. The conferees recommend that spending limit adjustments for actions projected for the future should be made in appropriate legislative vehicles such as reconciliation bills. Also, the House bill included provisions that would appropriate the savings from the bill to a deficit reduction fund. By including the provision dealing with spending limit adjustments and the prohibition on the use of savings to offset tax cuts mentioned below, the intent of these House provisions is accommodated.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT

INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

The conference agreement includes a provision (section 2004) included in both the House and Senate versions of the bill that would preclude the savings in this bill from being used for any tax reductions or other similar direct spending or receipts legislation.

NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

The conference agreement inserts language (section 2005), not contained in the House or Senate bill, which designates July 27 of each year, until the year 2003, as ''National Korean War Veterans Armistice Day''.

ASSISTANCE TO ILLEGAL IMMIGRANTS

The conference agreement includes an amended House provision (section 2006) that prohibits any individual who is not lawfully in the United States from receiving any direct benefit or assistance from funds in the bill except for emergency assistance. The conference agreement expands the provision to include direction that agencies should take reasonable steps in determining the lawful status of individuals seeking assistance. Also, a nondiscrimination clause has been added. The Senate bill did not include any provision on this subject.

This provision is essentially the same provision that was included in the initial emergency supplemental appropriations act that provided relief from the earthquake that hit the Los Angeles area in 1994 (Public Law 103–211). The conferees understand that this provision was implemented for that bill in a manner that did not delay non-emergency assistance to appropriate recipients. The conferees agree that this should be the situation for this bill.

SENSE OF THE SENATE REGARDING TAX AVOIDANCE

The conference agreement deletes a Senate provision that expressed the sense of the Senate that Congress should act as quickly as possible to preclude persons from avoiding taxes by relinquishing their citizenship. The House bill contained no similar provision.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

The conference agreement deletes two Senate provisions that would have rescinded $342,500,000 for administrative and travel activities. The conferees agree that it is more appropriate to make rescissions in the regular accounts rather than making across the board rescissions.

IMPACT OF LEGISLATION ON CHILDREN

The conference agreement deletes a sense of the Congress provision included in the Senate version of the bill that Congress should not adopt any legislation that would increase the number of children who are hungry or homeless. The House bill contained no similar provision.

TITLE III

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

ANTI-TERRORISM INITIATIVES

OKLAHOMA CITY RECOVERY

Chapter I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

After House and Senate consideration of this bill, the Administration requested emergency supplemental appropriations of $71,455,000 for the Department of Justice and $10,400,000 for the Judiciary to address urgent needs arising from the Oklahoma City bombing and for enhanced anti-terrorism efforts. The conference agreement provides an emergency supplemental appropriation of $113,360,000 for the Department of Justice and $16,640,000 for the Judiciary for these purposes, an increase of $48,145,000. These funds are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended and amounts above the supplemental request are available as emergency spending only to the extent that the President also designates these funds as emergency requirements.

The conference agreement provides funding through fiscal year 1996 for the full anticipated costs of expenses related to the investigation and prosecution of persons responsible for the bombing as well as the full cost of funding new personnel for enhanced counterterrorism efforts. The conference agreement also provides for a more flexible mechanism for the Attorney General to reimburse Department of Justice law enforcement agencies and State and local expenses related to the Oklahoma City bombing by appropriating funds requested for these expenses to a new Counterterrorism Fund.

While awaiting the Administration's 1996 budget amendment, the conferees have attempted to anticipate and fully fund the requirements for enhanced counterterrorism activities in both 1995 and 1996. To the extent that the supplemental does not fully anticipate the total needs, the conferees expect

that the Administration will forward the additional requirements expeditiously.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

Counterterrorism Fund

The conferees have established a new Fund within this appropriation account, under the control and direction of the Attorney General, to: (1) cover the extraordinary and contingency type costs that have been incurred and are expected to occur as a result of the Oklahoma City bombing and (2) to cover costs related to any potential or actual future domestic or international terrorism event. The conference agreement provides an appropriation of $34,220,000 for this account which will remain available until expended.

The conferees intend that the funds provided through the Counterterrorism Fund will be used to reestablish or rebuild offices or facilities of the Department of Justice that are destroyed or damaged as the result of a domestic or international terrorism event. For example, the Oklahoma Resident Office of the Drug Enforcement Administration was destroyed in the bombing of the Alfred P. Murrah Building. In addition, funds are provided for a threat assessment of all Federal office buildings.

The conference agreement allows for the payment of expenses of an extraordinary nature of Department of Justice agencies engaged in, or providing support to, countering, investigating, or prosecuting domestic or international terrorism. Therefore, funds are available to reimburse the Federal Bureau of Investigation, the United States Attorneys and the United States Marshals Service for expenses incurred in connection with the Oklahoma City bombing and may be used for further expenses related to this incident. Funds are also available to reimburse the Office of Justice Programs Justice Assistance account for Emergency Assistance payments to qualifying State or local law enforcement agencies.

The conference agreement allows this Fund to be used for the payment of rewards as outlined under language included in the General Provisions for the Department of Justice contained in this Act.

Because there may be necessary expenses that arise in such events that are not known at the present time, the conference agreement allows the Attorney General to make the determination on a case by case basis of such necessary expenses which may be covered by funds appropriated to this account. The Attorney General may also use these funds to engage in planning, and the execution of such plans, related to upcoming significant events which offer the potential of being targeted by domestic or international terrorists.

The conferees expect the Attorney General to notify the Committees on Appropriations of the House of Representatives and the Senate prior to the obligation of funds from this account, with the exception of the $10,555,000 requested by the Administration for anticipated 1995 costs of the Department of Justice related to the Oklahoma City bombing. The conferees understand the urgency of meeting these requirements and the need to reimburse these agencies for these expenses in a timely manner. To the extent that these expenses deviate from those requested by the Administration in the supplemental, the conferees expect the Attorney General to report any differences to the Committees on Appropriations of both the House and the Senate.

LEGAL ACTIVITIES

Salaries and Expenses, United States Attorneys

The conference agreement provides a $2,000,000 supplemental appropriation for the United States Attorneys. The amounts provided will remain available until expended and will provide for the establishment of a specialized team of attorneys for terrorism prosecution. The funds provided will support the full cost of hiring an additional 8 Assistant United States Attorneys and 4 support personnel.

The conference agreement also provides additional funds, as requested by the Administration, to support extraordinary expenses being incurred by the United States Attorneys from the establishment of a Command Center in Oklahoma City to support the investigation of persons involved in the Oklahoma bombing and future expenses related to the prosecution and trial of those arrested. The conferees intend that funds for these activities for the United States Attorneys will be provided under the newly established Counterterrorism Fund.

FEDERAL BUREAU OF INVESTIGATION

Salaries and Expenses

The conference agreement provides a $77,140,000 supplemental appropriation for the Federal Bureau of Investigation, to remain available until expended, for additional personnel and equipment to support expanded investigations of domestic and international terrorism activities.

The conference agreement provides $1,905,000 for the full cost of hiring 25 intelligence analysts to establish a Domestic Counter-terrorism Center to coordinate and centralize Federal, State, and local law enforcement efforts in response to major terrorist incidents and as a clearinghouse for all domestic and international terrorism information and intelligence.

In addition the conferees have provided $12,875,000 for the full cost of hiring 31 additional engineering and technical staff to support research and development of new techniques to replace existing intercept capabilities that are ineffective when used in an advanced digital communications environment and to enhance law enforcement capabilities to perform court-authorized voice and data interceptions.

The conferees provide $10,000,000 to modernize the FBI's Strategic Information Operations Center to provide the capability of addressing multiple sites and incidents concurrently and to support the centralized coordination of law enforcement for major incidents such as the Oklahoma City bombing.

The conference agreement provides $37,660,000 for the full cost of hiring 190 surveillance specialists and 143 support personnel, in lieu of one month's funding for 231 surveillance specialists and 169 support personnel. In addition, $8,700,000 is provided for the full cost of hiring 38 tactical operations staff and for equipment for enhanced counter-terrorism operations. Also provided is $5,000,000 to replace and upgrade laboratory equipment and provide Emergency Response Teams with proper equipment and tools for the collection and processing of crime scene evidence. The conferees also provided $1,000,000 for the development of an automated database to collect and analyze information regarding hostage/barricade situations.

The conference agreement does not include $5,600,000 for the design of three new facilities—a new FBI laboratory, a new National Law Enforcement Technical Support Center, and a new training facility—due to the need to assess the purpose and the long-term costs of these facilities in the regular appropriations process.

The conference agreement also provides additional funds, as requested by the Administration, to support extraordinary expenses being incurred by the Federal Bureau of Investigation to support the investigation of persons involved in the Oklahoma City bombing and the payment of rewards in connection with this investigation. The conferees intend that funds for these activities and future expenses of the Federal Bureau of Investigation related to this incident will be provided under the newly established Counterterrorism Fund.

General Provisions

Section 3001 of the conference agreement includes language that allows the Attorney General to provide a reward, up to a maximum of $2,000,000, to individuals assisting in the investigation and prosecution of terrorists. The Attorney General is currently limited to a maximum reward payment of $500,000.

Section 3002 of the conference agreement provides that funds made available in this Act are subject to the standard reprogramming procedures set forth in Section 605 of Public Law 103–317.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Court Security

The conference agreement includes a supplemental appropriation of $16,640,000 for the Federal Judiciary's Court Security account compared to the Administration's request of $10,400,000. The amount provided will remain available until expended to cover the costs of enhanced security of judges and support personnel in response to the potential increased threat resulting from the recent bombing of the Federal building in Oklahoma City. The amount is provided as follows:

—$12,620,000 to cover the full costs of hiring an additional 250 new court security officers (CSOs) for existing court locations which currently have none and at locations which are currently below accepted standards. The Judiciary had requested funds to hire 400 CSOs for existing space, but the conferees felt that no more than 250 could be brought on so late in the fiscal year. The remainder of this request will be considered in the context of the fiscal year 1996 appropriations process.

—$2,120,000 for the full costs of hiring an additional 40 CSOs to operate and monitor new weapons/explosives screening equipment and x-ray machines for fifteen existing judiciary locations where no security equipment is currently in place.

—$4,900,000 for new and replacement security equipment, including upgrading equipment at existing facilities and purchase of x-ray machines and magnetometers for fifteen facilities which currently have no security equipment.

The amounts provided assume the reprogramming of $3,000,000 in available balances in this account as proposed in the Judiciary's supplemental request.

The conferees have not included the $2,000,000 requested for vehicle barriers to be placed at the entrance to parking garages at 50 metropolitan court facilities around the country. The conferees understand that the actual costs of placing these barriers at the 50 locations may be greater than the $2,000,000 requested and urge the Judiciary to work with the General Services Administration to identify the necessary resources for this proposal in the fiscal year 1996 budget.

Chapter II

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Salaries and Expenses

As part of the Administration's supplemental request, $300,000 was included to hire 10 new employees to assist in oversight of the Department's anti-terrorism efforts. The conferees deny this request.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Salaries and Expenses

The conferees agree to provide $34,823,000, $18,616,000 above the $16,207,000 requested by the Administration, in order to offset immediate expenses associated with the aftermath and investigation of the Oklahoma City bombing, security upgrades in headquarters and field offices, and the enhancement of certain counter-terrorism capabilities.

The conferees provide $4,723,000 of the $4,923,000 requested to cover overtime, travel, communications and equipment associated with reestablishing ATF offices in Oklahoma City and to cover investigative expenses. The conferees deny the $200,000 request for the replacement of all basic office equipment and furniture lost in the explosion since these costs will be borne by the General Services Administration.

The conferees provide $3,000,000 to improve security in field offices, the same amount requested by the President.

The conferees agree to provide $7,000,000 for costs associated with the relocation of ATF headquarters, of which up to $300,000 may be used to provide temporary improvements to ATF's current headquarters, as needed.

The conferees provide $3,000,000 to fund the personnel costs of four new permanent National Response Teams (NRT), $3,300,000 for mobile response equipment and additional laboratory personnel, and $1,800,000 for additional intelligence analysts and explosives inspectors.

The conferees further note that ATF lacks sufficient resources to purchase certain critical pieces of equipment or to make other investments needed to effectively and efficiently pursue it mission. For that reason, the conferees agree to provide $12,000,000 to fund a number of items requested in the President's FY 1996 budget request: purchase of electronic surveillance equipment, weapons, protective gear and investigative vehicles; improvement of financial management information systems; and development of AFT's Integrated Collection System. These funds may also be used for costs associated with the relocation of the ATF laboratory.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Salaries and Expenses

The conferees agree to provide $1,100,000 and additional personnel as requested for the Federal Law Enforcement Training Center to enhance the anti-terrorism training component of basic courses, increase the number and quality of advanced training courses in anti-terrorism tactics, provide additional equipment for such training and train personnel.

UNITED STATES SECRET SERVICE

Salaries and Expenses

The conferees agree to provide $6,675,000 for the Secret Service, $2,800,000 above the amount requested by the President. The conferees have provided the additional funds for expenses related to the completion of the White House Access Control System ($1,800,000) and the purchase of Remote Delivery Site Equipment ($1,000,000).

UNITED STATES CUSTOMS SERVICE

Salaries and Expenses

The conferees agree to provide $1,000,000 of the $1,200,000 requested to relocate Customs offices, pay for temporary duty replacements, over the costs of permanent change of station moves and replacement vehicles, and purchase certain office equipment. The conferees deny the $200,000 request for the replacement of all basic office equipment and furniture lost in the explosion since these costs will be borne by the General Services Administration.

INTERNAL REVENUE SERVICE

Administration and Management

As part of the Administration's supplemental request, $1,000,000 was included to cover expenses for overtime, travel and supplies related to the investigation of the bombing. The conferees deny this request and instead have diverted these funds to the Secret Service for the purchase of additional White House security systems.

FINANCIAL CRIMES ENFORCEMENT NETWORK

Salaries and Expenses

The conferees have denied the President's request of $300,000 in emergency appropriations for the Financial Crimes Enforcement Network (FinCEN) and instead have diverted these funds to the Secret Service for the purchase of additional White House Security systems. The conferees note that any additional work accomplished by FinCEN as part of the Oklahoma City investigation should be done within existing resources.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

Alfred P. Murrah Federal Building

The conferees have included a provision which provides additional funding related to the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The conferees, in response to the special needs created by the April 19, 1995, terrorist bombing attack at the Murrah Federal Building, have added $40,400,000 for expenses of real property management and related activities. This includes: planning, design, construction, demolition, restoration, repairs, alterations, acquisition, installment acquisition payments, rental of space, buildings operations, maintenance, protection, moving of governmental agencies and other activities.

The recommendation also provides that, in carrying out the foregoing activities, the Administrator of General Services may exchange, sell, lease, donate, or otherwise dispose of the site of the Murrah building to the State of Oklahoma, to Oklahoma City, or any political subdivision or agency of the State or city, and that such disposal shall not be subject to the Public Buildings Act of 1959, the Federal Property and Administrative Services Act of 1949, or any other Federal law establishing requirements or procedures for disposing of Federal property.

In recommending waivers of these laws, the conferees are responding to the extraordinary circumstances created by this tragic destruction of life and property and the realization that the work of replacement and recovery should not be unnecessarily encumbered by otherwise applicable provisions of law. Nevertheless, the conferees recommend the use of this waiver authority by the Administrator, at his discretion. This authority should only be used when circumstances dictate the clear necessity to do so. It is not intended that use of existing authority be precluded where consistent with and appropriate to serving the needs and purposes of this disposal action.

The conferees have also included a provision requiring prospectus approval of any major repair, alteration, lease, or construction project if the need for such a prospectus meets the requirements of the Public Buildings Act.

EMERGENCY REQUIREMENTS

As part of the Administration's supplemental request, a total of $26,400,000 was included for emergency requirements. The conferees agree with the request as follows:

Demolition/debris removal of the Alfred P. Murrah Federal Building	$2,300,000
Repair of other federal buildings	3,300,000
Replacement leases, furniture, and equipment	8,300,000
Nation-wide increased security in Federal buildings	12,500,000

Chapter III

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

Salaries and Expenses

Provides $3,200,000 for emergency expenses resulting from the bombing of Alfred P. Murrah Federal Building in Oklahoma City as requested by the Administration. These funds will cover relocation costs for replacement employees, travel, overtime, replaced office equipment and supplies, and other expenses.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

Salaries and Expenses

The conferees propose a supplemental appropriation for fiscal year 1995 of $3,523,000. This amount, not included in either the House or Senate bills, was requested by the President in his May 2, 1995 message to address urgent needs arising from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. This amount will assist in providing additional security personnel as well as enhanced physical protection at all Agency field offices. Additionally, funds will be available for staff training and awareness of the terrorist threat and enhanced security management systems, for additional training and exercises associated with the Federal Response Plan, and for modifying and expanding the Federal Response Plan.

Emergency Management Planning and Assistance

The conferees propose a supplemental appropriation for fiscal year 1995 of $3,477,000. This amount, not included in either the House of Senate bills, was requested by the President in his May 2, 1995 message to address urgent needs arising from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. This amount will provide for the development of new plans and procedures for an efficient response to a terrorist event under the Federal Response Plan, as well as for increased training and exercises associated with such a response for State and local emergency personnel.

CITATION

The conference agreement amends the Senate citation of the bill to reflect the inclusion of emergency supplemental appropriations for the anti-terrorism initiatives and for the recovery assistance for the tragedy that occurred at Oklahoma City. The House bill did not contain a citation.

The conference agreement amends the title of the bill to be compatible with the amended enacting clause and citation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 budget estimates, and the House and Senate bills for 1995 follow:

Budget estimates of new (obligational) authority, fiscal year 1995	$6,432,382,195
House bill, fiscal year 1995	−11,745,362,239
Senate bill, fiscal year 1995	−8,511,234,450
Conference agreement, fiscal year 1995	−9,029,496,876

Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1995	−15,461,879,071
House bill, fiscal year 1995	+2,715,865,363
Senate bill, fiscal year 1995	−518,262,426

BOB LIVINGSTON,
JOHN T. MYERS,
RALPH REGULA,
JERRY LEWIS,
JOHN EDWARD PORTER,
HAL ROGERS,
JOE SKEEN,
FRANK R. WOLF,
TOM DELAY,
BARBARA F. VUCANOVICH,
JIM LIGHTFOOT,
S. CALLAHAN,
RON PACKARD,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
P. GRAMM,
C.S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONNIE MACK,
CONRAD BURNS,
RICHARD SHELBY,
JIM JEFFORDS,
JUDD GREGG,
R.F. BENNETT,
ROBERT C. BYRD,
D.K. INOUYE,
E.F. HOLLINGS,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY,
DALE BUMPERS,
BARBARA A. MIKULSKI,
HARRY REID,
BOB KERREY,
HERB KOHL,
PATTY MURRAY,
Managers on the Part of the Senate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONGRESSIONAL RESOLUTION 67, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1996, 1997, 1998, 1999, 2000, 2001, AND 2002

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–125) on the resolution (H. Res. 149) providing for consideration of the concurrent resolution (H. Con. Res. 67) setting forth the congressional budget for the U.S. Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Naval Academy the following Members of the House: Mr. SKEEN, of New Mexico; Mr. GILCHREST, of Maryland; Mr. HOYER, of Maryland; and Mr. MFUME, of Maryland.

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 4355(a) of title 10, United States Code, the Chair Announces the Speaker's appointment as members of the Board of Visitors to the U.S. Military Academy the following Members of the House: Mrs. KELLY of New York; Mr. TAYLOR, of North Carolina; Mr. HEFNER, of North Carolina; and Mr. LAUGHLIN, of Texas.

There was no objection.

APPOINTMENT OF MEMBERS TO THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Chair announces the Speaker's appointment to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members of the House: Mr. YOUNG of Alaska; and Mr. KILDEE of Michigan.

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93–642 (20 U.S.C. 2004(b)), the Chair announces the Speaker's appointment as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members of the House: Mr. EMERSON of Missouri; and Mr. SKELTON of Missouri.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CLEAN WATER ACT AND THE GREAT LAKES INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I come to the well this evening to express my strong opposition to H.R. 961, the Clean Water Act amendments and why I urged its defeat. It steps back from the progress resulting from our Nation's commitment to clean water as a national treasure.

I represent a Great Lakes district along Lake Erie. Cumulatively, the Great Lakes contain 20 percent of all the fresh water on the face of the Earth. For those of us who remember when swimming or fishing in Lake Erie was hazardous to your health, the actions the House is taking to weaken Clean Water Act protections are backward-looking. I am astounded that anyone can fail to see the great progress we have made over the last 25 years to clean up our Nation's water. Today, after two decades, the job of cleaning up Lake Erie is one-half finished. Our progress is laudable, but the goal has not been achieved along our coast or on the Nation's other major waterways.

I can remember when the Cuyahoga River burned and when Lake Erie was declared dead. Some of our colleagues, Mr. Speaker, have apparently forgotten. We have made great strides toward renewing our water resources, but there is still a long way to go. In Ohio, 92 percent of our lakes and 60 percent of our rivers still cannot support fishing or swimming on a year-round basis. Some of our waters still cannot support aquatic life. Just last summer the city of Toledo found it necessary to pump fresh water into the Ottawa River just to restore some oxygen and flush out the polluted discharge from combined sewer overflows. The job of cleaning our waters is far from over. The task of cleaning up dozens of major toxic burial grounds leaching into our fresh water tributaries stands before us.

The aspect of H.R. 961 about which I am most concerned is the provision to make adherence to the standards of the Great Lakes initiative voluntary on the part of Great Lakes States. This initiative has been a model bipartisan effort to standardize water quality protections in the Great Lakes watershed. Over the last 6 years, Federal guidelines have been developed, which, under current law, the States have 2 years to implement. Under H.R. 961, adherence would be voluntary. States could choose which standards to implement

or they could choose to unilaterally weaken certain standards.

This might possibly be an acceptable program for waters within a State's boundaries, but seven States and another country adjoin the Great Lakes. Allowing eight different sets of standards for these waters is irrational. As different States adopt differing water quality standards, their efforts may be defeated by a neighboring State's program. Voluntary compliance may even lead to a race to the bottom for water quality as each State offers weakened standards as an inducement to bring polluting industries into their State or to keep them there. Mexico's policy of competing for investment with lax environmental standards may find its counterpart in interstate or international economic rivalries on our northern border.

The Great Lakes comprise 95 percent of the fresh surface water in the United States. That is a resource too valuable to risk. Yet today we have restrictions on the consumption of fish from these waters because of mercury and PCB pollution. Lake St. Clair and the southern shore of Lake Erie were closed for the better part of the month of August last year because of fecal coliform contamination. The job is far from done in the Great Lakes. This is not the time to minimize our efforts.

Setting consistent water quality standards in the Great Lakes watershed is the only reasonable way to protect these waters. The only way to ensure consistent standards is through entities such as the Great Lakes initiative. It once was common to find fish with festering lesions and tumors coming out of Lake Erie. Today it is rare, but it still happens. There used to be a viable commercial fishing industry on the lakes. That industry rapidly diminished as warnings about eating Great Lakes fish increased. We can restore that industry if we continue to clean up the lakes. That won't happen if we can't assure consistent water quality standards for the Great Lakes Watershed. Let's not weaken the Great Lakes initiative.

The bill we have before us also takes other major steps backward. H.R. 961 allows for increases in toxin discharges into our waters, and it weakens public notification requirements when swimming or fishing is unsafe. It lets industry off the hook by weakening requirements for pretreatment of industrial toxins before they are discharged into municipal wastewater treatment systems.

H.R. 961 also dramatically undermines attention to wetland habitats—which play such an important role providing storage areas for flood waters and which naturally filter pollutants—by removing half of them from regulatory oversight. And the bill completely ignores the serious issue of nonpoint source pollution and how to reduce toxic runoff from farms, yards, streets, and parking lots.

Mr. Speaker, I would like to be able to vote for a clean water bill that aims at meeting the original goals of the Clean Water Act, to make all our Nation's waters fishable and swimmable. But I am not going to have that opportunity. H.R. 961 will actually reverse the progress we have made under current clean water law. This bill will expose our communities, our water-dependent industries, and our fishery resources to continued and increased degradation. I want to support legislation that strikes an appropriate balance between a healthy economy and healthy water.

UNLESS WE DO SOMETHING ABOUT IT, MEDICARE WILL BE BROKE BY 2002

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

Mr. HORN. Mr. Speaker, as everyone in this Chamber knows, we have a crisis coming in America, and it is a crisis that needs the best solutions that we can find on a bipartisan basis, and that is the crisis that the trustees responsible for analyzing the hospital portion of the Medicare have recently noted. They said in their report the present financing schedule for the Medicare program is sufficient to ensure the payment of benefits only over the next 7 years.

Now this is not a group of Republicans or Libertarians or Independents trying to scare the people. These are three of the top Cabinet officers of the President of the United States, Robert Rubin, Secretary of the Treasury; Robert Reich, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services. They concluded the Medicare fund is projected to be exhausted in 2001, just after the turn of the century. This is their April 3, 1995 report.

Now Medicare, as we know, in the projections from 1995 to 2002 has been predicted to grow at 10 percent per year, and Medicaid at 10.3. Note Social Security with COLA's is at 5.3, other entitlements at 4.1.

The reality is the trust fund for Medicare, unless we do something constructive about it, will be empty in 2002.

□ 1830

That is what the trustees, the agents of the President, have noted on page 13 of their 1995 report, House Document 104–56.

Unfortunately, the trustees identify the problem, but they have not given us the benefit of their wisdom, if any, on this subject, as to how we can avoid the disaster that is headed our way in 2002.

Now, the House Republicans have faced up to this matter. We have not heard a peep from the President, a peep from his three Cabinet officers, but the House Republicans have noted in 1995 the Medicare spending per recipient in the Republican budget will be $4,700. In 2002, it will be $6,300. It will go up just as Social Security is going up, at approximately 5 percent a year.

Now, a lot of nonsense has been uttered, some of it on this floor, designed to scare seniors. I happen to care very deeply about this program. Not only that I am in my sixties and understand what it means when you are without Medicare, but the fact that 30 years ago, in 1965, as assistant to the Republican whip of the Senate, Senator Kuchel of California, I was part of the drafting team that worked with the Johnson administration to get a bipartisan bill, Medicare, through the Senate.

We need to be sure in this Chamber that that hospital fund is sound. We need the administration to face up to this and provide some leadership, or at least give us some of their ideas. So far, as I said, the President's agents have stepped up to the plate, winced, and are back in the dugout. They should be asked, as we tried to do earlier today, to give us their recommendations. Unfortunately, they seem to lack the courage to recommend to the Congress appropriate courses of action. We on the Republican side would welcome that.

This is the type of thing that should not be partisan, and the President needs to assume some leadership and not just stay in the background, assuming that Republicans will trip over themselves or that those on the Democratic side that want to help us on a bipartisan basis will trip over themselves. We will not.

The fact is the people expect us to function in a sensible way to solve problems, and not just sit there, posturing politically, and hoping for the best in the next election. Those that do not step up to the plate, face up to this, they will not be around after the next election.

So I urge my colleagues who have had quite a bit of criticism in recent days on this subject, let us get down to work, roll up our shirt sleeves, and solve the problem. The Republican budget has an increase for Medicare spending per recipient as you can see, $4,700 in 1995, $6,300 in 2002. That is positive effort. We need more of it by more people in this Chamber.

EDUCATION ASSISTANCE VITAL FOR AMERICA

The SPEAKER pro tempore (Mr. CAMP). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, today while we are all talking about the budget, I would like to talk some about growth, because the reality is that you do not cut your way out of this kind of deficit problem, $1.2 or $1.4 trillion worth of cuts, cutting every program 30 percent across the board. You certainly do not

tax your way out of it. You are going to have to have a strong element of economic growth. My concern about this budget that will be on the floor today and tomorrow, the Republican budget out there for review, actually Wednesday and Thursday, is that what this budget does is it goes after growth.

Let me give you an example why. I hold here thousands of petition signatures of West Virginia college students and high school students, and I am willing to bet some parents, all who signed petitions circulated across our State in just the last couple of weeks urging Congress not to adopt the student loan cuts that are proposed in this budget. Whether it is West Virginia University, Shepherd College, Glenville, Fairmont State, University of Charleston, D&E, Davis and Elkins, you name it, 16 colleges and universities participate in this program, sending petitions under our own name, SAVE, Save America Via Education. They organized this effort themselves. They circulated the petitions, got up on Internet. The message is clear to Congress, thousands of people saying ''Do not cut student loans.''

Basically what is proposed to be cut is the Stafford Student Loan Program, the one that pays the interest while the student is in college and for 6 months thereafter.

Does it make much of a difference? It adds something like 20 to 50 percent to the lifetime cost of that loan. Many of these students somewhere along the road, and I visited many of the locations, said to me if that had been in effect I would not be able to be in college today; I would not be able to be in school today.

I have heard some say lightly, well, $21 a month, maybe that is all it is going to be. One CD, one music CD. Rubbish. For many people, $21 a month is a lot of money over a number of years. It is more in many cases, such as the nontraditional students, the mother who has put herself through a 4-year program, now getting an MBA, who said her daughter is now getting ready to enter undergraduate school, who told me how it would have been impossible at $21 more a month to have accomplished that.

Why is this so important? It is so important because, getting back to growth for a second, the opportunities created by a college education mean that our economy will grow at record levels. Those of you older than 40 or 50 remember the impact of the GI bill, when millions of veterans came home from the war and were able to get that education.

The Department of Labor estimates that everyone who finishes college on the average will have a 60-percent higher lifetime income than those that do not. This college education clearly is a ticket to success, not only for individuals, but also for our society.

There is also a problem with college classrooms. If you have less people able to attend college, and, incidentally, since 1979 the median income has gone up roughly 88 percent, I believe it is, while the tuition costs have gone up more than double that. So family income does not keep up with tuition income, which means these programs are more important. But there is also the very real fact that even those able to pay the full amount of tuition will find less students in school and therefore less classes available.

This is not a partisan issue. This is parents. It is teachers. It is students. It is anyone concerned about higher education. These thousands of students from across West Virginia have recognized clearly the impact this has.

Incidentally, it is not an interest loan deferral for all their lives; it is only for the time they are in school. they pay these loans back. But what the Federal Government does is to assist them in making sure they do not pay interest while they are actually in school.

So I would urge Members not to support this Republican proposal to cut student loans. While I am here, let me note I found of interest, it was just a month ago as I traveled the State when Republicans were asked about this. They said we have no intentions to do that. Today it is in the budget in a bigger way than I ever dreamed. I thought it was going to be $16 billion. It is 33 billion dollars' worth of cuts.

So to respond to those who signed these petitions, this battle is going to go on over the summer and fall, and we urge many more people to make their voices heard. If you want to talk about growth, growth in our children, growth in our society, growth in our economy, then we cannot be cutting the student loans. I would urge rejection of the budget for that reason alone.

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

[Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. WARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HOUSE REPUBLICAN BUDGET PROPOSAL

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

Mr. CLAY. Mr. Speaker, I rise in strong opposition to the House Republican budget proposal.

There is a saying which goes ''If you think education is hard, try ignorance.'' In today's budget-cutting frenzy, Republicans seem to be doing everything possible to establish ignorance as our national educational policy.

Recall that their assault on education started in the cafeteria, with their misguided, vicious attack on the School Lunch Program. With this latest volley, Republicans have now moved the battlelines into our Nation's classrooms, libraries, vocational training centers and, finally, to our college campuses.

The House Republican budget proposal would virtually obliterate the Federal role in education. It is a repudiation of this Nation's century-old bipartisan, national commitment to enhancing the educational opportunities of all of her citizens.

The House budget proposal is extremist and completely out of step with the views of the American people.

Moving into the classroom, Republicans would abolish or slash extremely popular and successful educational programs. Programs like Head Start, which they would reduce by $609 million in 1996, cutting off services to as many as 100,000 children a year.

The widely popular school-to-work initiatives that help the majority of high school graduates learn the technical skills they need to get good-paying jobs.

Republicans would eliminate across-the-board efforts in 47 States to improve reading and writing, to put computers into the classroom, and to improve academic standards through Goals 2000.

The budget proposal virtually eliminates the Safe-and-Drug-Free School Program—even though drug use is on the rise among schoolchildren.

Programs that target assistance to 700,000 at-risk, disadvantaged children would be abolished. Republican hostility to programs designed to lift disadvantaged children out of poverty through learning is completely at odds with our highest ideals, as well as decades of bipartisan congressional policy.

Having laid waste to the cafeterias and the classrooms, the Republicans move on. They would eliminate Federal support for public libraries—the main repositories of knowledge and wisdom in our society.

Their next target is higher education. Their proposed cuts in student aid are a dramatic departure from the national policy established by nearly every President and Congress since President Truman, the Republicans are endangering the American dream for millions of working-class families.

House Republicans recommend cutting student aid as one way to finance

tax cuts for the rich. The elimination of the in-school interest subsidy will increase loan costs for close to 5 million students by as much as 20 to 50 percent. Total loan costs could rise as much as $5000 for each student borrower. Middle-class families are especially hit hard; the average family income of a student receiving the in-school interest subsidy is $35,000.

Just wait until middle-class families find out that Republicans want to make it harder for their kids to attend college. Just wait until they find out that Republicans are proposing a hidden multibillion-dollar tax on their kids—at the same time Republicans are cutting taxes for the rich.

Finally, the Republicans save their last attack for the Department of Education itself. Their proposal to eliminate the Department would leave the United States as one of the few industrialized countries in the world without a national department or ministry of education. The Republicans claim that their proposal is simply an attack on bureaucracy. It's much worse than that.

The elimination on the only national voice promoting educational excellence amounts to unilateral disarmament, leaving our children all too defenseless in a fiercely competitive world. We live in the information age; this is no time to cut back our commitment to quality education.

In one poll after another, a vast majority of the American people express overwhelming support for the Department of Education and a strong Federal role in education. In a Time/CNN poll just released this week, 77 percent of those polled oppose eliminating the Department. A Wall Street Journal poll from last January showed that 80 percent of Americans believe a Federal Department of Education is necessary.

There are ample reasons for this widespread public support. The Department is a positive force for education as well as equality. It provides one out of two college students with financial aid; it support local schools' efforts to strengthen the teaching of basic and advanced skills for 10 million disadvantaged students; and it provides information about what works in education to schools and communities in every State.

Mr. Speaker, this budget proposal is the most reprehensible and irresponsible assault on education by any political party in the history of this country. Republicans are sacrificing our children's future at the altar of tax cuts for the rich and privileged. If they are successful, ours will be the first generation in our lifetime to have intentionally left our children worse off.

This proposal is especially pathetic, coming the month we commemorate the sacrifices of a generation who fought 50 years ago to save our Nation from ignorance and destruction. Our generation should also reject ignorance. This Congress should reject the Republican budget proposal.

□ 1845

Mr. Speaker, I yield to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding to me to join him in expression of absolute dismay at the results of the Republican deliberations with respect to the budget.

I understood when I came to the Congress this January that things would be different and that there would be a new Republican majority committed to the idea of balancing the budget by the year 2002. I understood that. I understood that we had to streamline government and perhaps sacrifice some of the programs in many of the areas of concern that the Congress has been involved in.

But never in my life did I dream that the Republicans would attack education as vigorously as they have in this budget resolution. I think the American people have been blind-sided about what this whole effort is about, thinking that simply being for a budget that is balanced, that somehow those things that they care about would be saved because the Republicans would share their same priorities and concerns.

I am here tonight to dispel the American public from such assumptions, because this budget resolution clearly and categorically expresses the new majority's intent to decimate Federal programs that have been put in place over the last 30 years.

I came to the Congress first in 1964, in an election which saw the election of Lyndon Johnson. And one of the wonderful things that we experienced in that first year was the final commitment of this Congress and this Nation because of the call by the American people that something had to be done about improving public education and making the idea of equal educational opportunity available to all of our children. So we enacted the Elementary and Secondary Education Act.

The premise of that legislation was to take the resources of the Federal Government and to make it available to the poor in our country, to the economically disadvantaged, to the people that lived in rural America, to those who were somehow unable to enjoy the fruits of this opportunity in America called public education.

That is what our commitment has been over the last 30 years, and we have improved it. We have expanded it. We have enlarged our commitment. ANd the reason for the ability of the Congress on a bipartisan basis to do this is that we shared the priority of this country in our children.

The new Republican majority comes here and says they pledge their commitment to families, to strengthen and embolden the families' opportunities for the future. What better way to do it than to strengthen our resolve as a nation that education will be our first priority, notwithstanding the cuts that have to come perhaps in other areas but to pronounce once and for all that, joined together with the Democrats, the Republicans will declare education cuts off limits.

That is what we are here tonight to plead with this House, that it embark upon deliberation of the budget resolution tomorrow, to reconsider this savage, unthinking reversal of 30 years of progress, of support for educational programs.

It has been devastating. Look at the list. I serve on the House Committee on the Budget. I was astounded when we were handed the budget resolution 30 minutes after we went into the committee to make these decisions. We sat there for 16 hours straight, until 2 a.m. in the morning, trying to argue logic and reason to the new majority, but they voted en bloc. I offered an amendment to restore the 26 billion dollars' worth of cuts and they rejected my efforts. I hope that the whole House will be different.

Let me just give you an example of some of the cuts that the Republicans are offering. Title I, which is the Elementary and Secondary Education Act that I spoke of that was enacted first in 1965, in an effort to try to balance educational opportunities all across the country, education is funded locally based upon real property taxes, and the communities that are having a difficult time, have large concentrations of poor people, people with low incomes cannot finance their local school education the same way that rich districts can. So we have this equalization going on between local school districts and the State.

But the Congress has laid over this whole pattern a simple edict; that is, educational opportunities must not be sacrificed. And so we enacted ESEA, title I. One of the major cuts that is being made to education is 663 million dollars' worth of cuts in this one area.

It is tragic. There are cuts in there for Head Start, which has been a very important program, which I thought had bipartisan support. Yet we see hundreds of millions of dollars cut from that program as well.

Safe and drug-free schools is being cut back over the 7-year period to the tune of about $3 billion. This is an important program. We understand that as each generation of children comes through our schools, that there are different kinds of problems, violence in the schools, drugs in the schools, and so this was the Congress' way of responding to it. We see cuts in bilingual education, cuts in the public libraries and, as the ranking member of our committee has noted, big cuts in the student financial aid program.

They will deny that these are cuts, but they are cuts. If they are funded as block grants, they will be cut. That is the pattern of the block grant phenomenon.

So I urge the people who may be listening to this program to contact the offices of their Congress people and put them on the spot so that they will be

able to understand about the programs that they are interested in. I urge this House to pay careful attention to the debate that will start tomorrow and do not support this resolution if it contains the cuts in education as is currently outlined in the budget resolution.

I thank the gentleman for yielding to me.

Mr. CLAY. Mr. Speaker, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding to me. I thank my ranking member, the gentleman from Missouri [Mr. CLAY] of the committee for taking this time.

I think we have reason to be deeply concerned about the cuts that are envisioned in the Republican budget that will be presented to the Congress tomorrow. And that is because it withdraws the historic level of support for education by the Federal Government of the efforts to better educate each generation of our children.

When I went to school, I was assured that the school that I attended and the programs that it offered would be sustained by an ongoing level of financial support that was steady and that could be counted upon. Today that is no longer true. But more importantly, just supplying money to education, the Federal Government has supplied leadership, and it has supplied leadership in trying to work on those programs that take young people as they graduate from high school, as they are in high school, and move them to the world of work. Yet that is being cut in this program.

What does that program mean? It means for some 70, 75 percent of young people who graduate from high school but do not plan to go on to higher education, that they will be able to transition, that they will be better able to take their place in the American economic system, a job that we do not do terribly well currently. Employers tell us that all of the time, that young people upon graduation are not fully prepared to transition from school to the American economic system. That means that they are less productive. That means that they are more expensive for employers, and we ought to make sure that that does not continue. The program designed to do that is in fact being cut.

Goals 2000, where we seek to obtain world-class standards of curriculum for the students of this country so that we can compete, so that our industries can compete, so that our students can compete on an international basis because every politician has gone home to his or her district and told these young students that they will not only be competing against their colleagues in school, against the people in their own city or their own State but they will be competing against the entire world, and if America is to succeed economically, it requires a highly educated, a highly trained work force that will be able to adapt to the work places of the future.

For that reason, we have got to have world class standards as children move through our education system so that they can take their place in that work force so they can provide the kind of economic dynamics that this nation needs to compete internationally.

Yet what we see, only a year or two in that program, programs started under President Bush, continued under President Clinton are now being cut and eliminated. That is not the way to the education future.

What is also rather startling in this budget proposal is that it continues an attack on children. In this instance, it continues an attack on almost every level of education being presented to children. In the Head Start Program, as my colleague from Hawaii pointed out, we see cuts where we know we have the ability to dramatically influence the future and the direction of that child's education program, those programs are being cut. We see programs at elementary and secondary education being cut.

And for those students who seek to go on to higher education, what do we learn in this budget? We learn that we are going to substantially increase the cost of that higher education, what for many young people and their families means either it is going to take much longer to get that education, the education is going to have to be stretched out, or they simply will not get as much of that education that they would have otherwise, when it was affordable.

Why are we doing that? We are doing that for the sole purpose, not of education policy. This is not driven by research. How can we have a better education system at the elementary and secondary level? This is not driven by research how we can have a better postsecondary education at the college level, at the technical school level. This is driven by the desire to provide tax cuts for the wealthiest people in this country in a disproportionate amount.

How do they secure the moneys to do that? They do that by cutting these programs. And the tragedy is, as these programs are cut from our elementary schools, from our middle schools, our junior high schools, our high schools, that most of these school districts, almost without exception anywhere in the country, whether they are urban or rural, whether they are suburban districts, will not have the ability and do not have the ability to make up for these cuts.

So what that means is, although the Federal dollars in total are not that great compared to what we spend in the Nation, they provide vital dollars that link together the educational efforts in our cities and in our rural areas. When those dollars are gone, there is very little opportunity, if any, in the district that I represent. Most of the schoolboards run an exact day-to-day operation trying to figure out how to pay for their programs, how to make the fiscal year work out and how to keep the quality of their programs up.

They are losing that battle. And now in the middle of that battle we hand them fewer resources to deal with that issue. What does that mean?

That means that children that would have had the opportunity of better trained teachers, of smaller class sizes, of better curriculums, of better technical materials and the availability of technology, computerization, and other programs will simply have that postponed or will go without. That means, in fact, that the education of the children of this Nation is going to suffer.

It need not be that way. If the Republicans would simply stop trying to provide these tax cuts to the wealthiest of their constituents and understand that we would be much better investing that money in the children of the future, in the students who are currently in school, to make them more productive, to make them more literal, to help them understand the fundamentals of reading and writing and computing and critical thinking and to put money into the training of their teachers, that is when we reap the bounty as a nation.

□ 1900

We do not reap the bounty as a nation by simply giving those who do not need a tax cut a tax cut for political purposes.

We ought to be very careful when this budget comes under consideration on the floor over the next 2 days in the House of Representatives. I would hope that the people that we would represent and those who serve on school boards and those who volunteer in the PTA and those who volunteer in the classrooms and those who teach our students would become engaged in this debate, because this debate is about more than money. This debate is about whether or not the Federal Government will continue to provide direction and provide technology and will provide expertise and will provide research and resources to better the education system in this country from what it is today for the next generation.

This is more than about money because it really is about the quality of that education. Because if we starve a system that is barely getting by in most localities today, if we withdraw these Federal dollars, quality is what will be compromised. It will come in the form of a larger class size, it will come in the form of the field trip postponed, it will come in the form of the computer not purchased, it will come in the form of the training for teachers that is postponed, but it will come in the form of reduced quality for our children.

Mr. Speaker, this generation owes the next generation more than that. We owe them better than what we are about to hand off in this budget.

There are many subjects and there are many concerns before us, with the cuts in Medicare, with the cuts in student loans, with the cuts in education, with the cuts in agricultural programs. But let us understand that when we lose the opportunity to educate the children of this Nation, very often that opportunity is lost forever. We ought not to be doing that. We certainly ought not to be doing that in the name of social progress or trying to kid the American people that they and their families and their children and their communities will be better off after these cuts in education are made because it simply is not so. It will not turn out to be so, and it diminishes the future and the horizons that these young people, who are capable of so much more than we are even asking of them today, it diminishes their futures and their horizons. They are entitled to more than that and they are entitled to better treatment than this Republican budget gives them that we will debate on the floor tomorrow.

I thank the gentleman for yielding and for taking this time.

Mr. CLAY. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank the ranking member of the Committee on Economic and Educational Opportunities for setting up this special order so we can talk about the budget cuts that we will consider the next couple of days.

Mr. Speaker, I speak with a little different accent from some of my colleagues, but I learned in Texas, even though I live in an urban district, that you cannot eat your seed corn and expect to provide for your future and the Republican majority's budget is doing just that.

The budget is intended to move this country to a balanced budget and I agree, we should work toward that end and we started during my first 2 years here in Congress. However, I strongly disagree with the Republican majority's plans on how they go about balancing the budget. Education is one of the areas that a person can directly affect their income. In other words, education is our seed corn and this budget will eat that seed corn.

On the average, a college graduate earns just under $60,000 while a high school dropout earns just a little over $20,000 a year. Congress should not be deemphasizing education by cutting the Department of Education and by cutting the Department of Education or the education programs by billions of dollars. That is our seed corn in this country.

One program which will receive these cuts is the title I funding which is due to be cut which would not allow 700,000 disadvantaged youth to take part in extended classroom time. Title I education funds in Texas alone would be cut $66 million. That is our seed corn for these children.

The Republican majority claims to believe in the war on drugs while at the same time cutting the funding for the safe and drug-free schools, in Texas alone, $29 million.

Another area which the Republican majority claims they support is self-improvement. We all want to expand our horizons, yes, but in the Republican majority budget proposal, Perkins student loans are cut by $1.1 billion, for someone who wants to improve themselves, $1.1 billion in cuts.

Perkins loans provide low-interest loans to the 700,000 students who cannot afford to pay tuition while they attend schools, and we are talking about a loan.

If the Republican budget passes, we will be eating our seed corn.

One fact the Republican majority failed to take into account is that one out of every two college students today receives some type of Federal assistance to go to college. Not all students are headed for college but the Republican majority cuts programs such as bilingual education in our elementary and secondary education program and even adult literacy which moves the adult person through the process who may not be going on to college.

Congress should help all Americans to reach the highest point in education, not just to benefit that person because of their effort on building their self-esteem but for very selfish reasons, because a high school dropout earns a little over $20,000 but a college graduate earns just under $60,000. They bring additional tax revenue to our country to pay for the future. Again, our seed corn.

Congress can ensure revenues by maintaining an educational system that is the envy of the world because we educate everyone. We try to provide the education for everyone. Let's provide our Nation's future and provide education funding for everyone. Let's don't eat our seed corn.

Again, I thank the chairman, or the ranking member for that time. Hopefully after the 1996 elections, you will be chairman.

Mr. CLAY. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I would like to also thank the ranking member of the Education Committee, the gentleman from Missouri, for putting together this special order and making it possible for some of us to express our concerns about this budget proposal that we see coming out of the new Republican majority.

Let me focus first if I may for a few moments on some of the greater picture here that we have to deal with.

First, we heard for several months that in this whole attempt to balance the budget and pass a balancing budget amendment, that no one would touch Social Security. Well, now we know that that was not true, because in the Republican budget proposal, there will be a cut of $24 billion between 1999 and the year 2002 that will cost the average Social Security recipient about $240 in the year 2002.

We were told that all this was necessary and we had to go about this because it was necessary to balance our books. Yet we now know that the Republican majority wishes to have a $353 billion tax cut which goes mostly to wealthy people. The greatest amount will go to those who earn incomes above $100,000 and principally those earning over $200,000. You could expect to get back about $20,000 if you are wealthy. If you are middle income, well, you get about 1/40 of what that wealthy person would get. Yet somehow we have to pay for that $353 billion tax cut.

How? We see it now in terms of education. About $20 billion now will be footed by new families that have kids that want to go to college because now when it comes to going to college, when it comes to getting that student loan, those students will be paying more money. It is a $20 billion tax cut for families with kids going on to college to pay for tax cuts mostly to wealthy people. What does that mean?

If you are in college right now and you take out a loan after this budget should pass, get ready to pay more for the interest because you would have to start paying interest the day you take out your loan, not 6 months after you graduate. The way it is done now, we subsidize it at the Federal level so that we do not somehow encumber a student's ability to go to school by saying, ''You now have to start paying interest on that loan you have taken out. Get that education first, then you can do it.'' That is gone.

We are also going to charge our schools, our public schools, K through 12, moneys because we are going to cut off all sorts of programs including innovative programs that make it possible for us to reform the way we teach and provide innovative programs.

In Los Angeles, there is a program called LAMP, L.A. Metropolitan Project, which is a public-private partnership. We are getting $50 million in Los Angeles from the Annenberg Fund, a foundation which is giving $50 million for the L.A. Unified School District to come up with innovative ways to reform itself. It is a very large district. We are now seeking private dollars from the private sector to help match the $50 million grant and we are going to try to do what we can to get the local governments and the State and Federal governments to come in as well. But here in the cuts that are occurring to programs like Goals 2000 which we passed last year which is for the purpose of reforming and innovating, we cannot do it anymore because that money is gone.

Perhaps most curious of all that we are seeing being done with the budget is that while we are cutting education, cutting student loan grants and moneys for people to go on to college, cutting back for people for Medicare to

the tune of $280 billion, while we are increasing the cost for Social Security recipients, we are increasing spending on defense.

This is a department that obviously we need to provide moneys for because we want to have national defense. But I do recall at some point that we did have $500 toilet seats coming from the Department of Defense. I do recall the millions of cost overruns that we saw in the Department of Defense. Yet no cuts. In fact, a $69 billion increase over the next 5 years. That does not seem to me to be a fair way to allocate the heavy cuts. If we are going to cut programs like education 30 percent, or in some cases 100 percent, why are we not doing a thing to touch the Department of Defense, the largest single program outside of Social Security?

Yet, we are going to touch Social Security, Medicare, our kids in school, our kids who wish to go to college. It makes no sense whatsoever.

When I take a look at the cuts that are occurring and I say to myself, why is it that we made so much of an effort at the Federal level to try to help our schools reform, when we know that the Federal Government helps schools to the tune of about 6 percent of all that is spent in our schools nationwide. Most of the money comes from the local school districts and the State governments. The Federal Government quite honestly has a very small role relative to the States. But 6 percent can still be quite a bit. Two percent of our Federal budget outlays go for education, just 2 percent. That 2 percent when you think about the gross domestic product, the entire productive capacity of the Nation per year is less than .5 percent of our GDP, goes to education. That is our commitment right now at the Federal level.

We are now being told that we should cut it out, if not entirely, by a dramatic and drastic amount. It makes no sense, because we would not have some of those gifted and talented student programs that we have now in schools, some of the bilingual education programs, the programs for the kids of Army personnel who are increasing the cost of those local school districts to run their schools, we would not have some of that support because those are programs that the States and local governments did not have. That is why the Federal Government is so important.

Why do we see this happening now? Mostly because we have to pay for tax cuts, $353 billion worth of tax cuts. You can lump all the cuts to education, all the cuts to higher education to colleges, you can lump that together with all the cuts to Medicare and add the cuts to Social Security and you still don't pay for the tax cut that goes mostly to wealthy people. A scary proposition we are hearing but that is the way it is.

I must say, Mr. Speaker, and to the gentleman from Missouri [Mr. CLAY], the ranking member who has made available this time, that that is not the way this country wished to go, whether it was in the election of 1994 or in previous years or today. I think if the people of America knew the truth, they would say this is not the way you balance a budget. You don't cut off the head to try to save the body. You try to make sure that you reform and you do it in a very rational way. This is not rational in any sense of the word. Reason has been thrown out the door.

I hope that what we do, I say to the gentleman from Missouri [Mr. CLAY] and the rest of the Members who are standing up here, is to somehow bring some sanity back to the debate.

I thank the gentleman for the time.

Mr. CLAY. Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I would like to associate myself with the remarks of all of the previous speakers who have covered the subject very well, and they, like myself, are shocked, outraged and I think all the American people should be shocked and outraged by the proposal in the Republican majority's budget for the liquidation, the elimination of the Department of Education, the eradication, total, of the Department of Education.

In 1995, in a year when we are facing tremendous global competition, we are proposing to do what no other industrialized, civilized nation has proposed to do and that is eliminate any kind of central guidance or central influence on education. Among industrialized nations, we are unique in terms of our lack of control at the top of education. We do not have a centralized control of education. We do not have a federalized system of education. The Federal Government plays a very minor role on the periphery, sort of, of education.

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In Japan, the education ministry is centralized, runs education in all parts of Japan from the cradle to the grave. In France, a very highly centralized education ministry, Germany, Great Britain has begun to decentralize and try to do a little more of what we do in terms of giving more control over education to local boards and local areas.

We go to the other extreme. We have too little influence and too little participation in education. We have so little that, as you heard from the previous speaker, the Federal Government is only paying 6 percent of the total bill. At one point we were responsible for about 8 percent of the total spent on education in this country and now the Federal Government is paying only about 6 percent of the total education bill; that is State government, low already, and local government which pays for most of our education.

That is too little. That is extreme. We are proud, and I think we should always continue the tradition of local control of education, but local control would not be threatened if we move from the present 6-percent expenditure up to as much as 25 percent. If we were providing 25 percent of the resources for education and we would have a concomitant amount of influence, that means we still are only influencing the decisionmaking to the tune of 25 percent. Local control and State control would still be in charge of 75 percent of the decisionmaking. So it would not be an extreme. I think it would be a happy medium, happy medium between the two extremes. Some countries have gone to one extreme, too much centralization. We have too little, and now we are facing a proposal of totally eliminating the Federal Government. Our participation at this point is very important because despite the fact that we provide so little of the funding, the central direction and the guidance that has come from the Department of Education through the title I programs has been very important. The States, although they get very small proportions of the overall budget, they are quick to obey the rules and they are quick to follow the rules of the Federal Government in order to be able to qualify for those funds. And they are also influenced very much in the process toward the improvement of their education system.

We have had a history recently starting with Ronald Reagan when he appointed a commission to produce the report called ''A Nation At Risk.'' The Federal Government began to realize that we are at a disadvantage in this very highly complex society. With all of the global competition that we have we were at a disadvantage with so little Federal participation.

So the movement toward increasing the Federal influence started with Ronald Reagan, ''A Nation At Risk,'' and then George Bush came with America 2000. Of course President Clinton followed through with Goals 2000, which is really an adaptation of America 2000 still based on the six goals that were arrived at at the Governors' Conference which was convened by President Bush. We were moving in the right direction, and now we have a budget process that was set in motion with the majority Budget Committee that is like, you know, barbarians burning down the temple of our civilization, the American civilization. The pillars of the temple of the American civilization rest on an educated population, and to destroy the guidance and destroy the participation of the Federal Government in the process of education is a reckless and stupid act. It is a dangerous act.

We should be outraged. We should be not only shocked, but we should resolve that we will not let this happen in America.

The majority budget is not the only budget on the floor, however. We will have other considerations.

We have shown that we can meet some of the objectives that have been set out by the majority. They have insisted that the budget be balanced by the year 2002. We do not agree with

that. And we do not think you have to be so hasty. We do not think you have to put America in a pressure cooker and force the issue of balancing the budget to the tune of billions of dollars being cut over a short period of time. We do not think Medicare should be cut. We do not think Medicaid should be drastically cut, and most people are not even talking about the drastic cuts that are being made for Medicaid, which is serving the poorest people in the country. We do not think all of that has to happen.

We offer an alternative. The Congressional Black Caucus alternative budget will be on the floor on Thursday, and it offers an alternative. We balance the budget by the year 2002. We meet that challenge, but we increase the budget for education. This budget boldly sets forth investments in the activities which keep our Nation prosperous at home and competitive in the global arena. Without hesitation, we have declared that education must be the Nation's No. 1 priority in 1995 and for the next 7 years. Though the amounts we have proposed are still not adequate, our budget alone has proposed substantial increases for education and other Function 500 activities like job training which is related to education. We have proposed to invest more than $27 billion over the 7-year period increasing the budget of education by 25 percent. We are going to increase the budget by 25 percent, and most important of all, we have rejected any notion that the Department of Education should be drastically and dangerously downsized and completely liquidated. This budget does that and it is balanced.

How is it balanced? Because if you set forth priorities, and you determine what we should spend money on, and you move forward to spend the money on those priorities, then you can get the money you need for that function by cutting other places where there is waste. So we have about 500 billion dollars' worth of cuts in existing programs. We cut the F–22 fighter plane, which is manufactured in Speaker GINGRICH's district, we cut that out completely. That saves $12 billion. We cut the *Seawolf* submarine; we do not need another *Seawolf* submarine. We make those cuts, and we also have almost $600 billion in the closing of corporate tax loopholes, and in the elimination of corporate welfare.

The American people do not know, the American people really would be shocked if they took a look at a chart which I have which shows that from 1943 to the present the share of the tax burden which is borne by corporations has gone from 39 percent to 11 percent in 1995.

At one point the share of the tax burden which is borne by corporations went as low as 9 percent, in 1990. So, from 39 percent of the tax burden it is now down to 11 percent. At the same time, the share of the burden has gone from 19 percent for individuals and families up to 44 percent. We presently have a situation where families are paying 44 percent of the tax burden while corporations are paying only 11 percent.

So one way we were able to maintain Medicare and Medicaid at the same level and also increase the budget for education was to close the corporate tax loopholes and to end corporate welfare, and by doing that we are able to get the money to go forward the priorities that America ought to be setting in the year 1995.

In the year 1995 we ought to be able to look forward to a nation which is a learning society, which is very much dependent on a highly educated population, not only in order to make our industries more competitive but in order to make our society more civil and our society more orderly.

Let me just close by indicating some of the individual items that the Congressional Black Caucus budget is able to fund in the area of education. We increase the funding for higher education title III assistance to historically black colleges by 20 percent. We increase the Federal TRIO programs for disadvantaged students by 12.5 percent. We increase funding for title I to $9.65 billion over 7 years. That amount would serve the total 100 percent of poor youngsters who are eligible for title I. We increase the funding for the education infrastructure, and that is an amount of money proposed by Senator CAROL MOSELEY-BRAUN of $600 million to help repair schools and new construction is some areas where safe schools are needed.

We provide an appropriation for family learning centers and libraries which has been authorized in legislation, but not funded. This would give ordinary citizens access to the information highway. Whether you can own a computer or not, your public library would be able to give you access to the information superhighway.

We increase funding for individuals with disabilities by up to 18 percent of the total cost. We increase funding for Head Start over the 7-year period, the budget cycle, we increase funding for Head Start to the point where every youngster who is eligible for Head Start would be able to get a place in the Head Start program, up to $8 billion is the total.

So we have compiled, we have provided a bold budget, but at the same time we have also laid out, made decisions about what the priorities should be, and the No. 1 priority is education.

Mr. CLAY. Mr. Speaker, in closing, first of all let me thank those who participated in this special order to bring about a fuller understanding for this Nation as to what these budget cuts will mean in the field of education.

This is not just a question of balancing our budget. This is an all-out war on knowledge that we are witnessing. It is comprehensive and it will affect education from preschool through graduate school. It is consistent with an overall plan to benefit the rich at the expense of the poor and the middle class.

The proposal that is being advanced is extreme, it is shortsighted, and it puts an end to the long-term tradition of bipartisan support for education.

The new leadership of this House did not attempt to sit down with the minority and effectuate a kind of program that would still preserve the most important features of education in this Nation.

In addition to the budget, the 1995 rescissions of the majority, if they become law, would eliminate funding for safe and drug-free schools, would eliminate Goals 2000, would eliminate funding to promote parent involvement in school improvement, would significantly reduce financial aid for deserving college students, and would eliminate a total of over $1.6 billion for fiscal year 1995 education funding.

If it passes, it will be a disaster, Mr. Speaker, for hundreds of thousands of students who want to and are qualified to and should be able to go to college. It will be a disaster, Mr. Speaker, for those who want to be in Head Start but will not be able to join. It will be a disaster for our school lunch programs where thousands and thousands and tens of thousands of our students will go to school hungry, will come home hungry because they cannot afford to pay for a lunch, and this Government has a responsibility, indeed an obligation, to be a party to addressing some of these major problems.

Mr. MARTINEZ. Mr. Speaker, after more than 12 years, I have ceased to be amazed at the shortsighted and inconsistent arguments made to position or posture ourselves in order to avoid the repercussions of doing the wrong thing.

On one hand, we are told that America needs a renewal of its basic values.

Well, one of the values instilled in children for as long as I can remember is the benefit of a good education—most of us know from personal experience, or the experience of friends and neighbors, that prior generations—usually from the middle- and low-income families, have always preached that the way to succeed is with a good education.

I guess this was a mistake—apparently education is only for the rich—because the way that some are treating college education opportunities, only the daughters and sons of the rich have any opportunity to attend college—and I mean the really rich.

My kids have done well in their careers and are now just beginning to send their children off to college—and finding that a year of college now costs as much as some homes—$25,000 just for tuition.

My kids were able to earn their tuition through summer jobs and part-time work at the local fast food restaurant—but not any more.

Now you have to have a graduate degree to be able to afford undergraduate tuition.

And the people in charge will now—with their slash and burn budget—only make it more and more difficult for the middle class to ever achieve what their parents found to be the normal possibility of a college education.

What has this country come to?

Twelve years of past policies supporting failed financial institutions and failed military hardware systems and failed trickle-down economic theories has led us from the wealthiest nation in the world to become potentially one of the poorest—with no prospect for recovery unless we stop some of the crazy changes that are taking place.

So, are we going to finally get our fiscal house in order? Balance the budget? Without touching Social Security? And without cutting a dime from defense spending?

Sound familiar?

It should. It is the 1982 Economic Reform Act of 1995.

A massive tax cut for our wealthiest campaign contributors paid for by eliminating the one tax break for the poor working stiff that even George Bush thought was a fantastic idea.

To sacrifice the earned income tax credit—the only possible reason the father of two could even consider taking a job at minimum wage rather than going on welfare—is absolutely ludicrous.

As my friend from Ohio keeps saying—beam me up.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

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

There was no objection.

THE BUDGET AND THE CONTRACT WITH AMERICA

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

Mr. CUNNINGHAM. Mr. Speaker, I should be at a dinner tonight, but I thought it more important to set the record straight. First of all I heard tonight that Social Security was going to be touched. Social Security is not touched, neither in the budget nor in the appropriation or the reconciliation package.

We have heard the rhetoric about the contract and how bad it was. But yet, the American people have embraced the Contract With America. And I have also heard tonight that the tax cuts are only for the wealthy.

Let me state the only way that we can beat rhetoric and/or basic lies is with facts, and I would like to present some of those facts, Mr. Speaker. And I will let you decide what is the truth and what is not.

In our package we gave the family tax credit for each child of $500. Is that for the rich? We have families from all walks of life with children. And the basic argument is do you want those dollars to go to the American people or do you want those dollars to be spent by the Government?

I would also ask you if an IRA for $2,000, that each family can save for their future, tax free, is for the rich? No, it is not.

I would also ask you in our contract we provide an IRA for a spouse, either a mother or a father at home who was not even working. You would be able to set aside $4,000 each year for a child. You can provide for a lot of education after 17 or 18 years on an interest-free loan.

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In our contract, we did away with the marriage penalty, to encourage families to come together, that if you filed jointly, that you have a tax incentive. We encourage that. For too many years we have penalized for people becoming families and filing that way.

In the Clinton tax-and-spend package in the early 1990's, he increased the Social Security tax on senior citizens. We have done away with that Social Security tax.

Capital gains reduction, Jack Kemp in the Wall Street Journal and the Union Tribune talks about retirement accounts, and that each American, whether you have a car or sell a home or what, that is real income and that is called capital gains. We took the fees and the items in which someone retires, $60,000 to $750,000, and everything that you own that you can pass on to your children, and yet the Clinton Democrats wanted to take that from 600 to 200,000 and then tax you at a very high rate. That is a redistribution of the wealth, Mr. Speaker.

The leadership's reply, the liberal leadership's reply, is an attempt to ignite an ugly class warfare system, and I repeat the facts, a $500 child break an IRA in which you can save for the future tax free, an IRA for a spouse at home tax free, savings, marriage penalty, reduction of Social Security tax. Those are not taxes for the rich.

Seventy-eight percent of the Contract With America's tax package goes to those that earn $75,000 or less. That is not the rich, Mr. Speaker.

Mr. Speaker, only 33 House Republicans voted for the George Bush tax increase. Not a single Republican, voted for the Clinton tax-and-spend package. As a matter of fact, it was so bad that they had to twist arms for 45 minutes and pass it by one vote when they were in the majority, and we only had 218 Members.

I look at what they have left us. Look at where each child today will owe $187,000 in tax liability. That is not a future that I want to leave to my children. We used to build a farm and pass it on to our children. Today, we are selling that farm and giving our children a mortgage.

I look at what the President said when he was going to have a $500 billion deficit reduction package. It was rhetoric. If you read in the recent Wall Street Journal, there was none, and President Clinton and the promise that he would reduce the deficit each year, in the budget that he just gave us before Congress, that budget increases the deficit by $300 billion a year. That is wrong, and that is for each of the next 5 years.

We take a look at the status of this country, Medicare is starting to go bankrupt this year. His own trustees' report of the Medicare account, Alice Rivlin, special adviser in the budget to the President, has started that Medicare will go bankrupt, and yet the other side of the aisle and the President are not engaging that issue, because there is a 1996 election.

The American people, Mr. Speaker, expect leadership. They want the President to take on and save Medicare. They want him to balance the budget, and they want welfare reform. But yet because of the 1996 election, there is no leadership. America is looking for that leadership, Mr. Speaker.

Look at each child born in 1995 again; $187,000? Do you want to leave that? We are spending nearly $1 billion a day on just the interest of the debt. What could we do in this country with $365 billion a year? Think about the other side of the aisle when they said we are hurting children. We can do a lot in education and law enforcement and the real things that we need to do with $365 billion a year. That again is just the interest, just the interest, and that interest is not going into U.S. banks, Mr. Speaker. It is going into foreign countries that hold those notes and receive American interest. That is wrong Mr. Speaker.

I look in just a few years ago, take a person that earns $20,000 a year. Let us say during the year they intend $25,000, and they have only made $20,000. Well, if they do not pay off the $5,000, they will have to pay the interest on that $5,000, and if they do not pay it the following year and they also increase sending to maybe $30,000 or $35,000 or $40,000, then they have to pay the interest on that. In just a few short years, they will owe $100,000, and they only make $25,000. That is the status of our Government, and that is the status quo of the liberal leadership and class warfare, and that is why our contract and the tax package is important, Mr. Speaker.

They talk about cruelty to education. Today because of the Federal Washington Bureaucracy, we only get 23 cents out of every dollar into the classroom. We had the superintendent of schools for DC schools clamoring because he has got 40-year-old classrooms. They want fiber-optics. They want computers in the classrooms. But where are the dollars going? What is cruel is this organization, this bureaucracy, is eating up all of the dollars. We want to block grant it and focus the money down to where we need it in the classroom. We need fiber-optics in classrooms. We need those televisions. But they are going to the Washington bureaucrats.

Mr. Speaker, the American people told me first when I was elected reduce

Government spending. In 93 days we reduced spending by $277 billion. They said give the taxes back, and again, only 33 Republicans voted for the George Bush package; zero voted for Clinton's tax package. But yet we gave $189 billion back to the American people instead of letting the Government have it and keep it. We think the people can spend it better than the Government and less wasteful.

And at the same time, the third thing, Mr. Speaker, they said to do, was we want to reduce the deficit. We reduced the deficit by $91 billion, and that was only in 93 days. It is our Contract With America that the figure that we will arrive at in 2002 is a zero budget, balanced budget, and that is important.

The fourth thing they asked us to do, Mr. Speaker, is work together. I have heard the President and AL GORE and Panetta and even Members on the other side of the aisle say this was a mean contract. It was ill-spirited. If you look again, the only way to defeat rhetoric is with actual facts. I would like to submit for the RECORD the actual votes day by day, day by day on every item in the contract. The average vote on each item was 300 votes, Mr. Speaker, the most bipartisan Congress in the history of over 200 years of Congress. Let me read just a couple: Balanced budget, January 26, passed 300 to 132 votes, 72 Democrats; unfunded mandates passed 360 to 74, 130 Democrats voted with us; line-item veto passed 294 to 134, 74 Democrats; victims restitution, 201 Democrats voted with us; criminal alien deportation, 163; regulatory reform and relief, 186 Democrats voted with the contract.

And here is an item; I will read just those few. I would like to submit it, Mr. Speaker, for the RECORD, the most bipartisan Congress in over 200 years, and that is important, I think, to the American people. Mr. Speaker, I would like to also submit for the RECORD, I have an article here written by former Member, former Secretary of HUD, Jack Kemp, and the ex-Secretary wrote,

> More than 100 million Americans are investing often through mutual funds and pension and retirement accounts. Every time you hear the phrase ''institutional investor'' on the news, think of the pension fund of the Detroit or Buffalo auto worker of the retirement account of an older couple in Florida and a member of the American Association of Retired Persons, or the Fidelity Mutual Fund holding a young Californian in entrepreneur savings, managing the hopes and dreams and savings of pensions of America's huge middle class.

It is entitled ''Capital Gains Fable and Fact.'' It goes through step by step, and Alan Greenspan in his testimony stated that capital gains would be one of the most significant indicators and founders of jobs in this country, and that is important.

Mr. Speaker, I include the article for the RECORD at this point.

CAPITAL GAINS FABLE AND FACT

(By Jack Kemp)

Forget the rich for a moment (I'll return to them later), a capital gains tax cut is the best thing Congress could do right now to help the middle class, the poor, and indeed, our nation's economy. Let's examine the ways:

The Financial Markets aren't a ''playground of the rich.'' In the last 20 to 25 years the financial markets have become strong middle-class institutions. Well more than 100 million Americans are invested, most often through mutual funds and pension and retirement accounts. Every time you hear the phrase ''institutional investor'' on the news, think of the pension fund of a Detroit or Buffalo autoworker, the retirement account of an older couple in Florida and a member of the American Association of Retired Persons or the Fidelity mutual fund holding of a young California entrepreneur.

These ''institutional investors'' that so dominate the markets these days are managing the hopes, dreams, savings and pensions of America's huge middle class. They may not be directly subject to capital gains taxes, but the value of their assets is determined by the health of the markets. A cut in capital gains taxes would be a boon for our financial markets and for the middle class institutional funds, not to mention for the family or retiree cashing in a retirement account to purchase a home, pay for college or for family retirement needs.

Jobs. We live, as we are so often told, in a competitive world economy. American workers can only compete with low-wage foreign workers by being more productive, making it beneficial for employers to hire them, even at a higher wage. As any economist will tell you, the most important element in increasing worker productivity is capital investment (economists call it the capital-to-labor ratio). It was America's huge investment in new plant and equipment—and particularly new technologies—during the 1980s that gave American workers the productivity edge still held over both Asian and European workers. Yes, American workers are today the most productive in the world, but the world keeps changing, and our international competitors, particularly in East Asia, have zero or very low capital gains taxes. A capital gains tax cut would enable huge new investments in American capital formation and ensure the productivity edge of the American work force for decades to come.

Jobs. Through the 1980s, the American economy added almost 20 million net new jobs (since the tax increases of the early 1990s that rate has slowed significantly). Almost all that job increase came from small and medium-size companies. In other words, the Fortune 500 haven't added one net new job to the economy in the last 15 years. Often these small, growing employers were start-ups, perhaps a new high tech operation in Silicon Valley, but even more likely a ''Mom and Pop'' operation providing a service to a local or regional market. Where did these new, small companies get the capital to open? Not from bank loans, but, often, from the realization of capital gains—by selling a house, or a previous small business, or mutual fund shares, and reinvesting it. Reinvesting, I would say in America's economic future.

Jobs. You only create new jobs in a growing economy, and perhaps the most vital elements to growth, the kind of quantum growth America saw in the 1980s, is entrepreneurial enterprise and development of technologies in the productive economy. Unless you believe government invents and applies technology better than the private sector (if you do, I suggest a trip to the former Soviet Union), what sense does it make for governments to be confiscating as much as 30 percent to 40 percent of an entrepreneur's capital, which he or she could otherwise reinvest in a business? (That's the 28 percent federal level plus the high local capital gains tax in states such as New York and California. If you count you inflation, as we must, capital gains taxes can often exceed 100 percent of net profits.) How many businesses have not been started, or have foundered, because they couldn't clear that capital gains hurdle? How many jobs have not been created?

Better jobs. According to the Herman Cain of the National Restaurant Association, 60 percent of all restaurant owners and managers today started as entry-level waiters and ''hamburger flippers.'' At some point, they needed capital to invest in that new restaurant, or to buy that new franchise. Upward mobility is what America is all about, and the ability to access and accumulate capital—an ability undermined by the capital gains tax—is the stairway by which people move up.

This brings us to beyond the issue of the middle class and to the concerns of the low-income people of our nation. Everything said about jobs here goes more than double for them. To escape the trap of poverty, the poor need many things—better education and a resurrection of family structures among them. But essential to the mix are jobs, lots of well-paying jobs in a growing economy that provides opportunity up and down the scale, particularly in urban America, for minority men and women to get access to capital and entrepreneurial opportunity.

A dramatic capital gains tax cut has now passed the House and will come before the Senate, and the rhetoric of class warfare has never been so heated. But what may appear as good politics for the ''soak the rich'' crowd, is bad economics for America. As a nation, we must reject the notion of a divided America, with mutually antagonistic classes in a zero-sum game, and see our nation as a whole, rising together and leaving no one behind. Will a capital gains tax cut be good for the rich. Of course. But a capital gains cut is even more important for the middle class and for the poor. To the U.S. Senate, I say: Put aside the rhetoric of class warfare, pass the capital gains tax cut now, and give all of America a well-deserved boost. Soon after, we can look forward to a debate about a real flat, fair and simple postcard tax system for our nation as we prepare to enter the exciting world of the 21st century.

I also heard the rhetoric that we will be taking away the money from education. Mr. Speaker, when I went through college, I grew up in a little town of 2,113 people back in Shelbina, MO. We went to the Shelbina Bank. It was not a big bank, and my parents cosigned a loan for me to go to college, and they both worked, Mr. Speaker. We paid back, my parents paid back most of it so I could go to school. You know something, the Government did not pay the interest on that. It was a loan between the bank and myself so that I could go to college. I had to work. I had to work in restaurants, and my parents both worked to pay it off.

Today, the Government subsidizes the students' interest while they are going to school, either 1, 2, 3, 4, or however many years. They pay that interest; they did not mind, but they are doing it now. What we are asking students to do is we will provide a loan for

a student who qualifies to go to college. That interest, you do not have to pay it while you are a student. But when you get a job, you will pay off that loan. The most that it will cost is about a buck, the size, the price, of a Big Gulp amount at 7-Eleven. All of those 1 dollars per day extra that a person would have to save and spend amounts to $12.5 billion, Mr. Speaker, $12.5 billion, and all we are asking the student to do is take the responsibility, a world that you do not hear much around this place, and pay off their loan.

Let us look at a case, very high borrowing, 9-year graduate student, worst case, student with 9 years of graduation, that borrowed a maximum amount of loan for all 4 years of undergraduate enrollment. The above loan shows that there is a savings to the Government of $16,015. That will be about $194 extra per month that that student will pay. That is at a rate of 2 percent.

Alan Greenspan has also said that if we balance the budget, interest rates will go down as low as 2 to 4 percent. Now, take 2 percent on a home, take 2 percent on a farm, I think, and I cannot remember the exact figures. I have got it in my notes. But a $75,000 mortgage, I believe, at an 8½ percent over a 30-year period, you will save about $56,000 with a 2-percent reduction, and Alan Greenspan said it could be even more. $56,000 will go a long way to pay for college students, for a house, for a car, and whatever.

And so the myth about that we are destroying college loans is just not true, Mr. Speaker.

We spent in this Government over the last 7 years $9.5 trillion. In balancing the budget, the Republicans are going to spend $11.5 trillion. Let me repeat that, 9.5 to 11.5, but what we are going to do is reduce the rate of growth of Federal spending, because if we do not, Mr. Speaker, America will become a second-class economic country.

The soundness of the dollar abroad will keep going down. Medicare will fail. We will not balance the budget. It will go out of control, and welfare reform and all the other reforms that we have put together will go down the tubes.

The coming debate is not just about the budget. It is about the American future, Mr. Speaker. It is about doing the right thing. It is about an opportunity to create the potential for prosperity, for safety, for a better life for virtually every American. It will take hard, systematic work, and real change. But it can be done, and it will improve the lives of our children, of our senior citizens, and every American.

What does it mean? People say, well, that is just rhetoric. How do you do the right thing? Mr. Speaker, let me go through what those items are. First, you have got to be truly compassionate by replacing the welfare state with an opportunity society. The Republican Governors came to us and said there are 366 welfare programs. They all have people that work in them. They all have facilities that have to be paid for. They all have overhead. They have rules and they have regulations. Different people qualify for those welfare programs. They are all so intermeshed that none of us, the Governors told us, we cannot track on who is getting what, and in many cases people are qualifying and receiving and abusing the system. So they asked us to block grant it. Let them use the programs individual to their State.

Look at what Governor Weld has done. Look at what Christie Frittman has done. Look at what in Wisconsin they have done with Tommy Thompson. Those are successes, Mr. Speaker, and we want to give the States and untie their lands to run the programs where they can actually help people.

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Governor Weld actually reduced taxes, reduced the welfare system, and he has got the majority of his people working. They are happier, they have responsibility, and they love it, and that is what we ought to free up the people to do.

Second, restoring freedom by ending the centralized bureaucratic micromanagement from Washington, DC. We need to return the power back to the States. A tax increase and government control is the one most powerful measure in which this body operates. I say to my colleagues, If you have the power and the control, you control votes. We do not want Washington to have that kind of power. We want to give it back to the States. We want to give that power back to the people, Mr. Speaker, because we feel that government does work best closest to the people.

I say to my colleagues, Ask anybody in your particular area. Ask them if they know where the dollars should go specifically better than the individuals that are servicing that program. They cannot.

Third, promoting prosperity, economic growth, take-home pay, by reducing taxes, reducing litigation and regulations. Go to any city, ask any Governor, ask any major, ask any official or any business person what they would like to do better business and be able to hire people. One is get rid of the liability and the litigation problems, the rules, and the regulations. We are going through the Clean Water Act, as we are right now, and reducing the tax burden and the overhead.

Next, creating an opportunity for every American by leading a transformation of an information age society. We double our knowledge, Mr. Speaker, every year. It used to take only 10 years ago 50 years to double that knowledge. Look at the schools, at what they need with the fiber optics and the computers we talk about, the libraries of high technology. We are putting out in an information age an enormous amount of information, but there is no one out there to receive it. We are understaffed. We are undermanned. That is where the government has got real investment that it can make in helping our students to make sure they are up to speed. If we do not prepare them for that, then Mr. Speaker, the age gap and the gap between those that have good jobs and those that do not will go.

I have a school in my district at Scripp Ranch. That school has got fiber optics. It has got a computer system. It has got a system to where the children, boys and girls, are swinging hammers in a trade, learning a vocational trade. They are building modular units, and they are designing those modular units on computers. On the other side of the aisle, those students that are college bound, the architecture and architecture design students are using those computers. They are designing those modular units. The students then sell those modular units and buy new equipment for the school, and guess what, Mr. Speaker? In the summer the unions in participation with public and private are participating with small business and private enterprise, and they are hiring those students in the summer, they are teaching them a vocational trade, and they are preparing them for college, and we think that is the way to go for our students in decreasing the bureaucratic rhetoric and the bureaucrats here in Washington, DC.

Next, create a safe financial future for our children, our retirement years, by balancing the budget, solving the crisis of Medicare and Social Security. And we have already talked about what the options would be. It is our moral responsibility. Look what happens if we do not save Medicare. I ask my colleagues, ''Can you imagine—I do not use the term senior citizen, our chronologically gifted people can you imagine our chronologically gifted folks—having to pay 300 percent more premiums on Medicare?'' That is cruelty. ''Can you imagine that in a welfare system, having the system that we have today that is cruelty, can you imagine not balancing the budget and having our children owe $187,000 in taxes the day they're born in 1995?'' That is cruelty, Mr. Speaker.

We have a moral responsibility, and we need the President to take the leadership in doing that. I say, ''Don't turn away from it just because they're 1996. Go down in history as a leader not being AWOL.'' As a majority party, we must lead a new dialog, not through just dialog, but through change and public opinion.

A great man, Franklin Delano Roosevelt, in 1936 said, ''Our generation has got a rendezvous with destiny.'' Mr. Speaker, we have a rendezvous with destiny. It can be one of a second rate power, of an economic power where our children are not safe in the streets, where the current welfare system exists, or we cannot.

Another great man that I heard spoken about tonight here, his name is Ronald Reagan, and he said, ''We have every right to dream heroic dreams. The crisis we are facing today requires our best effort and our willingness to believe in ourselves and to believe in our capacity to perform great deeds, to believe that together with God's help we can and will resolve the problems which now confront us. After all, why shouldn't we believe that we are Americans?''

President Ronald Reagan had a good thought. It is our opportunity right now, by creating an opportunity society, by decentralizing American government, by creating economic growth and reestablishing American competitiveness and the American dream by leading the transformation of the information age, and balancing the budget, reducing the financial crisis in Medicare and in Social Security. To embrace change on this historic scale we must use an appropriate planning model, a vision, the strategies, the projects and the tactics, Mr. Speaker.

I would ask the gentleman from the other side of the aisle and there are many, Mr. Speaker. There are many of the Democrats on the other side of the aisle that embrace this. But I would ask, I would beg on my knees, that the Democratic leadership would get away from the 1996 election and help us achieve that vision.

What is our vision of the American future, and what does it mean? Every American is safe from violence and drugs. That is a novel item. Every willing person will be integrated into a world of work, prosperity and achievement, a healthy environment, and, trust me, Medicare is not standing alone by itself. If we are going to solve that problem, we need health care reform. The President is correct about that. We need the tort liability reform. We need the paperwork reduction. We need insurance grouping so more people can afford insurance. Most everyone has health care, Mr. Speaker. Not everyone has insurance, and we can do that and save the Medicare problem.

New technologies and approaches to create the fullest possible participation of every American with disabilities. I have a father in my district, Mr. Speaker. His son was paralyzed from the neck down. He went to the Medicare system, and he has got a whole garage full of equipment that he cannot use. He was so distraught that he started his own business on how to handle disabled children, what equipment do you use with sound activated doors, with computer systems, where someone cannot type, it can be sound activated, and, Mr. Speaker, I would advise you to use it because it is also spell-checked. As you verbalize into the computer, something all of us could use, not just someone that cannot type.

A pro-entrepreneur, pro-science technology. Our biotech industry, our medical industries, are the future. We are debating a wetlands and a Clean Water Act. We have biotech companies that are growing antipesticides out of DNA, and guess what? When the rains come and the DNA washes off the plant, it does not violate our rivers, or lakes and our oceans. We need to invest in that, Mr. Speaker.

Job opportunities for every American, but, yes, with low taxes and a balanced budget amendment. All around U.S. corporations are rethinking and engineering. They are doing; they are downsizing. But, as industry is downsizing and reorganizing, Government is growing bigger, and bigger, and bigger. That is why we have the current welfare state. That is why we are only getting 23 cents out of every buck down into the classroom, and we have to have a vision, but, yes, we have to listen, we have to learn, we have to help, and we have to lead.

I will not go through the improvements again, but they are important, and we have got to do that. The welfare state has failed, Mr. Speaker. It has failed the model of delivering goods, services to help the American people. It actually hurts the poor. I ask you, and I would ask every American, ''Look at the current welfare system, the child abuse, the brutality, the drugs, the crime ridden Federal projects.'' The culture of violence is increasing. It permeates our inner souls in our inner cities. It denigrates our civilization.

In our committee we heard case after case of a welfare mother that has gotten off of welfare because she said, ''Duke,'' she actually said Mr. Chairman, ''the welfare system is addictive. It's easier to stay off welfare.'' But our own laws prevent us from helping that person. We take away her welfare check if she goes to work or a portion of it. She has to provide transportation and clothes. She has to provide babysitting for her child and child care. And then she says, ''Well, I could actually lose my health care also, so I'm going to stay at home. A, I'm with my child, I make more money, so why should I get off?''

Well, in the contract what we do is, first of all, we go after the 34 billion, the deadbeat dads, in some cases deadbeat mothers, to bring that balance to those families. We also have where parents get together. We do not penalize them for the first 2 years. We let them get together. We do not take away that welfare check. But, yes, one of them has to work 30 hours a week, but yet we are encouraging families to get together. That is more compassionate, Mr. Speaker, than letting parents split up and children go without fathers and without mothers.

The culture of violence. The nonworking, nonproductive part of our society is a big factor in the deficit that we face each year. The human cost of the welfare state; poor Americans are trapped in unsafe housing, they are saddled with the rules that are antiwork, antifamily, and antiproperty. They are forced to have their children attend some public school monopolies, and I would ask any American to visit the D.C. schools. They are trying their best. I listened to the superintendent, but yet they need that investment into education, and the gentleman was right. We need to invest in education, but we also need to let the States have the power to wield their wealth and give the money to them in the block grants so that they can direct the money, not have Washington.

In the name of compassion we have funded a system that is cruel and destroys families. We need to change that. Welfare spending now exceeds, and listen to this, Mr. Speaker, welfare spending exceeds $305 billion per year, a total of $5 trillion since 1965, $305 billion a year in welfare, and look at what it has got us today, a failed state. But yet many of my colleagues on the other side of the aisle would just have us dump more money into those 366 programs to say, well, we need it for the children. Well, I would say to you, Mr. Speaker, it is cruel to keep the current welfare system. The $305 billion is three times the amount needed to raise all poor Americans above the poverty line, and that is in 1 year. We can just give the poor Americans money, and it would do more, except it would keep them on the welfare state and not encourage them to work.

Since 1965, the juvenile arrest rate for violent crimes has tripled, Mr. Speaker, and I think most Americans would agree it is the condition of what we gave them the welfare state as it exists today. Look at the Federal housing projects. You have heard the Speaker of the House state that no civilization can survive with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS and 18-year-olds receiving diplomas that they cannot read. In this information age we are looking at taking right in the Library of Congress and putting it on CD Rom for about $45 million, and it would be expediential to reprint all of those books.

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And we are going to do that. But that also requires that American children can read and soak in some of that information. Furthermore, no civilization can survive with parents and grandparents cheating their children by refusing to balance the budget and live within their means.

The welfare state cheats the poor. The unbalanced budget cheats every child. The legacy we are leaving our children is moral and physically bankrupt, Mr. Speaker. But yet there are some on the other side of the aisle that would have us say, we are cutting, we are cutting.

Again I would like to state, in the last 7 years we spent $9.5 trillion. In the next 7 years we are going to plan to spend $11.5 trillion. That is a reduction to plan to spend $11.5 trillion. That is a reduction in the growth.

Transforming the welfare state into an opportunity society for the poor requires a shift from caretaking to caring; welfare reform that emphasizes work, family and opportunity, volunteerism and spiritual renewal; renewing the basic values of American civilization, tax incentives for work, not to stay on welfare; investment and entrepreneurship.

Look at what enterpreneurship—I watched a movie on TV late last night. It was called A Woman, I believe, A Woman of Means. I cannot remember the name of the movie, but it was basically about a woman that started off very, very poor. She had a child out of wedlock. She worked in the mills. She worked hour after hour and saved. She saved every penny, and finally she went up and bought a little store. She even made jellies. She made linens. She bought and opened up a little bigger store, and pretty soon she bought the store next to her. She worked night and day, and pretty soon that gentlewoman became a multimillionaire.

Many of which on the other side of the aisle would call the rich. But yet this woman had taken her life and worked and scraped and saved and done everything, employed thousands of people; but yet the Clinton administration would tax her. They would put OSHA on her back, put rules and regulations which would cause her to lay off people. We cannot continue to do that, Mr. Speaker, because growth is a very important factor in balancing the budget.

Reestablishing property ownership and full citizenship for the poor, look at Jack Kemp's original HOPE and HOME programs that many on both sides of the aisle embrace. Learning to focus on education, government protection of the poor against violence and drugs.

The second strategic improvement is restoring freedom by ending the centralized bureaucratic micromanagement by the Government in Washington. We only get 25 or 23 cents out of every buck into education. That is the wrong way to go.

The general rule for decisionmaking for local problems, local government is generally better than the national government, and the private sector is generally better than local government. Limit the State bureaucracies, and we should be trying to attempt to get as much money as we can down to the local level.

Mr. Speaker, the third strategic improvement is promoting economic growth and jobs and prosperity. Alan Greenspan said, if we balance the budget, and I quote, ''you cannot imagine the wonderful things that will happen.'' The soundness of the dollar in America and abroad will be enhanced. Interest rates will go down by 2 percent. We will create millions of jobs.

So there is an important factor in growth, but yet those that would tell you to balance the budget, capital gains are only for the rich. I ask you, Mr. Speaker, look at it logically and I think you will find another axiom.

The American economy needs to grow within increasingly competitive world markets, to increase revenues so that the Federal Government budget can be balanced without raising the taxes. The more people you have working, the less taxes you have to pay from everybody, and the less taxes you have to put on business, and the more people they can hire, and the more people that can pay taxes. It is called macroeconomics, Mr. Speaker. To pay for the Social Security and Medicare in the 21st century, that is important also, Mr. Speaker.

At 1 percent less rate of growth, the current projection, what does it mean? Social Security goes into a deficit 13 years sooner by just a 1 percent less growth. At a 1 percent more growth, the Federal tax revenues are $716 billion greater, by just 1 percent. That is a great amount of money, Mr. Speaker, by any means.

In 7 years the difference between the high and the low economic growth productions means a $1.2 billion swing in the size of the Federal budget and the deficit.

Let me give you a classic example. High growth rates can be achieved and sustained on following the right policies, just as good health comes from good nutrition and exercise. Example: Japan, through the years of 1975 and 1993, 18 years without a recession, a 4.2 percent annual growth rate. And remember what we said, just a 1 percent interest growth rate would mean billions of dollars for the budget.

Yet we take a look at the United States, compared from 1973 through 1993, three recessions we have gone through in the United States during that period, a 2.6 percent instead of over a 4 percent annual growth rate, and it only gave us a 1 percent annual personal income increase.

Imagine if America had matched the Japanese in economic growth rate over that period of time. The real GDP would have been 1.8 trillion greater. Per capita income would have been, listen to this, Mr. Speaker, $8,955 per worker greater for just matching what the Japanese did.

Greater American competitiveness and increased economic growth requires a tax code that favors work, not Big Government, savings on investment, less litigation, less regulation and redtape, lean and effective bureaucracies, lifetime learning, entrepreneurial culture, sensible government investments in infrastructure, government research and development leading to corporate product development and marketing.

The fourth strategic improvement is leading the transformation to an information age. The speaker holds up a tube, a vacuum tube, a tube that you will fly home with if you are flying this weekend with the FAA. The United States is the largest producer of the vacuum tube. But yet government, by buying a computer chip, is worth a million vacuum tubes. And yet we need to step into the future and do that. But we are not. We have not been able to do that. Just think about the hundreds of thousands of dollars by switching to a computer chip instead of a vacuum tube in our government.

Over the last 15 years, the Ford Motor Co. has transformed itself through new technologies and new culture to qualify and through productivity. Today Ford produces the same number of cars, two and one half times the quality, with one half the work force. Consider what government could do if it could match that same standard. We could send half of us home, half of the staff home. I think many of the American people would support that, Mr. Speaker.

New breakthroughs do not fit into the traditional role of government. It is too hard to change, too long.

Let me tell you about a program and a change. We plan on merging or doing away with the Department of Education, eliminating HUD, eliminating the Department of Energy and eliminating the Department of Commerce. Eliminating the Department of Education is $4 billion every year that we could save. Eliminating HUD is $15 billion. Eliminating the Department of Energy is $20 billion. They say, how can you give a tax break and give the money back to the American people?

I heard Russia mentioned today and that we are spending too much money on defense. We gave the former Soviet Union a billion dollars to dismantle nuclear weapons. We gave them another $4 to $5 billion in nation building, Mr. Speaker. Last year Russia built five Typhoon nuclear class submarines, the Red October type class submarines. They built a Mig–35 which is superior to our F–15 and F–14 fighters. They have an AA–10 missile which is superior to our AMRAAM. They have a torpedo, an underweter torpedo that will go over 100 miles per hour. Yet we are giving them money so that they can fight a war in another country.

We need to invest at home, Mr. Speaker, and not send the money abroad. We need to increase our own economic model in this country, create the jobs, balance the budget, solve the Medicare system, and work so that the babyboomers will have a retirement to look to.

Debt consumes America. Again, we are paying nearing nearly a billion dollars a day on just the interest.

The Clinton administration knows the crisis is coming. Social Security will face a cash deficit by the year 2013. The unified deficit will increase unless taxes are raised or benefits reduced, and it comes even earlier in 1999: Clinton's OMB Director Alice Rivlin on 10/94. But yet the President fails to provide a solution.

I ask the President to engage. Give us your plan to balance the budget, put away the 1996 elections. Give us your plan to save Medicare instead of the 1996 elections.

The Clinton debt numbers actually underestimate the problem because they fail to account for four additional powerful factors, Mr. Speaker. The taxpayers' burden is paying interest on the debt, the cost of higher interest rates caused by the Federal Government's borrowing, the imminent financial crisis in Medicare, if it is not saved, and the soon-retiring babyboomers and their effect on the Social Security trust fund.

Every citizen will have to pay a lot more in taxes and interest on the debt unless we solve the problem. Over the next 11 years, we will pay as much in taxes just to pay the interest on the debt as the entire debt that has ever existed.

The following Americans will pay a lot on interest to the debt which builds up over a time in their lives. Let us take Sally, in 1995, $187,150. Our spending today saddles our children with debt tomorrow. That is not a legacy that I wish to leave my children.

In 1997 we will pay more for the interest on the debt than we will pay for all of national defense. That is sad, Mr. Speaker, and that is on the interest. That is not on the principal. It does not go into our banks. It goes to foreign interests and foreign subsidies used against us in economic warfare such as Japan, such as China, such as Russia.

Budget deficits raise interest rates and cost everyone additional money. What a balanced budget will mean, I quote Federal Reserve chairman Alan Greenspan; I think real incomes and purchasing power of the real incomes will significantly improve what they look for in their children and they are doing better, and they will do better.

Alan Greenspan stated that most Americans feel that their children will do worse than they have in their present lifetimes. That is a sad commentary, Mr. Speaker.

I feel that we are doing the most important things that we have ever done in our lives. When we are only getting small amounts of dollars to the problems that we have, when this nation is headed for economic ruin and a second rate country economically and we are going to lose our health care systems, we have got to do something about it.

I feel proud to be able to take part in that. I ask my colleagues on the other side of the aisle, put away the rhetoric, put away the information that is coming out and join us and embrace it. We want to save this country for our children, because, again, if we do not, they are going to owe far more than we could ever pay: not a legacy that we want to leave for our children.

Mr. Speaker, I am going to close in just a second. I am going to basically state that in the future of this House and working with the Senate, with both sides of the aisle, whether we receive a balanced budget amendment or not, we are going to balance the budget in 2002.

The gentleman from Ohio [Mr. KASICH] of the Committee on the Budget has taken every single Member's information into account in our conference. The COLA's for retirements are back in. The items, the common goal and the common thread when it comes down to it, in the year 2002 we will have a balanced budget in this country, and what a great thing that will mean, Mr. Speaker.

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THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE. Mr. Speaker, I rise today to clarify a budget process that has been caught up in much controversy and debate. I heard a colleague today at an earlier presentation suggest that we might do well to engage in dialog and turn ourselves away from this whole idea of debate and speak to the issues that I believe the American people can understand. Coming from the 18th District in Texas, the fourth largest city in the Nation, Houston, I am going to use as a backdrop to this discussion this evening as a reminder where our State already finds itself under the present rescissions bill that is yet to come back to the House but already evidences that our State will lose some $1.1 billion in needs of family nutrition, aid to dependent children, school nutrition, and Medicaid, that takes care of the many needs of our children and our senior citizens.

Interestingly, there is a sharp divide in the vision and the focus of this Nation. For in the debate and the discourse that we have heard, we have been told that the deficit will break the very backs of this country. Yet we find when we analyze the deficit and compare it to the GNP in this Nation compared with other western civilization nations, we have the smallest percentage of deficit of any other country.

This does not mean that we do not face up to our responsibilities and begin to confront the hard issues of deficit reduction. As a new Member of Congress, I have made that commitment because I have come from that kind of history. For local governments do not carry deficits from one fiscal year to the next. We know the hard response of being able to pay as you go.

I do want to clarify, however, that many of the local and State governments have a luxury that this country does not, and, that is, that they separate out their operating budget from the budget that deals with capital improvements, a consideration that I have raised as a possible direction for this Nation to take, ongoing debt versus immediate debt.

In any event as we begin to dialog about this deficit reduction and this budget resolution, which has been characterized as a resolution to solve the budget deficit by the year 2002. Juxtaposed to that representation is the inquiry of where the Democrats' budget proposal might be.

To clarify, it is the responsibility of the majority party in this House, of course, to present a budget. Certainly that was to have been done by April 15 and, of course, we did not receive such a resolution until last week. Not only did we not receive it until last week, about the second week in May, but we now are to address this resolution and find a common bond and resolution in a matter of less than 48 hours. This will be debated on the House floor tomorrow, Wednesday, and voted on before the end of this week. There will be Democratic proposals. There will be amendments that will be offered. And so the responsibility that is charged to those of us who are Democrats is being upheld. It is unfortunate that the tone of the debate is suggesting that one's responsibility has not been taken care of.

But the sharp divide over which direction this Nation should go causes me to rise this evening to say that clearly the Republican Party needed to take a couple of more months in order to strike a more effective chord of bipartisanship that would help to approach the deficit reduction that we all would like to have but, as well, create a vision of opportunity and challenge and success for this Nation.

Interestingly enough as we were being cajoled into thinking that life was all right in the late 1920's and the early 1930's under the leadership of the Republican Party as we moved into the deep recesses of depression, many people would have thought of a variety of ways to increase productivity and to get this country out of the depths of depression. It, however, took a creative Government under the leadership of Franklin Delano Roosevelt to both answer the question of debt but as well answer the question of productivity.

This country today is crying out for productivity. It is crying out for a need of jobs, for the engine to run corporate America to produce jobs, for the domestic energy industry to be refueled and retooled. It is crying out for those who would seek to bridge themselves out of dependence into independence an opportunity to do so. This budget does not speak to that. In fact, it undermines that.

While their proposal would provide for a balanced budget by the year 2002, it would abolish several vital Cabinet departments. Low and moderate income Americans and particularly children would be impacted. According to the new Washington Post/ABC News poll, if we are to be pundits of polls, my opinions are apparently shared by a majority of Americans. Sixty percent of poll respondents oppose abolishing the Education and Energy Departments and 56 percent oppose shutting down the Commerce Department, which, by the way, has been a most

productive department that we have seen over the last couple of years creating billions of dollars in business opportunities for America's business, both small and large. And, of course, they oppose the cutting of the needs of those who rely upon Medicare and Medicaid.

I am further concerned about the budget resolution for several reasons. One reason is because it would negatively impact the Social Security System and the 43 million Social Security recipients nationwide.

The Republican leadership has pledged that Social Security would not be hurt by their budget, but we now know that they want to change the rules. They want to reduce annual cost-of-living increases that would in effect cut Social Security benefits by $24 billion between 1999 and 2002.

Let's put some faces to that, because obviously these are just numbers. But what happens to those citizens who totally rely upon their income and their support from Social Security? It is all right to say that in the years past, you would match pension benefits with Social Security benefits. Those were the good old days. It comes now full circle that many of our working citizens, who for many reasons believed that Social Security was a trust fund, although we recognize that it is one where you are now paying into it to pay for those who are on it at this point, still the concept is, I paid into Social Security with the belief that it would be there for me upon retirement. The tragedy of that, however, is that many of those individuals, and particularly those who are on SSI, the physically challenged, our children, have come to have that as the only source of support that they might need to carry on their life and to survive. That is the face of Social Security. So we can fix something without eliminating it.

Second, the budget resolution does not represent an adequate investment in human capital. We have spent an exercise over the last couple of weeks talking about welfare reform. I clearly challenged that, for I am committed to welfare reform and challenged the proposal that passed this House as welfare punishment, for it was inconsistent with the so-called results that were looked to. That is, by terminating people a certain period of time, there was some reason to that debate, that citizens should not be on welfare for their entire life, to break the cycle, but how much of a response do you get by terminating someone off a benefit that they may need? Not the able-bodied citizen or someone who can go out the next day and get a job but the person who truly has dependent children, did not finish their education, and has no skills.

If you are serious about welfare reform, then you would have several elements: Job training, child care, and some sort of incentive to your businesses to provide jobs for those individuals. None of that was included in the welfare proposal that was passed out of this House. Yet now we come full scale with a budget that would include several points that cut into my sense that there is any seriousness with the Republican Party on, one, their commitment to true welfare reform, and then to a realistic budget that responds to the deep diversity of this Nation; not necessarily poor to rich but all of those in between who may at some time in their life fall upon hard times, those individuals who may need Medicaid at some point, those individuals who may need a school lunch program or a school breakfast program at some point in their life, those who may need aid to dependent children at some time in their life. Much of this now in the rescissions package, which is rescinding back what was already authorized, is further being cut through the budget.

Let me just cite what is being cut out of the Republican budget as I talk about the human capital impact, putting faces to the impact of this budget resolution. Again, moving us far away from striking a bipartisan chord to move us toward deficit reduction and as well strike a positive vision for this Nation, one that captures the spirit of Franklin Delano Roosevelt, creating the productivity of this Nation to create jobs and opportunity.

First of all we cut Medicare under this budget by $283 billion over 7 years from 1996 to 2002. Falsely we are hearing that in fact Medicare will be increased to about $1.4 trillion approximately. This cut, however, which is a realistic aspect, and I would welcome a dialogue and a rebuttal of this particular point, it will add $1,060 to the out-of-pocket costs of seniors by the year 2002. It will cut Medicaid by $184 billion over the 7 years. Many of our indigent seniors rely upon that kind of health dollars to provide their health care for them. Clearly there is a singular voice saying, ''Why do we not have health reform?'' Of course, we have attempted that on many occasions. That might be the appropriate answer than rushing to judgment and making cuts that would burden those already burdened.

I have mentioned Social Security cuts and that would cut the average benefit over 1999 to 2002, this would bring the benefits cut to about $240 by the year 2002.

Of course all of this points to the Republican tax cut which loses revenue for this Nation of $353 billion over the next 7 years and gives the wealthiest families a tax cut of about $20,000 while giving middle-income families only about $555 in total tax relief.

I said that this was an opportunity to clarify the Republican budget, not a time so much to cite those who would offer their views. But I will say that many, many of the economists around this Nation have all had one voice in saying that this is the inappropriate time, the worst time to offer unneeded tax cuts.

We all wish to offer to the American people their fair share back from the Government. There is no doubt on that. But when you ask them a pointed question as to their desire for effective Federal services, efficient, downsized, responsible Federal services, they will answer you yes every time as opposed to a one-time tax cut that does nothing but add a burden to the Federal Government and reduce the revenue for much needed desires of reducing the deficit.

□ 2030

Of course ultimately this budget proposal will raise taxes on families by $17 billion between 1999 and 2002 by reducing the indexing of tax breaks, et cetera, and the personal exemption by 0.6 percent each year.

Let me add what else it will do. I supported the unfunded-mandates legislation, which means that you do not burden your States and local government with legislation of which they cannot pay for.

What happens, however, when the myriad of programs that have been effective and effectively utilized by State and local governments are no more and thereby they have to fill in the gap and pay for these with moneys that they do not have? That is, in fact, an unfunded mandate. There you have a budget resolution that has no vision and needs to be clarified and does not seek, if you will, or does not provide the results of which the proponents argue that it does.

Student loans. I received a very personal and very moving letter from a student from the University of Houston asking why would we in a time when we are encouraging our young people to be prepared for the technology of the 21st century, when today we find that most college students will come out of college with 70-percent loans and 30-percent scholarships or grants, contrary to some 10 or 15 years ago when it was quite the opposite, it was 70-percent scholarship and grants and possibly 30-percent loans, they come out already with a burden of some 70 percent in loans, looking for employment. We now have before us a proposal by the Republican Budget Committee, presented to the House, to cut student loans by $18.7 billion by charging students interest on their loans while they are still in school. This is a $5,000-per-student increase in the interest costs of the average loan.

What that simply means is for many students that will simply, and I can underline that word even more, deny them an opportunity for higher education.

We will also find that a great deal of the focus will be on domestic spending, they will cut a lot of our domestic spending as opposed to spreading the burden of these cuts around a whole source of individuals.

Defense spending increases by $69 billion above what has been asked for by the President's budget, thereby cutting

domestic spending and adding to the defense budget without the full hearing as to whether or not that is truly needed.

I cannot imagine how in this high-tech economy moving into the 21st Century we would pull away from investing in human capital. I cannot imagine how we would present to the world economy ill-prepared students and ill-prepared citizens because of a lack of opportunities for education.

The GOP budget would make inexcusable cuts in educational and training programs over the next 7 years. The Goals 2000 program designed to assist local school districts, parents and students, and by the way have been touted by school districts around this Nation, will experience a $2.8 billion cut over this period. Again let me remind you we are talking again now about unfunded mandates because those programs have been effective in providing the even playing field in education for many of our primary and secondary students.

Title I grants which currently aid more than 700,000 disadvantaged school children would suffer cuts of $5.1 billion; in essence what happened is they take the programs that have the least number of individuals who can walk the halls and lobby Congresspersons, because either they are unable, they are disabled, or they are too young to speak and, so here we are, here we are looking at the budget cuts that are supposed to be reasonable and are supposed to put us moving forward in to the year 2000, and I can point to you time after time after time the cuts for children.

Bilingual education programs serving 650,000 children are particularly important to the State of Texas; that would be cut by $1.4 billion. Vocational education programs, the programs business leaders tell us will become increasingly critical for the competitiveness of the American work force, programs that assist 1 million noncollege-bound Americans gain skills they need to find good-paying jobs, would be cut by some $8.2 billion. That is very interesting, because what you find there is quite the contrary view being spoken by the CEO's of major corporations. They are concerned about the training of the work force for the 21st century. They are concerned that there will not be enough individuals well trained in technology to meet their employment needs.

What does that say in cutting the kind of training that is job-specific, which is vocational training, that many of our young people, sometimes returning adults, adults that are going back to school having been laid off through downsizing or the changing technology in their particular job or profession, to not have the opportunity to train in the best training for the jobs of the 21st century, so we will cut that.

Some would say well, let the private sector do it. That has typically not been the case in these kinds of vocational training opportunities. We have certainly been able to partnership with the private sector, but the Government has been an effective partner in that to provide the training for these individuals then to go into the work force, to be productive to allow us to be competitive and then for them to be taxpayers. We have just cut that cycle off in the most ill-conceived manner that I could imagine.

The safe and drug-free schools and communities program would be cut by $3.4 billion. Having met with two of my school districts, North Forest Independent School District and Houston Independent School District, I realize how important these programs can be to setting the tone and as well providing a violence-free atmosphere for our children to learn.

Just today I announced two of our schools in Houston that were cited for their drug-free and violence-free atmosphere, Principal Alice Brimberry of Link Elementary School and Theodore Merrill of Tidwell Elementary School with efforts to keep their schools drug free and violence free, and I would think they would be shuddering that these programs would not have the support that they have had in the past to go forward more than simply saying to your youngster, ''Just say no,'' but actually allowing them to feel free. I wonder if you realize that in recent studies of elementary school students and middle-school students when questions were asked of them what did they view as their future or what did they hope for, some of them said merely to be alive or they wondered about whether they would grow up to be an adult.

It is the kind of influence that many of us could not fathom, that children worry about violence and surviving past a certain age, whether or not they will get to be an adult, whether or not they will get to be married or have children or live in a society where they feel safe. These are frightening answers, but it means that it is important for us to invest in human capital.

The Perkins student loan program which I mentioned earlier in the listing of the cuts, which makes low-interest loans to 700,000 students—how about this—would be totally eliminated.

Now I think we all can address the issue of ensuring that we pay for what we get. We want to ensure that students pay back their student loans, and every student I have seen on campus has those intentions. If we create a positive job market for that individual they will be glad to work and pay back their loans, but when you talk about eliminating the opportunity for these students coming from families who do not have the means for them to get a higher education, cutting off their very lifeline for being further productive citizens and taxpayers, and contributing to their desire to have a piece of the American dream, then you have no vision. And I would not remind many of you that where the people have no vision, they will perish.

With respect to Medicare, the proposal favors a reduction, as I said, of $283 billion over the amount that has been projected as necessary over the next 7 years. This cut would result in an additional $1,060 in out-of-pocket costs to seniors in 2002. With these proposed reductions in projected costs or growth, the Medicare Program would be reduced by 25 percent in 2002. Thus the annual growth in Medicare would go from 10 percent down to 5.4 percent.

However, the plan does not take into account the increase in the number of the elderly and the inflation in medical costs. During this period it is estimated that the State of Texas would lose $17.6 billion by the year 2002, and it is estimated that each beneficiary in Texas would be paying an additional $1,102 in costs.

The Medicare debate is one that I think causes us a great deal of concern, because many people ask the question what are the facts about the Medicare debate. I would simply say that the Medicare Program is a critical safety net for millions of seniors and disabled Americans. For nearly 30 years this program has enjoyed a high level of support from Americans of all ages. While I support careful and equitable revisions in this program which are necessary to secure its long-term stability, I am strongly opposed to harsh budgetary restraints and spending growth caps that will adversely affect our elderly citizens, and which are used to pay for tax cuts for the wealthy.

As we look to tighten our Federal financial belts during this budget process, let me remind my colleagues of Speaker GINGRICH's words, every penny saved in Medicare should go to Medicare.

Well, I wonder if that is actually the truth. And I would simply raise the question that I would hope that would be, in fact, where it would go. But everyone knows that each penny saved in Medicare will be used for a variety of other reasons. One, for the tax cuts that economists have said across this Nation we do not need.

This is an assault on the livelihood of this country's most vulnerable and its least able to support themselves, and I believe this is absolutely unacceptable.

If my Republican colleagues are calling for a 5-percent growth cap for this program, which translates into a program cut by $283 billion, the result will be an increase of out-of-pocket costs of $1,000 yearly for Medicare beneficiaries by 2002. What we have to recognize is that those who are the beneficiaries of Medicare are basically on retirement; their income levels are low. I am sure many of us have heard the stories about making decisions to buy prescription drugs verses nutritious food. For many of our seniors this is reality. This is something I face in my community on a regular basis. I try to put faces to statistics, and clearly there

are seniors concerned about how they will survive.

This does not mean that they are selfish, that they are not concerned with, as I said earlier, about being more efficient on Medicare. But they wonder simply the basic question of how they will survive.

Such increases are virtually equal to cutting their Social Security benefits by the same amount. They will have to take that money to pay for the increase they need in their health care. As most Medicare beneficiaries must use their Social Security to pay for their out-of-pocket costs and expenses, and to aggravate the situation further the Republicans are proposing a 0.6 percent consumer price index reduction for 1999, which will reduce the average Social Security benefit by $240 per month below current law projections.

I thought they said Social Security was off the table. That was mentioned in a debate that we had. Clearly, it seems that it is not off the table. What it is, it is off and out of the pockets of senior citizens who will have to take money and use it elsewhere.

I refuse to pick up the newspaper and read of another senior citizen who has to make that choice between buying food and buying medicine. The GAO has recently reported that the Medicare Program could save over $3 billion during a 5-year period if their computer systems were upgraded to detect billing fraud. I ask the question if we are dialoging about a reasonable budget, and a reasonable method to reduce the deficit, where is the plan to provide a computer system that can detect fraud? There is not a senior who would not agree with you that we support getting rid of abuse, getting rid of fraud, and getting rid of the misuse of Medicare dollars.

Another option to consider is means testing for beneficiaries, and that is, as Senator SIMON has indicated, those individuals earning amounts $100,000 and above.

□ 2045

I would just simply ask the reasonable question: Could there not be some manner in which part of their health costs they could pay for? Again, a hard question. Sometimes hard answers. I would imagine you would get some individual who would say, ''I should not pay for any of my cost,'' but reasonable men and women could agree that if your income reached a certain amount and you had the ability that you did not have catastrophic illness that took away all of your income, then we should look at ways of improving the medical care system so that individuals with a certain high income bracket might be able to provide for their own costs by paying for some of their own insurance.

We have not exhausted all options, nor have we properly opened this issue up for public debate. Savings of any kind add up and allow us more flexibility when dealing with a program that is facing insolvency.

The other point is that we are doing this in a vacuum. Where is the debate on health reform that would take into consideration improving Medicare and taking some of these efficiencies so that we would not talk about burdening seniors with the high cost of Medicare by the cuts that have been proposed by this budget resolution? Medicaid would experience a reduction of $184 billion.

You can see under the rescissions, and I am jumping back to the rescissions of which we have already gone through the House now and gone through the Senate now, in conference; we will be seeing it again. The State of Texas presently under the Republican rescissions package would lose some $753 million in Medicaid, mostly on the backs of our children and elderly.

Now. In this new budget proposal, $184 billion projected growth over the next 7 years, and to be converted into a block grant which would be a reduction of about 30 percent of this program which would add, if this stays as it is, to the burden of the State. Here we go again with an unfunded mandate.

Annual growth will be 4 percent instead of the current 10 percent. However, the proposal does not take into account the increase in the number of beneficiaries, and the projected increase in nursing home costs and prescription drugs.

Block grants have been touted as an attractive means of cutting costs. What block grants do not necessarily account for and creates a crisis, and again an unfunded mandate, is increased need. What happens with a block grant when a community has a downfall in the economy, a recession, a loss of an immense number of jobs, when individuals have to fall back on their family members for support and then the block granting for either Medicaid or, in this instance, school lunches or school breakfasts, run out and you have a community with express need and no money to pay for it? As plain as day, as clear as it is in front of you, it is an unfunded mandate, and clearly it is a burden on local government, but more importantly, it is people going without in a country that has been touted again as a country that cares, but more importantly, as one of the greatest nations in Western civilization.

Taxes would be raised on families by $17 billion between 1999 and 2002, as we have noted already, and again, that means that the least of those, when we are telling people we are giving them a tax cut, by this very budgeting process, we would wind up raising taxes ultimately on individuals, and so this would be more or less getting it in the back, if you will, because it would not provide any opportunities for these working people to find any kind of real benefit.

As we begin to look at how the burden will fall, let me clarify so that we do not get a sense that these programs I am talking about are programs that help those who will not help themselves, and for lack of a better term, one that emphasizes these are the deadbeats of our society, and so we do not want to particularly involve ourselves with those people, because they do not deserve us to be supportive. If we want to see who is being helped, let us look at the percentage of the elderly that rely on Social Security. Those who rely on it for 80 percent of their income, that is about 32 percent, so Social Security represents 80 percent of their income. Fifty-nine percent of them, it represents 50 percent of their income, a real hold, if you will, on many of our senior citizens in our Nation. Social Security is the backbone of their survival. Then if we want to look at what will happen under the Republican proposal for seniors and for individuals paying Medicare expenses, by the time we get to 2002, we would wind up with having to pay benefits or having to pay out of their pocket $3,075 to ensure that they get the coverage that they need.

Let us find out who uses Medicare. These individuals who are on Medicare, 51 percent of them are between the ages of 65 and 74 years. We are recognizing more of our citizens are living longer, and so their needs are there. You have got 29 percent who are between 75 to 84 years, then you have got a good 10 percent that are disabled, and you have got 10 percent who are 85 years and over. Share program expenditures by income of Medicare individuals or couples; I think this is very important. For some reason, as I indicated, we need to look at means testing for Medicare, and we can see that there are about 3 percent of the population that has Medicare that is making $50,000 and over. So we see that that is not a real large problem. The key comes in; the people who utilize Medicare we can see where their need is. Sixty-two percent of those make $15,000 or under. That is their income. And then some 21 percent make $15,000 to $25,000 a year. This is not a program that is going to people who can afford to throw away money.

I think that it would be extremely detrimental if we followed the Republican plan and cut into the vision of this country, which is to reward people who have worked hard and to reward people who have made a commitment by their tenacity and perseverance and their love of this country and then to undermine them in their later years.

In the State of Texas, we would find that we would lose a great deal of money, some $17 billion if this particular program was to go forward. I think that the vision is foggy, and it is particularly foggy, because I am in shock that a Republican majority would now want to posture themselves to cut into human capital in terms of education, in terms of Medicare and Medicaid and then to cut us off in terms of technology and the ability to advance and compete in a world market.

For their programs will cut into the science programs and research development in a very large way. The majority's budget resolution ignores the reality of our global economy and makes short-sighted cuts in critical areas.

From fiscal years 1996 to 2002, the GOP would cut $5.5 billion from the human space flight program. In fact, as the budget resolution was unveiled last week, it would almost double the cut already proposed for NASA. It would take $4.9 billion from space and aeronautics and technology research, and more than $1 billion from academic research infrastructure, like computer networking. The GOP budget would also cut several items of medical research.

Let me cite for you an interesting point that I have just learned, and I think it is an important point to acknowledge. As we provide health care dollars and we pay for our health needs, none of those dollars go for medical research. We see the tragedy that is going on with the virus in Zaire, and the inability to detect how to cure it. Medical research saves money. Medical research creates an opportunity to cure illnesses, and yet medical research is funded predominantly by Federal funds, and if we were to cut medical research, then we dictate for this Nation and for this world, and we submit them or submit all of us to the inability to find cures for illnesses or to improve the health condition of the Nation.

Medical research is important. Part of the budget cut and the budget resolution will negatively impact on medical research. And so it confuses me that this budget resolution seems to strike a chord of disharmony.

It pitches itself to a small 3 percent or more of the Nation, and it does not set a vision for moving us into the 21st century. That is why without consultation with local government, you can find some $6.5 billion being cut from the Community Development Block Grant, some $868 million being cut from the community development financial institutions, employment training, employment and training and social services. You are cutting Goals 2000 $2.8 billion, title I $5.1 billion. You are cutting safe and drug free schools $3.4 billion. You are cutting all of the housing programs that would include modernization of our public housing units. You are cutting the new construction of public housing units some $4 billion, eliminating construction of new public housing units, $13.4 billion, Legal Services Corporation, you are cutting $2.5 billion, and with a great emphasis on vocational training.

And so there is a mixed message here. There is a message that we have instructed and we have called upon America to stand up on our feet, to stop being dependent, to get off welfare, to stop the cycle of poverty, and yet we do great damage to our science and research. We do great damage to our vocational training, our secondary and primary education. We do great damage to our opportunities for local communities to go into their neighborhoods and provide economic and social advancement through the Community Development Block Grants. We take away the incentive for drug free and violence free schools. We intrude into the lives and the needs of our senior citizens and the physically challenged and the disabled by cutting Medicaid and Medicare, and then we want to carry on the debate to suggest that it is the other party that does not have a budget proposal and an answer.

Well, my cry and my call today is that reasonably we must come together looking for a bipartisan approach to what is a bipartisan problem. It is America's problem, and that is to acknowledge that we have a deficit.

Yet I would say in acknowledging that we have a deficit, truly we should acknowledge that we cannot break that deficit on the backs of those who are trying to stand up, and clearly I think the point should be made that if this budget is to represent a vision of a people, then in a bipartisan way those cuts must be spread evenly to provide the incentives for young people to go to college, to provide the incentive for businesses to grow and develop and certainly to be able to provide for those in their older years. The opposite of that is to ensure that working families will be able to face every day the question of how I will take care of my elderly parent. They will have to face every day the idea that their young person in their home, although they may have had a job during the summer, while they were in high school, they may have the potential for going to college, but with no work study, no grants, no loans, they just might not get there. I would like you to think what we would face if that was the case.

There is a time now for this to end, not so much in the resounding debate, but in solution, and that solution has to be do not hurt the State of Texas. It has to be do not hurt the many cities and towns and rural communities around this Nation. Let us put forth the budget resolution that clearly answers the needs of all people, answers the vision of this country, and that is that we can make a difference, cut the deficit, but be proud of the asset that we have in this Nation, and that asset is an investment in human capital.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROGERS (at the request of Mr. ARMEY), until 12 noon today, on account of a death in the family.

Mr. KLECZKA (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. LIPINSKI (at the request of Mr. GEPHARDT), for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. WARD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes today, and May 17 and 18.

Mr. BURTON of Indiana, for 5 minutes, on May 17.

Mr. DIAZ-BALART, for 5 minutes, on May 17.

Mr. MARTINEZ, for 5 minutes, on May 17 and 18.

EXTENSION OF REMARKS

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

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

Mr. OBERSTAR.

Mr. BORSKI.

Ms. NORTON.

Mr. RICHARDSON.

Mr. BONIOR.

Mr. LEVIN in three instances.

Mr. DELLUMS.

Mr. MOAKLEY.

Mr. STARK.

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

Mr. CUNNINGHAM.

Mr. SOLOMON.

Mr. WELDON of Florida.

Mr. RIGGS.

Mr. METCALF.

Mrs. JOHNSON of Connecticut.

Mr. WICKER.

Mrs. MORELLA.

Mr. COMBEST.

Mr. MOORHEAD.

Mr. SHAW.

Mr. YOUNG of Alaska.

Mr. PORTMAN.

Mr. FIELDS of Texas.

Mr. BLILEY.

Mr. EMERSON.

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. BENTSEN.

Mr. LATOURETTE.

Ms. VELÁZQUEZ.

Mr. PASTOR.

Mr. BUYER.

Mr. ENGEL in two instances.

Mrs. LINCOLN.

□ 2100

ADJOURNMENT

Ms. JACKSON-LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock), the House adjourned until tomorrow, Wednesday, May 17, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

877. A letter from the Secretary of Education, transmitting a copy of the annual report of the Helen Keller National Center for Deaf-Blind Youths and Adults [HKNC] for the 1994 program year, pursuant to 29 U.S.C. 1903(b)(2); to the Committee on Economic and Educational Opportunities.

878. A letter from the Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 147. Resolution providing for consideration of the bill (S. 4) to grant the power to the President to reduce budget authority, and for other purposes (Rept. 104–121). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 148. Resolution providing for consideration of the bill (S. 219) to improve the economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes (Rept. 104–122). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1175. A bill to amend Public Law 89–454 to provide for the reauthorization of appropriations; with an amendment (Rept. 104–123). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee of conference. Conference report on 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 (Rept. 104–124). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 149. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 67) setting forth the congressional budget for the U.S. Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 (Rept. 104–125). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CONYERS:

H.R. 1641. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled United States versus Western Electric, Civil Action No. 82–0192, U.S. District Court for the District of Columbia; and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself and Mr. RANGEL):

H.R. 1642. A bill to extend nondiscriminatory treatment—most-favored-nation treatment—to the products of Cambodia, and for other purposes; to the Committee on Ways and Means.

H.R. 1643. A bill to authorize the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Bulgaria; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 1644. A bill to amend the Internal Revenue Code of 1986 to repeal the special deduction for the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Ms. KAPTUR, Mr. CUNNINGHAM, Mr. HOBSON, Mr. SCARBOROUGH, Mr. CRANE, Mr. CHABOT, Mrs. KELLY, Mr. NEY, Mr. COLLINS of Georgia, Mr. SANDERS, Mr. PORTMAN, Mr. LAZIO of New York, Mr. DELAY, and Mr. HOKE):

H.R. 1645. A bill to convert the Army program for the promotion of civilian marksmanship and the National Board for the Promotion of Rifle Practice into a nonappropriated fund instrumentality of the Department of Defense; to the Committee on National Security.

By Mr. LAUGHLIN (for himself, Mr. JEFFERSON, Mr. COLEMAN, Mr. FIELDS of Texas, Mr. HALL of Texas, Mr. PARKER, Mr. BREWSTER, Mr. HOBSON, Mr. HASTERT, Mr. DREIER, Mr. HAYES, Mr. DELAY, Mr. CONDIT, Mr. TALENT, Mr. KASICH, Mr. CRAMER, Mr. TANNER, Mr. PETERSON of Minnesota, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mrs. THURMAN, Mr. PETE GEREN of Texas, and Mr. CAMP):

H.R. 1646. A bill to revise and reform the statutes governing the organization and management of the reserve components of the Armed Forces; to the Committee on National Security.

By Ms. NORTON:

H.R. 1647. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia initiative measure No. 37 of 1993; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Florida (for himself, Mrs. SCHROEDER, Mr. BISHOP, Mrs. FOWLER, Mr. JEFFERSON, and Mrs. THURMAN):

H.R. 1648. A bill to amend title 5, United States Code, to provide that five additional points be granted on the examination for entrance into the competitive service, to certain veterans who do not currently qualify for any such additional points; to the Committee on Government Reform and Oversight.

By Mr. RICHARDSON (for himself, Mrs. MORELLA, Ms. MOLINARI, Mr. KENNEDY of Massachusetts, Mr. MCDERMOTT, Ms. NORTON, Mr. FRAZER, Mr. BEREUTER, Mr. CONYERS, Mr. FROST, Ms. LOFGREN, Mr. ACKERMAN, Mr. SERRANO, Ms. DELAURO, Mr. GEJDENSON, Mr. MORAN, Ms. RIVERS, Mrs. KELLY, and Mr. JOHNSON of South Dakota):

H.R. 1649. A bill to amend the Public Health Service Act to provide for the prevention of fetal alcohol syndrome, and for other purposes; to the Committee on Commerce.

By Mr. ROMERO-BARCELO:

H.R. 1650. A bill to provide for the liquidation or reliquidation of certain entries in accordance with the results of an administration review by the International Trade Administration; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1651. A bill to require the Prospective Payment Assessment Commission to develop separate applicable percentage increases to ensure that Medicare beneficiaries who receive services from Medicare dependent hospitals receive the same quality of care and access to services as Medicare beneficiaries in other hospitals, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to provide that individuals who have attained age 59½ may contribute to individual retirement accounts without regard to their compensation; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1653. A bill to prohibit the designation as a beneficiary developing country under the generalized system of preference any country that engages in certain actions regarding nuclear weapons, nuclear weapon components, and nuclear weapon design information; to the Committee on Ways and Means.

By Mr. SCHUMER:

H. Res. 150. Resolution concerning the possible imposition of tariffs by the United States on the importation of certain categories of motor vehicles from Japan and the potential impact on the prices of domestic goods for American consumers; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

82. The Speaker presented a memorial of the Senate of the State of Hawaii, relative to urging the Congress of the United States to support legislation to safeguard veterans' disability compensation and Social Security disability compensation from elimination, or taxation; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

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

H.R. 40: Mr. QUINN.

H.R. 264: Ms. LOWEY.

H.R. 353: Mr. Goss, Mr. OLVER, and Mr. FRANK of Massachusetts.

H.R. 359: Mr. CLYBURN.

H.R. 390: Mr. CALVERT and Mr. FUNDERBURK.

H.R. 580: Mr. FLAKE, Mr. HERGER, Mr. HINCHEY, and Mr. EVANS.

H.R. 661: Mr. SERRANO.

H.R. 700: Mrs. KELLY and Mrs. THURMAN.

H.R. 707: Mr. BLILEY and Ms. PRYCE.

H.R. 739: Mr. CHRISTENSEN, Mrs. KELLY, Mr. MANZULLO, and Mr. NORWOOD.

H.R. 757: Ms. MCCARTHY.

H.R. 789: Mr. GUTKNECHT. Mr. PAXON, and Mr. CONDIT.

H.R. 797: Mr. SERRANO, Mrs. CLAYTON, and Mr. MENENDEZ.

H.R. 842: Mr. HUNTER, Mr. PICKETT, Ms. MCCARTHY, Mr. MENENDEZ, Mr. FLANAGAN, Mr. CHAMBLISS, Mr. GRAHAM, Mr. FOLEY, Mr. PASTOR, Mr. SOLOMON, Mr. TAYLOR of Mississippi, Mrs. SCHROEDER, Mr. TOWNS, Mr. BILBRAY, Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. LEACH, Mr. ISTOOK, Mr. FORBES, Mr. MORAN, Mr. LOBIONDO, Mr. HASTINGS of Washington, Mr. WHITFIELD, and Mr. GUTKNECHT.

H.R. 844: Mr. HASTERT.

H.R. 893: Mr. TRAFICANT, Ms. NORTON, and Mr. MARTINEZ.

H.R. 895: Mr. DE LA GARZA.

H.R. 903: Mr. BEREUTER, Mr. SCOTT, and Ms. KAPTUR.

H.R. 911: Mr. MCCRERY.

H.R. 941: Mr. LAFALCE and Mrs. LOWEY.

H.R. 942: Ms. VELÁZQUEZ, Mr. SCHUMER, Mr. FOX, Mr. MCKEON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MFUME, and Mr. RANGEL.

H.R. 945: Mr. SCHIFF, Mr. PASTOR, Mr. CLINGER, Mr. BILIRAKIS, Mr. LEWIS of California, Mr. BUNNING of Kentucky, Mr. HUNTER, Ms. KAPTUR, Mr. TEJEDA, Mr. WARD, Mr. CALVERT, Ms. FURSE, Mr. GALLEGLY, Mr. MCHUGH, Mr. WOLF, Mr. SMITH of New Jersey, Mr. KIM, and Mr. CRANE.

H.R. 972: Mr. GORDON and Mr. BARR.

H.R. 1057: Mrs. MORELLA, Mr. TAYLOR of North Carolina, Mr. SMITH of New Jersey, Mr. SANFORD, Mr. BLUTE, Mr. CARDIN, Mr. FROST, Mrs. KELLY, Mr. DELLUMS, Mr. EVANS, and Mr. HASTINGS of Florida.

H.R. 1085: Mr. FRELINGHUYSEN, Mrs. KELLY, Mr. BROWDER, and Mr. ROGERS.

H.R. 1103: Mr. FAZIO of California and Mr. CRAPO.

H.R. 1110: Mr. INGLIS of South Carolina.

H.R. 1114: Mr. HANCOCK, Mr. THORNBERRY, Mr. CALLAHAN, and Mr. BURR.

H.R. 1147: Mr. DELLUMS.

H.R. 1172: Mr. TRAFICANT, Mr. PASTOR, Mr. BAKER of Louisiana, and Mr. FLANAGAN.

H.R. 1235: Mr. MENENDEZ and Mr. SERRANO.

H.R. 1242: Mr. TRAFICANT, Mr. MINGE, and Mr. COSTELLO.

H.R. 1256: Mr. LOWEY and Mr. EVANS.

H.R. 1299: Mr. HERGER.

H.R. 1333: Mr. POSHARD.

H.R. 1402: Mr. CONYERS and Mr. BROWN of California.

H.R. 1442: Mr. FOX, Mr. PETE GEREN of Texas, and Mr. HASTINGS of Florida.

H.R. 1460: Mr. OLVER, Mr. BAKER of Louisiana, and Mr. FRAZER.

H.R. 1507: Ms. PELOSI, Mr. HILLIARD, Mr. OWENS, Mrs. KENNELLY, Mr. GUTIERREZ, Mr. MINETA, Mr. BROWN of California, Mr. KILDEE, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. TORRES, Mr. ABERCROMBIE, Mr. CONYERS, and Mr. DELLUMS.

H.R. 1559: Mr. BARRETT of Wisconsin and Mr. DEUTSCH.

H.R. 1593: Mr. EVANS.

H. Con. Res. 42: Mr. FOGLIETTA and Mr. LOBIONDO.

H. Con. Res. 50: Mr. POMBO and Mr. LOBIONDO.

H. Con. Res. 122: Mr. KLINK and Mr. MOAKLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 995: Mr. ALLARD.

AMENDMENTS

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

H. CON. RES. 67

OFFERED BY MR. GEPHARDT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1. Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1996.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1996, including the appropriate budgetary levels for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, as required by section 301 of the Congressional Budget Act of 1974.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriated for the fiscal years beginning on October 1, 1995, October 1, 1996, October 1, 1997, October 1, 1998, October 1, 1999, October 1, 2000, and October 1, 2001:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1996: $1,043,412,000,000.
Fiscal year 1997: $1,083,818,000,000.
Fiscal year 1998: $1,136,201,000,000.
Fiscal year 1999: $1,191,632,000,000.
Fiscal year 2000: $1,253,089,000,000.
Fiscal year 2001: $1,322,134,000,000.
Fiscal year 2002: $1,397,102,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.
Fiscal year 1999: $0.
Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1996: $103,800,000,000.
Fiscal year 1997: $109,000,000,000.
Fiscal year 1998: $114,900,000,000.
Fiscal year 1999: $120,700,000,000.
Fiscal year 2000: $126,900,000,000.
Fiscal year 2001: $133,600,000,000.
Fiscal year 2002: $140,400,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1996: $1,278,100,000,000.
Fiscal year 1997: $1,308,900,000,000.
Fiscal year 1998: $1,356,100,000,000.
Fiscal year 1999: $1,395,400,000,000.
Fiscal year 2000: $1,452,800,000,000.
Fiscal year 2001: $1,474,400,000,000.
Fiscal year 2002: $1,523,900,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1996: $1,279,800,000,000.
Fiscal year 1997: $1,305,800,000,000.
Fiscal year 1998: $1,334,700,000,000.
Fiscal year 1999: $1,377,200,000,000.
Fiscal year 2000: $1,430,300,000,000.
Fiscal year 2001: $1,459,800,000,000.
Fiscal year 2002: $1,506,100,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1996: $236,400,000,000.
Fiscal year 1997: $222,000,000,000.
Fiscal year 1998: $198,500,000,000.
Fiscal year 1999: $185,600,000,000.
Fiscal year 2000: $177,200,000,000.
Fiscal year 2001: $137,700,000,000.
Fiscal year 2002: $109,300,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1996: $5,195,000,000,000.
Fiscal year 1997: $5,516,100,000,000.
Fiscal year 1998: $5,809,800,000,000.
Fiscal year 1999: $6,099,700,000,000.
Fiscal year 2000: $6,374,300,000,000.
Fiscal year 2001: $6,614,400,000,000.
Fiscal year 2002: $6,806,100,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1995, October 1, 1996, October 1, 1997, October 1, 1998, October 1, 1999, October 1, 2000, and October 1, 2001 are as follows:

Fiscal year 1996:

(A) New direct loan obligations, $37,600,000,000.

(B) New primary loan guarantee commitments, $193,400,000,000.

Fiscal year 1997:

(A) New direct loan obligations, $40,200,000,000.

(B) New primary loan guarantee commitments, $187,900,000,000.

Fiscal year 1998:

(A) New direct loan obligations, $42,300,000,000.

(B) New primary loan guarantee commitments, $185,300,000,000.

Fiscal year 1999:

(A) New direct loan obligations, $45,700,000,000.

(B) New primary loan guarantee commitments, $183,300,000,000.

Fiscal year 2000:

(A) New direct loan obligations, $45,600,000,000.

(B) New primary loan guarantee commitments, $184,700,000,000.

Fiscal year 2001:

(A) New direct loan obligations, $45,800,000,000.

(B) New primary loan guarantee commitments, $186,100,000,000.

Fiscal year 2002:

(A) New direct loan obligations, $46,100,000,000.

(B) New primary loan guarantee commitments, $187,600,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1996 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1996:

(A) New budget authority, $257,700,000,000.

(B) Outlays, $261,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $253,300,000,000.

(B) Outlays, $257,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $259,600,000,000.

(B) Outlays, $254,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $266,200,000,000.

(B) Outlays, $259,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $275,900,000,000.

(B) Outlays, $267,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $275,900,000,000.

(B) Outlays, $273,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $281,300,000,000.
(B) Outlays, $276,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1996:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $15,100,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $11,300,000,000.
(B) Outlays, $13,300,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $10,500,000,000.
(B) Outlays, $10,000,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $11,100,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,700,000,000.
(C) New direct loan obligations, $5,700,000,000.
(D) New primary loan guarantee commitments, $18,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1996:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $16,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $16,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1996:
(A) New budget authority, $2,900,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $1,400,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $4,100,000,000.
(B) Outlays, $2,800,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $4,100,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $4,00,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1996:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $20,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $20,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $17,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $17,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $16,600,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1996:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $11,500,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $11,800,000,000.
(C) New direct loan obligations, $10,900,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $11,600,000,000.
(C) New direct loan obligations, $11,400,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $11,400,000,000.
(B) Outlays, $10,400,000,000.
(C) New direct loan obligations, $11,100,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $10,100,000,000.
(C) New direct loan obligations, $10,900,000,000.
(D) New primary loan guarantee commitments, $5,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1996:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $−7,000,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $1,600,000,000.
(B) Outlays, $−5,400,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $600,000,000.
(B) Outlays, $−7,100,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $100,000,000.
(B) Outlays, $−5,100,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $1,500,000,000.
(B) Outlays, $−3,900,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $500,000,000.
(B) Outlays, $−3,200,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $300,000,000.
(B) Outlays, $−3,300,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
(8) Transportation (400):
Fiscal year 1996:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $40,000,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $41,200,000,000.
(B) Outlays, $35,500,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $42,300,000,000.
(B) Outlays, $34,300,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $43,300,000,000.
(B) Outlays, $35,000,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $44,500,000,000.
(B) Outlays, $35,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $44,300,000,000.
(B) Outlays, $35,200,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $44,100,000,000.
(B) Outlays, $35,300,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1996:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $9,900,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,900,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $6,900,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,700,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1996:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $53,700,000,000.
(C) New direct loan obligations, $13,600,000,000.
(D) New primary loan guarantee commitments, $16,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:

(A) New budget authority, $53,200,000,000.
(B) Outlays, $53,200,000,000.
(C) New direct loan obligations, $16,300,000,000.
(D) New primary loan guarantee commitments, $15,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $52,300,000,000.
(B) Outlays, $51,900,000,000.
(C) New direct loan obligations, $19,100,000,000.
(D) New primary loan guarantee commitments, $15,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $53,600,000,000.
(B) Outlays, $52,700,000,000.
(C) New direct loan obligations, $21,800,000,000.
(D) New primary loan guarantee commitments, $14,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $53,800,000,000.
(B) Outlays, $53,000,000,000.
(C) New direct loan obligations, $21,900,000,000.
(D) New primary loan guarantee commitments, $15,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $53,500,000,000.
(B) Outlays, $52,800,000,000.
(C) New direct loan obligations, $22,000,000,000.
(D) New primary loan guarantee commitments, $15,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $54,500,000,000.
(B) Outlays, $53,600,000,000.
(C) New direct loan obligations, $22,200,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1996:
(A) New budget authority, $124,500,000,000.
(B) Outlays, $124,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $130,600,000,000.
(B) Outlays, $130,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $138,500,000,000.
(B) Outlays, $139,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $146,500,000,000.
(B) Outlays, $146,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $153,400,000,000.
(B) Outlays, $153,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $159,500,000,000.
(B) Outlays, $159,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $166,400,000,000.
(B) Outlays, $166,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1996:
(A) New budget authority, $171,900,000,000.
(B) Outlays, $169,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $182,900,000,000.
(B) Outlays, $181,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $198,300,000,000.
(B) Outlays, $196,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $215,300,000,000.
(B) Outlays, $212,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $235,900,000,000.
(B) Outlays, $234,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $254,400,000,000.
(B) Outlays, $252,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $277,900,000,000.
(B) Outlays, $275,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1996:
(A) New budget authority, $227,300,000,000.
(B) Outlays, $226,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $239,000,000,000.
(B) Outlays, $240,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $259,700,000,000.
(B) Outlays, $252,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $263,400,000,000.
(B) Outlays, $265,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $281,300,000,000.
(B) Outlays, $281,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $286,400,000,000.
(B) Outlays, $286,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $300,600,000,000.
(B) Outlays, $300,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1996:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $8,000,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $11,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $8,100,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $9,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1996:
(A) New budget authority, $37,600,000,000.
(B) Outlays, $36,900,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $26,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $38,100,000,000.
(B) Outlays, $38,100,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $21,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $38,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $19,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $39,100,000,000.
(B) Outlays, $39,000,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $19,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $39,200,000,000.
(B) Outlays, $40,600,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $19,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $39,700,000,000.
(B) Outlays, $41,200,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $19,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $40,100,000,000.
(B) Outlays, $41,600,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $20,600,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1996:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $19,200,000,000.
(B) Outlays, $20,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $19,000,000,000.
(B) Outlays, $20,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $19,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $18,100,000,000.
(B) Outlays, $19,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1996:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $10,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $10,800,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $10,700,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1996:
(A) New budget authority, $296,000,000,000.
(B) Outlays, $296,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $302,800,000,000.
(B) Outlays, $302,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $304,600,000,000.
(B) Outlays, $304,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $307,700,000,000.
(B) Outlays, $307,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $310,500,000,000.
(B) Outlays, $310,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $309,300,000,000.
(B) Outlays, $309,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $311,100,000,000.
(B) Outlays, $311,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1996:
(A) New budget authority, $−8,600,000,000.
(B) Outlays, $−6,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $−8,400,000,000.
(B) Outlays, $−8,500,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $−7,300,000,000.

(B) Outlays, $−7,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$6,800,000,000.

(B) Outlays, −$7,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$5,700,000,000.

(B) Outlays, −$6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$5,700,000,000.

(B) Outlays, −$6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$5,700,000,000.

(B) Outlays, −$6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1996:

(A) New budget authority, −$33,100,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$33,800,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$36,300,000,000.

(B) Outlays, −$35,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $−37,800,000,000.

(B) Outlays, $−38,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $−39,900,000,000.

(B) Outlays, $−41,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $−41,600,000,000.

(B) Outlays, $−41,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $−42,900,000,000.

(B) Outlays, $−42,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 4. RECONCILIATION.

(a) Not later than September 14, 1995, the House committees named in subsections (b) through (o) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the House Budget Committee shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $1,120,000,000 in budget authority and $1,120,000,000 in outlays in fiscal year 1996, $2,530,000,000 in budget authority and $2,530,000,000 in outlays in fiscal year 1997, $2,650,000,000 in budget authority and $2,650,000,000 in outlays in fiscal year 1998, $2,810,000,000 in budget authority and $2,810,000,000 in outlays in fiscal year 1999, $2,650,000,000 in budget authority and $2,650,000,000 in outlays in fiscal year 2000, $2,700,000,000 in budget authority and $2,700,000,000 in outlays in fiscal year 2001, and $2,760,000,000 in budget authority and $2,760,000,000 in fiscal year 2002.

(c) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $910,000,000 in budget authority and $910,000,000 in outlays in fiscal year 1996, $930,000,000 in budget authority and $930,000,000 in outlays in fiscal year 1997, $950,000,000 in budget authority and $950,000,000 in outlays in fiscal year 1998, $1,030,000,000 in budget authority and $1,030,000,000 in outlays in fiscal year 1999, $1,050,000,000 in budget authority and $1,050,000,000 in outlays in fiscal year 2000, $1,070,000,000 in budget authority and $1,070,000,000 in outlays in fiscal year 2001, and $1,070,000,000 in budget authority and $1,070,000,000 in fiscal year 2002.

(d) The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $15,780,000,000 in budget authority and $15,650,000,000 in outlays in fiscal year 1996, $30,830,000,000 in budget authority and $30,830,000,000 in outlays in fiscal year 1997, $36,070,000,000 in budget authority and $36,080,000,000 in outlays in fiscal year 1998, $49,820,000,000 in budget authority and $50,010,000,000 in outlays in fiscal year 1999, $59,140,000,000 in budget authority and $59,140,000,000 in outlays in fiscal year 2000, $68,760,000,000 in budget authority and $68,760,000,000 in outlays in fiscal year 2001, and $82,480,000,000 in budget authority and $82,480,000,000 in fiscal year 2002.

(e) The House Committee on Economic and Educational Opportunities shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $460,000,000 in budget authority and $390,000,000 in outlays in fiscal year 1996, $770,000,000 in budget authority and $730,000,000 in outlays in fiscal year 1997, $800,000,000 in budget authority and $790,000,000 in outlays in fiscal year 1998, $830,000,000 in budget authority and $830,000,000 in outlays in fiscal year 1999, $880,000,000 in budget authority and $880,000,000 in outlays in fiscal year 2000, $1,210,000,000 in budget authority and $1,200,000,000 in outlays in fiscal year 2001, and $1,290,000,000 in budget authority and $1,280,000,000 in fiscal year 2002.

(f) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $280,000,000 in budget authority and $280,000,000 in outlays in fiscal year 1996, $570,000,000 in budget authority and $570,000,000 in outlays in fiscal year 1997, $890,000,000 in budget authority and $890,000,000 in outlays in fiscal year 1998, $1,220,000,000 in budget authority and $1,220,000,000 in outlays in fiscal year 1999, $1,810,000,000 in budget authority and $1,810,000,000 in outlays in fiscal year 2000, $840,000,000 in budget authority and $840,000,000 in outlays in fiscal year 2001, and $1,160,000,000 in budget authority and $1,160,000,000 in fiscal year 2002.

(g) The House Committee on International Relations shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1996, $0 in budget authority and $0 in outlays in fiscal year 1997, $0 in budget authority and $0 in outlays in fiscal year 1998, $0 in budget authority and $0 in outlays in fiscal year 1999, $0 in budget authority and $0 in outlays in fiscal year 2000, $0 in budget authority and $0 in outlays in fiscal year 2001, and $0 in budget authority and $0 in fiscal year 2002.

(h) The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $120,000,000 in budget authority and $120,000,000 in outlays in fiscal year 1996, $130,000,000 in budget authority and $130,000,000 in outlays in fiscal year 1997, $140,000,000 in budget authority and $140,000,000 in outlays in fiscal year 1998, $270,000,000 in budget authority and $150,000,000 in outlays in fiscal year 1999, $270,000,000 in budget authority and $160,000,000 in outlays in fiscal year 2000, $280,000,000 in budget authority and $160,000,000 in outlays in fiscal year 2001, and $290,000,000 in budget authority and $170,000,000 in fiscal year 2002.

(i) The House Committee on National Security shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1996, $0 in budget authority and $0 in outlays in fiscal year 1997, $0 in budget authority and $0 in outlays in fiscal year 1998, $0 in budget authority and $0 in outlays in fiscal year 1999, $0 in budget authority and $0 in outlays in fiscal year 2000, $0 in budget authority and $0 in outlays in fiscal year 2001, and $0 in budget authority and $0 in fiscal year 2002.

(j) The House Committee on Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $60,000,000 in budget authority and $60,000,000 in outlays in fiscal year 1996, $80,000,000 in budget authority and $80,000,000 in outlays in fiscal year 1997, $2,330,000,000 in budget authority and $2,330,000,000 in outlays in fiscal year 1998, $1,090,000,000 in budget authority and $1,090,000,000 in outlays in fiscal year 1999, $290,000,000 in budget authority and $290,000,000 in outlays in fiscal year 2000, $3,970,000,000 in budget authority and

$3,970,000,000 in outlays in fiscal year 2001, and $3,380,000,000 in budget authority and $3,380,000,000 in fiscal year 2002.

(k) The House Committee on Science shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1996, $0 in budget authority and $0 in outlays in fiscal year 1997, $0 in budget authority and $0 in outlays in fiscal year 1998, $0 in budget authority and $0 in outlays in fiscal year 1999, $0 in budget authority and $0 in outlays in fiscal year 2000, $0 in budget authority and $0 in outlays in fiscal year 2001, and $0 in budget authority and $0 in fiscal year 2002.

(l) The House Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $0 in outlays in fiscal year 1996, $0 in budget authority and $0 in outlays in fiscal year 1997, $0 in budget authority and $0 in outlays in fiscal year 1998, $0 in budget authority and $0 in outlays in fiscal year 1999, $0 in budget authority and $0 in outlays in fiscal year 2000, $0 in budget authority and $0 in outlays in fiscal year 2001, and $0 in budget authority and $0 in fiscal year 2002.

(m) The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $550,000,000 in budget authority and $550,000,000 in outlays in fiscal year 1996, $550,000,000 in budget authority and $550,000,000 in outlays in fiscal year 1997, $550,000,000 in budget authority and $550,000,000 in outlays in fiscal year 1998, $610,000,000 in budget authority and $610,000,000 in outlays in fiscal year 1999, $620,000,000 in budget authority and $620,000,000 in outlays in fiscal year 2000, $620,000,000 in budget authority and $620,000,000 in outlays in fiscal year 2001, and $620,000,000 in budget authority and $620,000,000 in fiscal year 2002.

(n) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $300,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1996, $300,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1997, $400,000,000 in budget authority and $400,000,000 in outlays in fiscal year 1998, $500,000,000 in budget authority and $500,000,000 in outlays in fiscal year 1999, $1,200,000,000 in budget authority and $1,200,000,000 in outlays in fiscal year 2000, $1,300,000,000 in budget authority and $1,300,000,000 in outlays in fiscal year 2001, and $1,500,000,000 in budget authority and $1,500,000,000 in fiscal year 2002.

(o) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: $14,370,000,000 in fiscal year 1996, $27,550,000,000 in fiscal year 1997, $28,460,000,000 in fiscal year 1998, $35,960,000,000 in fiscal year 1999, $35,340,000,000 in fiscal year 2000, $42,320,000,000 in fiscal year 2001, and $50,220,000,000 in fiscal year 2002.

(p) For purposes of this section, the term ''direct spending'' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the term ''new budget authority'' has the meaning given to such term in section 3(2) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 5. SENSE OF CONGRESS REGARDING TAX CUTS.

It is the sense of the Congress that changes in tax laws which stimulate private investment of savings should be enacted if the deficit reduction targets in this resolution are met.

SEC. 6. SENSE OF CONGRESS REGARDING EMERGENCIES.

It is the sense of the Congress that Congress should study alternative approaches to budgeting for emergencies, establishing regular procedures and funds for paying for emergencies.

SEC. 7. SENSE OF CONGRESS REGARDING DEBT REDUCTION.

It is the sense of the Congress that eliminating the deficit by producing a balanced budget is only the first step toward the ultimate goal of reducing and eventually eliminating the public debt.

SEC. 8. SENSE OF CONGRESS REGARDING TRUST FUND SURPLUSES.

Congress finds that all recent year Federal budgets, as well as both fiscal year 1996 budget resolutions reported out by the Budget Committees of the House of Representatives and the Senate, have masked the magnitude of annual deficits by counting various trust fund surpluses. Therefore, it is the sense of the Congress that upon reaching a balance in the Federal budget, the Government should move toward balance without consideration of trust fund surpluses.

SEC. 9. SENSE OF CONGRESS REGARDING LOCKBOX.

(a) It is the sense of the Congress that:

(1) The current practice of reallocating for other spending purposes spending cuts made during floor consideration of appropriations bills should be ended.

(2) A ''Deficit Reduction Lock-Box'' should be established to collect these spending reductions.

(3) These spending reductions should be used for deficit or debt reduction.

(b) To facilitate Deficit Reduction Lock-Box compliance by the Committees on Appropriations, the Congressional Budget Office shall score all general appropriation measures and have such score card published in the Congressional Record.

SEC. 10. SENSE OF CONGRESS REGARDING FIREWALLS.

It is the sense of the Congress that the discretionary spending totals for defense, international, and domestic spending should be enforced through spending limits for each category with firewalls to prevent funds from being shifted between categories.

SEC. 11. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of the Congress that, in order to ensure that a balanced budget is achieved by 2002 and remain in balance thereafter, strict enforcement should be enacted. Such language should—

(1) require the Federal Government to reach a balanced Federal budget by fiscal year 2002 and remain in balance thereafter;

(2) establish procedures for developing honest, accurate, and accepted budget estimates;

(3) require that the President propose annual budgets that would achieve a balanced Federal budget by fiscal year 2002 and for each year thereafter, use accurate assumptions;

(4) require the Committees on the Budget of the House of Representatives and Senate to report budget resolutions that achieve a balanced Federal budget by fiscal year 2002 and for each year thereafter, using accurate assumptions; [and]

(5) establish a comprehensive system of budgetary enforcement to ensure that the levels of discretionary spending, mandatory spending, and revenues in this resolution are met.

SEC. 12. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.

(a) ADJUSTMENTS.—(1) For purposes of points of order under the Congressional Budget Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(B) the allocations to the Committee on Appropriations under sections 302(a) and 602(a) of that Act; and

(C) the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committee on Appropriations in appropriation Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(2) As used in this section, the terms ''additional new budget authority'' or ''additional outlays'' shall mean, for any fiscal year, budget authority or outlays (as the case may be) in excess of the amounts requested for that fiscal year for the Internal Revenue Service in the President's Budget for fiscal year 1996.

(b) REVISED LIMITS, ALLOCATIONS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) shall submit to that chairman's respective House appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committee on Appropriations under sections 302(a) and 602(a) of that Act; and

(3) appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

to carry out this subsection. These revised discretionary spending limits, allocations, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, and aggregates.

(c) REPORTING REVISED SUBALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—

(1) The Internal Revenue Service and the Department of the Treasury have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Department of the Treasury have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative made possible by this section.

(2) This section shall not apply to any additional new budget authority or additional outlays unless—

(A) the chairmen of the Budget Committees certify, based upon information from the Congressional Budget Office, the General

Accounting Office, and the Internal Revenue Service (as well as from any other sources they deem relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next five years; and

(B) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

SEC. 13. SENSE OF CONGRESS REGARDING MEDICAID BLOCK GRANTS.

It is the Sense of Congress that Medicaid block grants should be distributed based on a formula that takes into account the proportion of individuals with income below the poverty level in each State.

H. CON. RES. 67

OFFERED BY: MR. PAYNE OF NEW JERSEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1996.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1996, including the appropriate budgetary levels for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, as required by section 301 of the Congressional Budget Act of 1974.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1995, October 1, 1996, October 1, 1997, October 1, 1998, October 1, 1999, October 1, 2000, and October 1, 2001:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1996: $1,060,800,000,000.
Fiscal year 1997: $1,113,500,000,000.
Fiscal year 1998: $1,199,600,000,000.
Fiscal year 1999: $1,290,530,000,000.
Fiscal year 2000: $1,361,430,000,000.
Fiscal year 2001: $1,495,274,000,000.
Fiscal year 2002: $1,576,520,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1996: $17,800,000,000.
Fiscal year 1997: $30,000,000,000.
Fiscal year 1998: $64,600,000,000.
Fiscal year 1999: $103,130,000,000.
Fiscal year 2000: $115,930,000,000.
Fiscal year 2001: $183,774,000,000.
Fiscal year 2002: $195,520,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1996: $103,800,000,000.
Fiscal year 1997: $109,000,000,000.
Fiscal year 1998: $114,900,000,000.
Fiscal year 1999: $120,700,000,000.
Fiscal year 2000: $126,900,000,000.
Fiscal year 2001: $133,600,000,000.
Fiscal year 2002: $140,400,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1996: $1,305,645,000,000.
Fiscal year 1997: $1,351,766,000,000.
Fiscal year 1998: $1,418,293,000,000.
Fiscal year 1999: $1,477,601,000,000.
Fiscal year 2000: $1,554,772,000,000.
Fiscal year 2001: $1,635,012,000,000.
Fiscal year 2002: $1,705,270,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1996: $1,310,531,000,000.
Fiscal year 1997: $1,360,603,000,000.
Fiscal year 1998: $1,406,588,000,000.
Fiscal year 1999: $1,473,786,000,000.
Fiscal year 2000: $1,532,385,000,000.
Fiscal year 2001: $1,586,550,000,000.
Fiscal year 2002: $1,657,024,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1996: $249,731,000,000.
Fiscal year 1997: $247,103,000,000.
Fiscal year 1998: $206,988,000,000.
Fiscal year 1999: $183,256,000,000.
Fiscal year 2000: $170,955,000,000.
Fiscal year 2001: $99,830,000,000.
Fiscal year 2002: $80,504,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1996: $5,195,000,000,000.
Fiscal year 1997: $5,516,000,000,000.
Fiscal year 1998: $5,810,000,000,000.
Fiscal year 1999: $6,100,000,000,000.
Fiscal year 2000: $6,374,000,000,000.
Fiscal year 2001: $6,614,000,000,000.
Fiscal year 2002: $6,806,000,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1995, October 1, 1996, October 1, 1997, October 1, 1998, October 1, 1999, October 1, 2000, and October 1, 2001 are as follows:

Fiscal year 1996:

(A) New direct loan obligations, $37,600,000,000.

(B) New primary loan guarantee commitments, $193,400,000,000.

Fiscal year 1997:

(A) New direct loan obligations, $40,200,000,000.

(B) New primary loan guarantee commitments, $187,900,000,000.

Fiscal year 1998:

(A) New direct loan obligations, $42,300,000,000.

(B) New primary loan guarantee commitments, $185,300,000,000.

Fiscal year 1999:

(A) New direct loan obligations, $45,700,000,000.

(B) New primary loan guarantee commitments, $183,300,000,000.

Fiscal year 2000:

(A) New direct loan obligations, $45,800,000,000.

(B) New primary loan guarantee commitments, $184,700,000,000.

Fiscal year 2001:

(A) New direct loan obligations, $45,800,000,000.

(B) New primary loan guarantee commitments, $186,100,000,000.

Fiscal year 2002:

(A) New direct loan obligations, $46,100,000,000.

(B) New primary loan guarantee commitments, $187,600,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1996 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1996:

(A) New budget authority, $226,800,000,000.

(B) Outlays, $252,900,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $215,200,000,000.

(B) Outlays, $242,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $220,500,000,000.

(B) Outlays, $236,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $223,600,000,000.

(B) Outlays, $239,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $230,100,000,000.

(B) Outlays, $244,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $250,867,000,000.

(B) Outlays, $244,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $250,947,000,000.

(B) Outlays, $244,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,700,000,000.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1996:

(A) New budget authority, $18,462,000,000.

(B) Outlays, $17,689,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $18,629,000,000.

(B) Outlays, $17,540,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $19,106,000,000.

(B) Outlays, $18,248,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $19,420,000,000.

(B) Outlays, $18,752,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,140,000,000.

(B) Outlays, $19,596,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $21,951,000,000.

(B) Outlays, $19,596,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $21,955,000,000.

(B) Outlays, $19,596,000,000.

(C) New direct loan obligations, $5,700,000,000.

(D) New primary loan guarantee commitments, $18,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1996:

(A) New budget authority, $16,447,000,000.

(B) Outlays, $15,840,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $15,829,000,000.

(B) Outlays, $15,427,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $15,203,000,000.

(B) Outlays, $15,349,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $15,355,000,000.

(B) Outlays, $15,194,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,940,000,000.

(B) Outlays, $14,942,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $14,943,000,000.

(B) Outlays, $14,940,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,947,000,000.

(B) Outlays, $14,942,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1996:

(A) New budget authority, $4,654,000,000.

(B) Outlays, $3,941,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $3,314,000,000.

(B) Outlays, $3,645,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $3,131,000,000.

(B) Outlays, $2,424,000,000.

(C) New direct loan obligations, $1,200,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,744,000,000.

(B) Outlays, $3,099,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,559,000,000.

(B) Outlays, $2,475,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $3,672,000,000.

(B) Outlays, $2,540,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $3,750,000,000.

(B) Outlays, $2,585,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1996:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $21,212,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,476,000,000.

(B) Outlays, $21,498,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,874,000,000.

(B) Outlays, $21,206,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,368,000,000.

(B) Outlays, $20,775,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $20,753,000,000.

(B) Outlays, $20,134,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $20,836,000,000.

(B) Outlays, $20,134,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $20,815,000,000.

(B) Outlays, $20,134,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1996:

(A) New budget authority, $13,713,000,000.

(B) Outlays, $12,309,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,598,000,000.

(B) Outlays, $11,247,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $11,144,000,000.

(B) Outlays, $9,993,000,000.

(C) New direct loan obligations, $10,900,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,936,000,000.

(B) Outlays, $8,718,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $9,207,000,000.

(B) Outlays, $8,060,000,000.

(C) New direct loan obligations, $11,400,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $8,953,000,000.

(B) Outlays, $8,066,000,000.

(C) New direct loan obligations, $11,100,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $8,960,000,000.

(B) Outlays, $8,072,000,000.

(C) New direct loan obligations, $10,900,000,000.

(D) New primary loan guarantee commitments, $5,700,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1996:

(A) New budget authority, $4,191,000,000.
(B) Outlays, minus $6,339,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $4,104,000,000.
(B) Outlays, −$4,016,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $3,631,000,000.
(B) Outlays, −$5,151,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $4,419,000,000.
(B) Outlays, −$2,927,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $6,504,000,000.
(B) Outlays, −$2,320,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $11,739,000,000.
(B) Outlays, −$1,381,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $12,420,000,000.
(B) Outlays, −$345,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $123,100,000,000.
(E) New secondary loan guarantee commitments, $0.
(8) Transportation (400):
Fiscal year 1996:
(A) New budget authority, $33,369,000,000.
(B) Outlays, $34,480,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $39,515,000,000.
(B) Outlays, $35,429,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $41,038,000,000.
(B) Outlays, $36,590,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $42,677,000,000.
(B) Outlays, $37,965,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $44,360,000,000.
(B) Outlays, $39,519,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $43,327,000,000.
(B) Outlays, $39,519,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $42,389,000,000.
(B) Outlays, $39,519,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1996:
(A) New budget authority, $10,780,000,000.
(B) Outlays, $12,325,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $10,749,000,000.
(B) Outlays, $12,540,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $11,181,000,000.
(B) Outlays, $12,599,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $11,658,000,000.
(B) Outlays, $13,226,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $12,062,000,000.
(B) Outlays, $12,486,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $13,374,000,000.
(B) Outlays, $12,573,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $13,468,000,000.
(B) Outlays, $12,661,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1996:
(A) New budget authority, $61,801,000,000.
(B) Outlays, $59,939,000,000.
(C) New direct loan obligations, $13,600,000,000.
(D) New primary loan guarantee commitments, $16,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $62,853,000,000.
(B) Outlays, $62,114,000,000.
(C) New direct loan obligations, $16,300,000,000.
(D) New primary loan guarantee commitments, $15,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $64,937,000,000.
(B) Outlays, $62,732,000,000.
(C) New direct loan obligations, $19,100,000,000.
(D) New primary loan guarantee commitments, $15,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $67,323,000,000.
(B) Outlays, $64,894,000,000.
(C) New direct loan obligations, $21,800,000,000.
(D) New primary loan guarantee commitments, $14,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $69,809,000,000.
(B) Outlays, $67,238,000,000.
(C) New direct loan obligations, $21,900,000,000.
(D) New primary loan guarantee commitments, $15,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $71,016,000,000.
(B) Outlays, $68,366,000,000.
(C) New direct loan obligations, $22,000,000,000.
(D) New primary loan guarantee commitments, $15,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $73,011,000,000.
(B) Outlays, $70,366,000,000.
(C) New direct loan obligations, $22,200,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1996:
(A) New budget authority, $128,956,000,000.
(B) Outlays, $127,946,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $140,941,000,000.
(B) Outlays, $140,282,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $154,227,000,000.
(B) Outlays, $153,746,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $168,335,000,000.
(B) Outlays, $167,729,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $183,031,000,000.
(B) Outlays, $182,276,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $198,841,000,000.
(B) Outlays, $198,036,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $215,541,000,000.
(B) Outlays, $214,736,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medicare (570):
Fiscal year 1996:
(A) New budget authority, $184,200,000,000.
(B) Outlays, $181,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $202,300,000,000.
(B) Outlays, $200,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $221,100,000,000.
(B) Outlays, $219,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $243,500,000,000.
(B) Outlays, $241,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $266,400,000,000.
(B) Outlays, $264,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $292,600,000,000.
(B) Outlays, $290,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $321,500,000,000.
(B) Outlays, $319,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1996:
(A) New budget authority, $235,500,000,000.
(B) Outlays, $232,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $252,900,000,000.
(B) Outlays, $250,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $274,800,000,000.
(B) Outlays, $264,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $281,100,000,000.
(B) Outlays, $279,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $301,200,000,000.
(B) Outlays, $297,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $310,400,000,000.
(B) Outlays, $306,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $329,500,000,000.
(B) Outlays, $325,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1996:
(A) New budget authority, $5,894,000,000.
(B) Outlays, $8,593,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $8,030,000,000.
(B) Outlays, $10,763,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $8,795,000,000.
(B) Outlays, $11,512,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $9,561,000,000.
(B) Outlays, $11,921,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $10,529,000,000.
(B) Outlays, $466,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $11,022,000,000.
(B) Outlays, $584,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $11,667,000,000.
(B) Outlays, $734,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1996:
(A) New budget authority, $40,175,000,000.
(B) Outlays, $38,275,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $26,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $40,131,000,000.
(B) Outlays, $39,875,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $21,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $41,423,000,000.
(B) Outlays, $41,277,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $19,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $43,587,000,000.
(B) Outlays, $43,396,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $18,600,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $44,897,000,000.
(B) Outlays, $46,182,000,000.
(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $19,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $46,400,000,000.
(B) Outlays, $47,700,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $19,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $47,900,000,000.
(B) Outlays, $49,200,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $20,600,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1996:
(A) New budget authority, $20,182,000,000.
(B) Outlays, $19,711,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $20,869,000,000.
(B) Outlays, $20,430,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $21,788,000,000.
(B) Outlays, $21,455,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $22,768,000,000.
(B) Outlays, $22,215,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $23,371,000,000.
(B) Outlays, $23,015,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $23,323,000,000.
(B) Outlays, $23,015,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $23,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1996:
(A) New budget authority, $14,674,000,000.
(B) Outlays, $14,170,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $14,258,000,000.
(B) Outlays, $13,796,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $14,125,000,000.
(B) Outlays, $13,855,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $13,980,000,000.
(B) Outlays, $13,796,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $13,582,000,000.
(B) Outlays, $13,625,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $13,974,000,000.
(B) Outlays, $13,625,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $13,964,000,000.
(B) Outlays, $13,625,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1996:
(A) New budget authority, $295,828,000,000.
(B) Outlays, $295,828,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $304,289,000,000.
(B) Outlays, $304,289,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $308,696,000,000.
(B) Outlays, $308,696,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $314,655,000,000.
(B) Outlays, $314,655,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $319,862,000,000.
(B) Outlays, $319,862,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $320,646,000,000.
(B) Outlays, $320,646,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $323,331,000,000.
(B) Outlays, $323,331,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1996:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $−1,258,000,000.
(B) Outlays, $−1,195,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1996:
(A) New budget authority, $−31,293,000,000.
(B) Outlays, $−31,293,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $−35,961,000,000.
(B) Outlays, $−35,961,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $−37,148,000,000.

(B) Outlays, $−37,148,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $−38,127,000,000.

(B) Outlays, $−38,127,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $−40,276,000,000.

(B) Outlays, $−40,276,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $−41,614,000,000.

(B) Outlays, $−41,614,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $−42,937,000,000.

(B) Outlays, $−42,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 4. RECONCILIATION.

(a) Not later than September 1, 1995, the House committees named in subsections (b) through (o) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the House Budget Committee shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 1996, $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 1997, $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 1998, $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 1999, $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 2000, $2,250,000,000 in budget authority and $2,061,600,000 in outlays in fiscal year 2001, and $2,250,000,000 in budget authority and $2,061,600,000 in fiscal year 2002.

(d) The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 1996, $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 1997, $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 1998, $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 1999, $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 2000, $5,100,000,000 in budget authority and $5,100,000,000 in outlays in fiscal year 2001, and $5,100,000,000 in budget authority and $5,100,000,000 in fiscal year 2002.

(h) The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 1996, $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 1997, $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 1998, $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 1999, $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 2000, $43,000,000 in budget authority and $43,000,000 in outlays in fiscal year 2001, and $43,000,000 in budget authority and $43,000,000 in fiscal year 2002.

(j) The House Committee on Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 1996, $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 1997, $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 1998, $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 1999, $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 2000, $1,250,000,000 in budget authority and $1,250,000,000 in outlays in fiscal year 2001, and $1,250,000,000 in budget authority and $1,250,000,000 in fiscal year 2002.

(l) The House Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 1996, $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 1997, $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 1998, $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 1999, $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 2000, $14,285,000 in budget authority and $14,285,000 in outlays in fiscal year 2001, and $14,285,000 in budget authority and $14,285,000 in fiscal year 2002.

(m) The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce budget authority and outlays as follows: $1,340,000,000 in budget authority and $1,340,000,000 in outlays in fiscal year 1996, $1,336,000,000 in budget authority and $1,336,000,000 in outlays in fiscal year 1997, $1,336,000,000 in budget authority and $1,336,000,000 in outlays in fiscal year 1998, $1,336,000,000 in budget authority and $1,336,000,000 in outlays in fiscal year 1999, $1,336,000,000 in budget authority and $1,336,000,000 in outlays in fiscal year 2000, $1,336,000,000 in budget authority and $1,336,000,000 in outlays in fiscal year 2001, and $1,336,000,000 in budget authority and $1,336,000,000 in fiscal year 2002.

(o) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues, as follows: $17,800,000,000 in fiscal year 1996, $30,000,000,000 in fiscal year 1997, $64,600,000,000 in fiscal year 1998, $103,130,000,000 in fiscal year 1999, $115,930,000,000 in fiscal year 2000, $183,774,000,000 in fiscal year 2001, and $195,520,000,000 in fiscal year 2002.

(p) For purposes of this section, the term ''direct spending'' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the term ''new budget authority'' has the meaning given to such term in section 3(2) of the Congressional Budget and Impoundment Control Act of 1974.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, MAY 16, 1995 No. 81

Senate

(Legislative day of Monday, May 15, 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:

Gracious God, whose dwelling place is the heart that longs for Your presence and the mind that humbly seeks Your truth, we eagerly ask for Your guidance for the work of this day. We confess anything that would hinder the flow of Your spirit in and through us. In our personal lives, heal any broken or strained relationships that would drain off creative energies. Lift our burdens and resolve our worries. Then give us a fresh experience of Your amazing grace that will set us free to live with freedom and joy.

Now Lord, we are ready to work with great confidence fortified by the steady supply of Your strength. Give us the courage to do what we already know of Your will, so that You will give us more for the specific challenges of this day. In the debate of crucial issues, help us to listen attentively to each other. May we never think we have an exclusive corner on the truth. Enable us to be open to aspects of the truth You will provide through the voices of those who may differ with us. Our dominant desire is for Your best in the contemporary unfolding of the American dream. Lead on, O King Eternal, Sovereign of this land. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. CHAFEE. Mr. President, the leader time has been reserved, and the Senate will immediately resume consideration of S. 534, the solid waste disposal bill. We will proceed under the provisions of the consent agreement reached on Friday. Senators should be aware that rollcall votes are expected this morning, possibly as early as 10:30 a.m., on or in relation to the amendments to the solid waste disposal bill.

Following the disposition of the solid waste bill, the Senate will resume consideration of S. 395, the Alaska Power Administration bill. A cloture motion was filed on that measure yesterday, and Senators will have until 2:30 p.m. this afternoon to file first-degree amendments to S. 395.

The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly policy luncheons to meet.

Under the previous order, Mr. President, the Senator from Washington, Senator MURRAY, has an amendment and she has 1 hour on that equally divided in the usual form.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The PRESIDING OFFICER (Mr. CAMPBELL). The Senate will now resume consideration of S. 534, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment, on which there will be 1 hour equally divided. The Senator from Washington is recognized.

AMENDMENT NO. 1079

Mrs. MURRAY. 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 Washington [Mrs. MURRAY], for herself and Mr. GORTON, proposes an amendment numbered 1079.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Title II, following section (f) State Solid Waste District Authority, add the following section (g) and reletter all the following subsections accordingly:

''(g) STATE MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a State may exercise flow control authority for municipal solid waste, and for voluntarily relinquished recyclable material that is generated within its jurisdiction, if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

''(1) the political subdivision has, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

(2) the political subdivision is currently undertaking a recycling program in accordance with its adopted waste management plan to meet the State's solid waste reduction goal of fifty percent; and

(3) significant financial commitments have been made, or, bonds have been issued, a major portion of which, were used for the construction of solid waste management facilities.

On page 65, line 10, strike ''or (e)'' and insert ''(e) or (f).''

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield for a quick question. It is my understanding that this amendment she filed is the same as the one she previously circulated, except the previous one had in it additional waste besides solid waste. I

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

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think it had construction debris; is that correct?

Mrs. MURRAY. Mr. President, the amendment that I sent to the desk is slightly modified and has been worked out with the committee.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. MURRAY. Mr. President, this morning I rise with my colleague from Washington, Senator GORTON, to offer an amendment to the Interstate Transportation of Municipal Solid Waste Act of 1995.

Let me begin by saying that I appreciate the attempts the managers of this bill have made to accommodate the wide array of waste management systems there are around the country. My colleagues from Connecticut, Florida, Virginia, Delaware, and most recently, from Vermont have found ways to amend this legislation so that the uniqueness of their local systems is recognized within the scope of this legislation. Senator GORTON and I want to ensure that Washington's communities have the same latitude to continue progressively implementing solid waste management systems.

Washington's municipal solid waste management system is a good one. All municipal waste systems comply with the States' comprehensive waste management plan. This plan delegates authority over solid waste management to the State's counties, cities, and towns. These entities, in turn, manage public systems or contract with private industries to handle all municipal solid waste and recycling.

The specifics of each system differ, from county to county, and from county to city, and from city to town; but all share the common elements of minimizing costs and adhering to the State's mandated recycling goals.

In Washington, according to our State plan, local governments manage solid waste, including recyclables, by way of an integrated system of facilities. The city of Seattle, King County, Spokane County, Snohomish County, Clark County, and Okanogan County, and other jurisdictions use flow control authority in their systems. In this arrangement, the interplay between county ordinances, town and city ordinances, health district regulations, local agreements, and private contracts all play a role.

Although the Supreme Court's decision sent a new wave of insecurity about the future rippling through the public sectors of waste management, Washington State actually began thinking about these issues long ago. We have set a progressive waste management agenda for ourselves that has been nationally heralded and emulated.

In 1989, while I was a State senator, we embraced the growing crisis over solid waste management when we passed the Waste Not Washington Act. Among other things, this plan established the statewide goal of 50 percent recycling. Now, we have the lowest cost recycling systems in the country and the lowest cost disposal systems in the Pacific Northwest.

In Washington State, we are on the cutting edge of recycling. Let me give a few examples of what this means in terms of the waste stream. Statewide, we recycle 56 percent of all newspaper, 57 percent of high grade paper, 52 percent of cardboard, 50 percent of all yard waste, and about 73 percent of all metals.

The city of Seattle's residential recycling rate was 48 percent in 1993. The commercial recycling rate was 45 percent. Eighty-three percent of all newspapers are recycled in Seattle, as is 70 percent of all cardboard, 77 percent of all high grade paper, 68 percent mixed paper, 70 percent of all aluminum, and over 50 percent of all glass recycled.

Curbside programs are currently available to over 70 percent of Washington State's population; and in urban counties and cities, there is almost 100 percent available curbside recycling. The city of Seattle has had a curbside recycling program since 1987.

Not only does Washington State exceed current national standards, it is well beyond the targets of this bill.

The ways we got there were by allowing local communities the flexibility to establish the waste systems they needed. In the future, attaining our recycling goal of 50 percent will depend on the ability to continue managing our waste systems as well as we do now.

Our amendment is for Washington. It would ensure that Washington's counties, towns, and cities will be able to meet the commitments they made when they understood that flow control was a legitimate power.

Millions of dollars' worth of bonds, issued for facility development, could be defaulted upon if Washington's local communities lose the ability to service their waste management debts due to the loss of flexibility to guarantee a reliable waste stream.

In Washington, many communities have issued municipal bonds to pay for the construction of solid waste facilities. These bonds are outstanding. The committee's substitute only partially protects the commitments in communities like these.

In Snohomish County, for instance, improvements to the system were financed through a combination of revenue bonds and general obligation bonds. These debts were assumed with the expectation that solid waste revenues would be used to service them. As of 1995, Snohomish County has issued $26.7 million in general obligation bonds, scheduled to be paid back by 2007. As the bill is currently written, only the revenue bonds of Snohomish could be paid back.

The burdens of these debts will fall on the users of the system—the taxpayers. As we at the Federal level of Government are shifting more and more financial responsibility on local governments, restricting the ability of local governments to manage their solid waste systems is not a good solution.

As it is written, this bill steps all over the jurisdictions of our local authorities. It will raise taxes. It will ruin one of the most effective recycling programs in the Nation, and it will throw many communities in our State into financial jeopardy. This one-size-fits-all approach will not work.

Our amendment is within the scope of this bill—it only grandfathers existing systems and facilities. We do not ask for any extension of the sunset of flow control.

I encourage the passage of this amendment, and in turn, the passage of this legislation.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, I am puzzled, perhaps even bewildered at the necessity to speak here on behalf of an amendment for my State and Senator MURRAY's—an amendment designed under the parameters of a bill simply to allow the continuation of a flow control regime in our State which may very well have been the most successful of any State in the United States of America in reducing the amount of solid waste which is not recycled.

This bill, of course, responds to a decision of the U.S. Supreme Court. That decision invalidated flow control regimes all across America on the grounds that a State or municipality which directed or funneled the flow of its waste materials violated the dormant provisions of the interstate commerce clause. That is to say, States and local communities could not impact interstate commerce by flow control regimes in the absence of authority from the Congress of the United States. The Supreme Court, of course, invited the Congress to legislate in this area, and that is precisely what this bill does.

The bill attempts to recognize the fact that many States already have flow control regimes. And while it wishes to move them out of those present regimes toward a greater degree of competition in the private sector, it nonetheless recognizes many, but not all, existing obligations. And that is the defect which leads to this amendment.

While the bill recognizes and grandfathers for an extended period of time of up to 30 years regimes for single facilities financed by revenue bonds, it does not exempt systems of facilities financed in whole or in part by general obligation bonds. Beginning long before this bill was thought of, that was the method adopted by the State of Washington's system of facilities, generally speaking, financed by general obligation bonds; that is, bonds which were a call or a lien on taxpayers through the property that they own in particular counties.

So all Senator MURRAY and I propose to do is to provide a narrowly defined fix by defining the nature of the State

statute that covers, in a way, only the State of Washington and allow the continuation of its present regime for roughly the same period of time that it has allowed for other States in this bill.

Nothing, Mr. President, could be more reasonable. One size does not fit all when we are legislating in a field which the States have occupied. One size certainly does not fit all when we are dealing with a State that has been as progressive and as successful with its flow control regime as has the State of Washington.

Now, at one level this debate has already taken place. It took place last Thursday at the beginning of the discussion of this bill with the amendment proposed by the two Senators from Vermont for a special circumstance found in Vermont. This body accepted that Vermont amendment by a relatively close rollcall vote.

This proposal is considerably narrower than that proposed by the two Senators from Vermont, because theirs talked about prospective systems not in existence at the present time; ours talks about existing systems which are in place, in operation, and have already been financed.

Ours requires that significant financial commitments have been made or bonds have been issued, a major portion of which were used for the construction of solid waste facilities—a much more specific definition than that in the Vermont amendment. Nor can we come up with a single exception for a single county. Our counties and cities have been given fairly broad discretion in this field, and different metropolitan counties in the State of Washington have had subtle but distinct differences in the way in which they exercise flow control requirements.

But I can say, Mr. President, that for those who feel that this should be a competitive field, not single-source contracts, that is exactly what the State of Washington does. The management of our solid waste is conducted on a competitive bid basis.

So, Mr. President, we, the two Senators from Washington, are here simply to request the right to continue to do what we have already been doing so successfully—to pay off our bonds and to be subject to the provisions of this bill under essentially the same circumstances as are allowed other States, States to which the members of the committee paid some attention in drafting the bill in the first place.

Mr. President, just as this was appropriate for those that were included in the bill in the first place on single State bases, those which have been added without controversy, that which was added by the amendment of the Senators from Vermont, we wish not to have the Federal Government interfere with us, to tell us that everything we have done in the past is wrong, that in spite of the success of our program, I am sorry, we do not fit into the exceptions and therefore we cannot have one.

Mr. President, we should be allowed to have this exception. We should be allowed to continue a regime which has worked so successfully in our State in the past.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to make the record clear right from the very beginning that this is not a case of the Federal Government interfering in the affairs of any State. The current law of the United States that is defined by the Constitution and the Supreme Court is that you cannot have flow control. That is not the EPA or the Environment Committee or anybody else saying that. The Federal Government is not interfering. The law of the land is that they cannot have flow control in the State of Washington or anywhere in the United States. So we came forward with this legislation.

Why are we here? We are here because of the Carbone decision just a year ago. In that decision, they said having flow control interferes with the commerce clause. However, the Congress of the United States can make arrangements in its acts and they can do something about the so-called flow control. And we have.

We realize that there are lots of communities across the country—or several, anyway—that were caught. They had flow control and they had committed money for a facility that bonded indebtedness or general obligation bonds and that facility was dependent upon the municipal solid waste that would come to it, pursuant to flow control that had been enacted.

So we are taking care of that. Indeed there is one county in Washington that appears to fall within that category. That does not satisfy the folks from Washington. Indeed, it is not restricted to the State of Washington.

I suppose the argument could be made, ''Well, under the act, when certain things have to be enacted, it is solely Washington,'' but there is no restriction solely to Washington. We do not know how many other areas in the country might qualify under this. They are saying, ''We never had flow control. However, we would like to be given that privilege for the future. And we do not even have to have had bonded indebtedness.''

Indeed, if we read the amendment, it says ''Bonds have been issued or significant financial commitments have been made.'' Actually, it is the other way around—''Significant financial commitments have been made or bonds have been issued.''

Now, what does it mean by ''Significant financial commitments have been made?'' They spent some money on some trucks, for example. But they want that to qualify them to have an exception to the Constitution of the United States.

Where do we draw the line? Clearly, this is a place that does not qualify, it does not even come close to qualifying now, under the rules that we have set forth, after a lot of deliberation.

Now, they have pointed out that they have had wonderful success in recycling. That is great. They did not need flow control for that because they never had it. In some communities, yes. But they did not have it in these other communities, and they had the successes of the recycling that the Senator from Washington, Senator MURRAY pointed out.

Mr. President, this just goes too far. Clearly, if this amendment prevails we might as well say all across the country, forget the Constitution. We make an exception to it—not an exception. We just say in the whole Nation of the United States we can have flow control. California is next up.

Mr. President, I just think it is very unfortunate that they are pursuing this amendment. After long discussions we worked out what seemed to me to be a fair compromise. It took care of the specific situation where they had flow control but they had some commitments, general obligation bonds, have made a commitment, but this is not similar to that.

Mr. President, I hope very much that the amendment would not be accepted.

Mr. GORTON. Mr. President, I am truly puzzled. The Senator from Rhode Island says we ought to be satisfied because 1 county out of 39 in the State of Washington might possibly qualify under a general bill that he has written to continue its present system.

The Senator from Rhode Island says, ''They say the Constitution be damned, we just want to go ahead.'' He is entirely correct when he says that a decision of the U.S. Supreme Court stated that under the dormant reading of the interstate commerce clause, flow control regimes all across the United States were invalid.

That same Supreme Court decision asked the Congress if it wished to do so to legislate in this area, pointing out that it could grant States full authority if it wished to do so, to continue forever all of their existing or any future regime.

Now, the Senator from Rhode Island has done that. He is passing legislation which under certain circumstances States can exercise flow control regimes. One might ask, why does he not just simply allow it to the full extent that the Constitution would allow it, but he has not. He wants a certain pattern, but he has made exceptions to that certain pattern and we would like such an exception.

Ours is all retrospective. Unless financial obligations have been undertaken or bonds sold, unless there is a system in place by a State statute that is some 5 years old or more, the exception does not apply. It does not apply in any other State, Mr. President.

Why should a community be penalized because it had enough money to pay for these facilities in cash? Why should it be penalized if it pays for

them by general obligation bonds which cover other facilities as well, rather than a specific revenue bond for one specific facility?

Now, Mr. President, this committee did not have to bring a bill out on this subject at all. It could just have told the country that it had to live with this Supreme Court decision. The committee decided that the Supreme Court decision mandated legislation. The legislation does have differences from one State to another. This body has adopted an amendment for Vermont which is infinitely broader than the amendment proposed for the State of Washington.

Why in the world these people sitting here in this body have to tell the State of Washington, ''Sorry, you did it wrong and we are not going to let you do it anymore,'' is simply beyond the understanding of this Senator.

Mr. CHAFEE. Mr. President, several times the Senator has said he is puzzled.

First of all, with regard to Vermont, there are exceptions in the Vermont situation, and I might point out that this Senator, nor the committee, did not support the Vermont amendment.

Was it adopted? Yes, by a vote, over the objections of this Senator and others who are managing the bill.

To take a whole State such as Washington that has never had flow control—they are seeking something they never had—talk about puzzlement. I wish the Senator from Washington would explain why he needs flow control.

Why is he here? Because they had this remarkable record as recited of the recycling and they have achieved all of that without flow control.

Now, once again, why did we bring this bill to the floor? The Senator says, why did they bring it up? We brought it up to take care of those communities that were truly hurt by the Carbone decision. Those communities had enacted flow control, had issued bonds, usually revenue bonds, to pay for either an incinerator or very carefully planned landfill. They wanted to pay it off, and they are planning to pay off their bonds through the flow control that required all the trash within the municipality or the county—wherever it is—to come to a central place.

That is not the situation with the Senator and the State of Washington at all.

If there are explanations that are needed here, I think they are needed from the Senator, or the prime sponsor of the amendment, if she would say what they need these for. They had all these wonderful recycling achievements without flow control, so now they are in here asking for an exception to an entire State.

By the way, in all fairness, there is some difference between the population of Vermont, which is relatively modest, and the population of the State of Washington and what this will trigger, should this amendment be adopted.

Mr. President, I suggest during these pauses that the time be equally divided.

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, let me again stress in no way does the State of Washington in the proposed amendment come close to meeting the exceptions that were provided for in this legislation. First, they do not have flow control; and, second, under the amendment as submitted it does not require there be outstanding bonded indebtedness.

The Senator from Washington has frequently mentioned to us they have general obligation bonds, but that is not what this amendment says. This amendment says, ''significant financial commitments have been made.'' That could be the community had spent some money, as I say, on some trucks, to haul garbage. So it does not even come close to the criteria that we have set forth in the bill and I just think it is a vast overreaching.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. 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. SMITH. Mr. President, I rise in opposition to the Murray-Gorton amendment. We worked on it hard to try to craft a compromise to accommodate as many people as possible on this legislation. The amendment of Senators GORTON and MURRAY would simply open up the current provisions under S. 534 and would allow prospective flow control for areas that currently do not have flow control, and some areas that do flow control but do not have bonds and currently need to be paid off.

The whole spirit of the compromise worked out so carefully as we put this legislation together was we would not do things prospectively, that the intent here was to protect those people who had made financial commitments. Most specifically, they had let bonds or contracts that would require substantial losses possibly, conceivably, to the investment. That was the purpose. We were not trying to pass a bill here that would open up the whole interstate commerce issue again and allow States to prospectively implement flow control anywhere or any time for whatever reason, no matter how small the cost, whether it be the purchase of a truck or some minor item of cost.

Local flow control laws are by their very nature monopolistic and they are anticompetitive. I have stated numerous times during the course of this debate that I personally do not favor flow control, but in working with my colleagues I tried to help out some of the States that had very, very significant financial commitments, most specifically bonds, or in the case of a State like New Jersey, where they had an entire system for flow control and we wanted to try to accommodate them, we put a grandfather clause in here that would say that all flow control would be by the boards after 30 years. That was to allow for any bonds that may have been let to run out and then it would be entirely the free market system.

This amendment just flies in the face of the entire bill, the entire compromise. It is very important that my colleagues understand that if you support the free enterprise system and want to see less flow control in the future—not more—then you would be opposed to this amendment.

The Supreme Court ruled last year that these types of flow control laws are a violation of the commerce clause of the Constitution. Yet, it can be argued that governments that issued bonds—and the key here is bonds—to build facilities in reliance on flow control should be allowed to continue flow control only until these bonds are repaid. After this, the free market should prevail.

The purist argument would be they knew what they were doing when they let the bonds, and the free market ought to prevail anyway. Frankly, that is my position. But in an effort to compromise on this, Senator CHAFEE and I and others agreed that we would allow this grandfather, that it would be restrictive, that it would not be an open-ended grandfather that would simply allow prospectively anybody to think, ''Well, I might have an opportunity in 10 years to implement flow control and, you know, we might want to sign a contract, or we might want to let a bond, or prospectively, we may want to do it in 10 years.'' That is not the intent of this legislation. It would not be in the best interests of those who want to see flow control restricted rather than increased.

So the key here is that this amendment vastly expands the universe of communities that would be allowed the flow control—I mean vastly. This is not just Washington State. This is an open end that is going to allow flow control, and it would be flow control allowed not on the basis of financial need, not on the basis of financial commitments, not at all; just maybe we will have some financial commitments, or maybe in the future we would like to pass a bond, or maybe we would like to sign a contract, or maybe we would like to build a facility sometime in the future. That defeats the entire purpose of the legislation. I cannot emphasize that strongly enough.

This amendment goes beyond the principles that only those facilities that incurred bonded indebtedness should be grandfathered and instead it

grants flow control authority to a large universe of local governments who are simply implementing a State solid waste management plan.

Again, I go back to the hearing that we held in the subcommittee on flow control when we heard from New Jersey and other units which were affected by this. We heard that bond holders were going to be harmed and even some of us felt that they knew what they were doing or should have known what they were doing when they let the bonds and invested in the bonds. We decided, be that as it may, to be as fair as possible, we were going to allow the grandfather to kick in. A 30-year period gives everybody a chance to recoup any losses that they might have as a result of investments in the bonds. That was a compromise. It was very carefully struck. It was not my position. It was not the position of Senator LAUTENBERG or others on the committee who supported flow control. But it was a compromise. As compromises are, you give a little bit and you take a little bit. And that is the way it works.

But now to say we are down to the end, or very close to where we want to have a vote on this bill, to say now we are going to open this whole thing up prospectively to any locality or any community whatsoever anywhere which may want to have flow control is basically undoing the bill.

It is an anti-free-market amendment. It opens up flow control to a variety of communities that currently do not practice it, and it will shut out private companies that could meet the solid waste disposal needs of these areas. What we are hoping will happen in States like Washington and other States is that the free market will kick in; that over the next 30 years as we grandfather those who are currently implementing flow control, we will see the free market kick in in States like this where there is no flow control now, and it will work and it will work very well, and the free market frankly usually works, if not always works.

So I think that is the approach we ought to take. To just now come in with an anti-free-market amendment is a serious mistake. Recent studies indicate that flow control jurisdictions charge, on average, 40 percent higher rates than non-flow-control jurisdictions—40 percent higher.

This amendment goes against the spirit of the bill, the intent of the bill, and it should be defeated.

Flow control is not necessary for recycling, according to a recent EPA report called ''Report to Congress—Flow Controls and Municipal Solid Waste'':

> There are no data showing that flow controls are essential for the development of new solid waste capacity or for the long-term achievement of State and local goals for source reduction, reuse, and recycling.

That is a quote from that report. Thus, even the EPA has demonstrated that there is no need for flow control to meet State recycling goals.

The bottom line, as has been said before, my colleagues, is that this is a killer amendment. It kills the bill. It guts the bill. It makes the bill totally worthless, and it should not be passed.

I hope my colleagues will think very carefully and weigh this very carefully before the vote.

I call attention to item three in the amendment, which says significant financial commitments have been made. What is a ''significant financial commitment''? Is it a few dollars, $10, $15, or $20? Maybe it is a fee to buy a license or a permit. We are not talking about that. We want to limit future flow control in this legislation. We want it to end in 30 years. We do not want it to begin in States that do not have it. We are just allowing the exception or the grandfather in the States that do.

So, Mr. President, with the greatest respect to my colleagues who have offered the amendment, it is ill advised. It will hurt what we are trying to do in this compromise, and frankly if this is passed, this could lead to the very defeat of the flow control bill, which will hurt those people, those very people out there, the bond holders who are sitting there now worried about whether or not they are going to get relief. And if the bill is defeated or somehow taken down because of this, then those people are not going to get relief.

So I hope this amendment will be defeated.

Mr. President, at this time, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, who has control of the time, and how much time is remaining?

The PRESIDING OFFICER. Five minutes for the Senator from Rhode Island; 14 minutes for the Senator from Washington.

Mr. BAUCUS. Mr. President, I assume I have the time of the Senator from Rhode Island. I yield myself a few minutes.

Mr. President, it is with some reluctance that I oppose the Murray-Gorton amendment. I have the highest regard for the Senators from Washington, both Senator MURRAY and Senator GORTON. They are trying to protect their State.

I must reject their amendment and oppose it, Mr. President, very simply because the approach that they are coming up with to meet the conditions in their State is much too broad, is much too general, and it goes much, much beyond the intent of the bill.

The intent of the bill is to protect those communities which, essentially, prior to a certain date—May 15, 1994—had flow control either by regulation or by ordinance or by State law. It is not, frankly, to protect those communities which did not have any kind of flow control; that is, that had not designated certain sites where trash would go.

The amendment offered by the Senators from Washington essentially says that flow control is OK if there had been a plan, a general plan to deal with trash in the State of Washington. The amendment by the Senators from Washington does not say that there was in some case flow control but rather, essentially, there is a waste management plan. For that reason it is much, much too broad. It is very unfair to other States, frankly, who would like to do the same thing.

If this amendment passes, there is a good argument it should apply to every other State in the Nation. And if it applies to every other State in the Nation then we might as well pull down this bill. Because the compromise that has been reached, one between free enterprise hauling the trash according to the wishes of different communities and trash haulers across State lines, combined with the other, that municipalities control their own trash, that compromise would fall apart. There would be no compromise. We would have no bill.

I, therefore, suggest to the Senators from Washington that if the amendment is rejected—and I very much hope it is rejected—that they, the Senators from Washington, work in conference, and the conferees come up with a generic approach to address the kinds of problems that are raised by the Senators from Washington.

This is a very complicated matter. I wish I could support the amendment offered by the Senators from Washington, but, in good faith, I cannot. And I cannot because it goes way, way beyond the compromise reached in the bill. It is way beyond the provision we adopted to deal with the situation in the State of Vermont just a few days ago.

And I must say that if this amendment passes, every other Senator can stand up on this floor and very legitimately say, ''Well, gee, it should apply to my State.'' And if that is the case, the bill falls apart and it will not pass. I guarantee it will not pass. I guarantee there are going to be Senators whose other points of view will stand up on the floor and prevent its passage.

Basically, Mr. President, I believe, for those reasons, that the amendment should be soundly rejected and we can work in conference to come up with a solution that might deal with some of these problems, if not all.

Mr. President, if a community does not need flow control, I think we should let the private market work and not just rely on Government regulation. This amendment is a Government regulation amendment which basically says we want more Government on your backs, we want more regulation, we want more control. I think that there are a good number of people in this country, particularly this body, that might have some reservations about adding more control, more regulations, more laws on the backs of the American people.

Mr. President, I reserve the remainder of our time on this side.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, again, as I have stated, I am completely puzzled by the nature of the argument of those a committee and on a committee staff, who worked in a committee without a Member from the State affected by this amendment and who presume to know much more about the desires of the people of the State represented by Senator MURRAY and myself than they themselves do, and who continue to use language such as ''prospective'' and ''wide open'' and ''applicable to everyone.''

Well, Mr. President, we have offered to make a specific reference to the revised code of Washington, if they want to make certain that this applies only to the State of Washington. They are not interested, because, of course, such an amendment would be useless. The description we have in here now is single State in nature. We have offered to put in ''continue to exercise flow control'' in this amendment, but they are not interested because they know that this is not a prospective amendment as it is.

Mr. President, this requires the State to have had a law before the year 1990 and it requires the plans to have been in existence in particular communities before May 15, 1994. Now, what is prospective about that?

These are existing plans. These are existing systems of facilities in one single State.

Now, if the bill is dead because one single State is permitted to continue to do what it wishes to do, it is already dead by reason of the Vermont amendment last week, which is much more broad and is prospective and does allow that State to go forward with plans in the future.

The answer, Mr. President, is that this is just something that this committee did not consider and does not want to consider now.

Senator MURRAY and I are asking for the continuation of an existing system in various counties of our State which has resulted, I believe, in more recycling and less disposal of solid waste perhaps than any other State in the United States of America. That is all we are asking for.

It is not prospective. It does not allow new counties and new communities even in our State who already had these ordinances and these obligations underway a year ago yesterday, May 15, 1994, to do so at some time in the future. It is State-specific and it is system facilities-specific. That is all there is to it. And there is no reason in the world for this amendment to be turned down.

Mr. BAUCUS addressed the chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not want to get into an argument with my good friend, the Senator from Washington. But the fact is, the committee very directly considered these points, contrary to the statement of the Senator from Washington. Second, contrary to the statement of the Senator from Washington, the amendment is prospective.

He talks about a solid waste plan. Mr. President, a plan is so general. We are not talking about plans in this bill. We are talking about whether a specific flow control ordinance passed, and if a specific indebtedness was created. We are talking about a specific contract where people are obligated. That is what we are talking about.

We are not talking about providing flow control authority if a State only has a solid waste plan. But that is what this amendment does. It would allow a State to use flow control if the State has a solid waste plan even if the State has not relied on flow control in the past. Washington only has only a general solid waste plan. If Washington was a lot more specific, and had relied on flow control in the past then Washington would be covered. The problem is Washington is not specific as a general plan, and that is why this is prospective.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague, Senator GORTON, in being perplexed at the reasons for not accepting this amendment. I go back to the fact that my colleagues from Connecticut, Florida, Virginia, Delaware, and Vermont have come to the committee with specific concerns from their States that have been worked out to this point in this debate and in this bill. The concerns from Washington State are just as needy.

I was in our State senate back in 1989 when we passed the Waste Not Washington Act. We were ahead of this country in how to deal with our waste management. It is a very effective piece of legislation. We do not want it undermined now by actions on this Senate floor.

We have offered to the committee words that will deal with their concerns about being prospective. We have offered to put in language that makes it Washington State specific by referencing the Waste Not Washington Act. I assure my colleagues there is no intent to open loopholes. The intent is to allow the waste management in our State of Washington to work well, as it is currently doing.

I invite any of my colleagues to my hometown of Seattle and to take a look at the curbside recycling program that exists there. We recycle everything. We put out our pop bottles. We put out our plastic. We put out our newspaper. We separate our paper into different colors. It is done on every street in the city of Seattle. We do not want to see it undermined. People are very proud of that program there.

I think it is absolutely critical that this Senate does not go on record undermining a very progressive recycling program in the State of Washington. I assure you that I did not know the rest of the Nation was so far behind us until I moved here 2½ years ago, and my children said, ''What is with the garbage cans here that are so full?'' They could not believe what was not recycled here on this coast.

I encourage all of my colleagues to take a look at this legislation, to allow Washington State to continue to be progressive, to be an example for the rest of the Nation, and to not undermine us by exempting us within the legislation that is before us. Our amendment very simply allows the State of Washington to continue doing what it is doing. I ask and encourage all of our colleagues to allow local control to exist on this very serious problem in my home State of Washington.

I thank the Chair.

The PRESIDING OFFICER. The time of the opposition has expired.

Mr. SMITH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Do the Senators from Washington yield back their time?

Mr. GORTON. Not quite yet. How much time is remaining to the Senator from Washington?

The PRESIDING OFFICER. Eight minutes.

Mr. GORTON. I would like to speak for perhaps 2 of those minutes, Mr. President, I say to the Senator from New Hampshire, and then I think his motion will be in order.

My colleague from Washington reminds me of my own experience. I, too, live in the city of Seattle. I hear a great deal about monopolies and competition and the like. I can assure my colleagues I pay much less for a much more efficient system at home than I do in the District of Columbia by a long shot.

What we are saying is that if we had a plan that was in place a year ago on which there is a contract—not some amorphous future plan, Mr. President. The municipality not only had to have a plan a year ago; it had to obligate itself by a contract—it has to be undertaking this process right now. It has to be in place. It is not in the future. And it has to have cost money.

Now, somehow or another we are criticized because some of our communities were wise enough and responsible enough to pay for these major facilities out of cash, that they did not have to bond, but for some reason or other to this committee that is a terrible thing.

A responsible municipality which has paid for these facilities already cannot recover for them. Now, that is another part of the absurdity of this amendment. This is State specific, Mr. President. It is not prospective. It deals only with things that are already in place. And it is in pursuance of a system which has worked very well and very effectively and should be allowed to be

continued. It is not as broad as amendments which are already a part of this bill for other States.

Mr. President, with the permission of the other Senator from Washington, I will yield back the remainder of our time.

Mr. SMITH. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—54

Abraham	Dole	McConnell
Ashcroft	Faircloth	Moynihan
Baucus	Frist	Murkowski
Biden	Gramm	Nunn
Bingaman	Grams	Packwood
Bond	Gregg	Pell
Bradley	Hatch	Pressler
Brown	Hatfield	Reid
Burns	Heflin	Robb
Campbell	Hutchison	Roth
Chafee	Kassebaum	Santorum
Coats	Kempthorne	Simpson
Cohen	Kerrey	Smith
Coverdell	Kyl	Snowe
Craig	Lautenberg	Specter
D'Amato	Lieberman	Thomas
DeWine	Lugar	Thurmond
Dodd	McCain	Warner

NAYS—45

Akaka	Ford	Levin
Bennett	Glenn	Lott
Boxer	Gorton	Mack
Breaux	Graham	Mikulski
Bryan	Grassley	Moseley-Braun
Bumpers	Harkin	Murray
Byrd	Helms	Nickles
Cochran	Hollings	Pryor
Conrad	Inouye	Rockefeller
Daschle	Jeffords	Sarbanes
Domenici	Johnston	Shelby
Dorgan	Kennedy	Simon
Exon	Kerry	Stevens
Feingold	Kohl	Thompson
Feinstein	Leahy	Wellstone

NOT VOTING—1

Inhofe

So the motion to table the amendment (No. 1079) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I would like to express my deep dismay over the defeat of the Murray-Gorton amendment.

Frankly, it was my intention if the Murray-Gorton amendment were successful, to move an amendment which would be a slight change to take California's situation into consideration.

I cannot help but note that there have been a number of specific amendments to deal with a number of States. Nine States have received some preferential treatment in this bill. For my State, and I speak for Senator BOXER, as well, California has a unique situation.

We have a State law which mandates a 50-percent reduction in solid waste by the year 2000. How can a State do that if it does not have some flow control over its waste?

Eight local governments in my State, based on last year's bill, made agreements and incurred debts totaling $125 million which are unaddressed by this bill. Those counties are very concerned.

The California Association of Counties had asked that if the Gorton-Murray amendment were successful, an amendment be introduced based on that amendment which would clarify certain gray areas in the bill. The gray areas are contracts and franchises that have been consummated after the grandfather date, but based on last year's bill.

I very much regret that these issues are not taken into consideration, particularly by a Congress that is very concerned about States' rights.

I, for one, and Senator BOXER as well, will have to vote against this bill, based on the fact that we believe our State is seriously disadvantaged by it. I yield the floor.

Mr. CHAFEE. Mr. President, I gather from what the Senator said she, therefore, will not proceed with the amendment?

We had a reserve amendment slot for the Senators from California, and I gather the Senators will not proceed on that.

Mrs. FEINSTEIN. If I could have a couple of minutes to think about this I would appreciate it.

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 1083

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator KEMPTHORNE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. KEMPTHORNE, proposes an amendment numbered 1083.

Mr. CHAFEE. Mr. President, I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

On page 35, line 5, after the word ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

One page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

Mr. CHAFEE. Mr. President, this is a technical amendment that has been cleared with the other side.

Mr. BAUCUS. Mr. President, the Senator is correct.

We have reviewed this amendment and we find it acceptable.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHAFEE. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1083) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, here is the situation now.

We have two more amendments that were provided for, and then we would hope be able to go to final passage. One is the Levin amendment and the other is the Domenici amendment. We are working on both of those.

Mr. BAUCUS. Mr. President, it is my understanding that the Levin amendment is withdrawn and Senator LEVIN will not offer his amendment.

Mr. CHAFEE. All right, that takes care of that.

I received word that the Senator from California will withdraw the so-called Boxer amendment.

Mr. BAUCUS. Mr. President, if the Senator will yield, that is my understanding.

Mrs. FEINSTEIN. Mr. President, that is correct.

Mr. CHAFEE. Now, 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. LEAHY. 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. LEAHY. Mr. President, I understand the distinguished managers of the bill are in the process of working on what may come next. While that is going on, I ask unanimous consent I be permitted to speak in morning business. I assure the distinguished managers when they reach a point where they want to interrupt, I will yield.

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

IS AMERICA GOING TO LEAD?

Mr. LEAHY. Mr. President, there is an important question hanging over us like Damocles' sword today. It will loom over us as we consider the budget. It will confront us directly as we debate the reorganization of our foreign affairs agencies. The question is ''Is America going to lead?''

This is not a question that keeps people awake at night anymore. After all,

people ask, ''We won the cold war, didn't we? There is no longer any real threat to America's security, is there?''

Mr. President, there have been few times in history when the United States can less afford to be complacent. The world today is anything but a predictable, peaceful place. While we are fortunate that the military threat to our security has receded, it is more true today than ever that American prosperity is linked to conditions in the rest of the world.

Millions of American jobs depend upon persuading other countries to open their borders to U.S. exports, and helping them raise their incomes so they can afford to buy our exports. Ensuring that we have clean air and clean water depends upon international action to protect the environment. Keeping Americans healthy depends on joint action to fight the spread of infectious diseases in other countries. Imagine if we are unable to contain the recent outbreak of a deadly virus in Zaire—very quickly you would see Senators clamoring for more aid to stop it from reaching our shores.

Stemming the flow of illegal immigrants and refugees to the United States depends on promoting democracy and economic development in the countries from which the refugees are fleeing. These are just a few examples of why we continue to have an enormous stake in what happens in the rest of the world.

Fortunately, the United States, the only remaining superpower with the largest economy and the most powerful military, can influence what happens in the rest of the world.

But influence is not automatic. It requires effort, and it costs money.

Perhaps most important, the United States needs to maintain its leadership in and its financial contributions to the international organizations that make critical contributions to promoting peace, trade, and economic development. Organizations like the United Nations, the World Trade Organization, the International Monetary Fund and the World Bank, to name a few. These organizations are the glue that holds our international system together. They may not always act in precisely the way we would like, but they are dedicated to spreading the values that Americans hold dear—freedom, democracy, free enterprise, and competition.

The American people also want to help alleviate the suffering of people facing starvation or other calamities, like refugees fleeing genocide in Rwanda, or the hundreds of thousands of victims of landmines—the people who are injured and killed every 15 minutes around the clock, around the world, from the 80 to 100 million antipersonnel landmines spread in 60 to 65 countries.

Finally Mr. President, the polls show that most Americans believe we should help developing countries and countries making the transition from communism to democracy and market economics. It is through this aid that we fight poverty, that we stabilize population growth, that we educate people who have never known anything except tyranny in the basics of representative government, and that we encourage countries to open their economics to trade and competition.

We do these things, not out of a sense of altruism, but because it is in our national interest. Yet, in the rush to reduce Federal spending, some are dismissing spending on international affairs as a luxury we cannot afford, or even a waste.

The United States cannot pay these costs alone, but no one is asking us to. The United States now ranks 21st among donors in the percentage of national income that it devotes to development assistance. Twenty-first. Right behind Ireland. We are not even the largest donor in terms of dollar amount anymore. Japan, which has a keen sense of what is in its national interest, has passed us. They passed the United States in this area. Do you think Japan is doing this out of a sense of altruism? Ha. They do it because they know it creates jobs and it helps their economy.

Six years ago, when I became chairman of the Foreign Operation Subcommittee, the foreign operations budget was $14.6 billion. We cut that budget by 6.5 percent, not even taking into account inflation, while the remainder of the discretionary spending in the Federal budget increased by 4.8 percent. Those cuts were a calculated response to the end of the cold war. Foreign aid today is substantially less than it was during the Reagan and Bush administrations. Our entire foreign aid program, including funding for the Eximbank and foreign military financing and other activities that have as much to do with promoting U.S. exports as with helping other countries, today accounts for less than 1 percent of the total Federal budget.

We must recognize that there is a limit to how far we can cut our budget for international affairs, and still maintain our leadership position in the world. Just when many people though U.S. influence was reaching new heights, we are seeing the ability of the United States to influence world events eroding.

This budget proposal amounts to a classic example of penny-wise and pound-foolish. Our allies are scratching their heads, wondering why the United States, with the opportunity to exercise influence in the world more cheaply than ever before, is turning its back and walking away.

We are inviting whoever else wants to—friend or foe—to step into the vacuum and pursue their interests at our expense.

Mr. President, the United States stands as a beacon of liberty and hope for people throughout the world. But we should be more than a beacon. A beacon is passive. We should be proactive, reaching out to defend our interests and to help our less fortunate neighbors. We should continue to invest in the world. We should continue to lead.

If there is going to be a leader for democracy, if there is going to be a leader for economic development, if there is going to be a leader for human rights, if there is going to be a leader setting the goal, as an American I prefer that it be our country. And as a U.S. Senator I know of no country better suited to do that.

Mr. President, I want to say a few words about Republican proposals to reform the U.S. foreign affairs agencies. Senator HELMS, the distinguished chairman of the Senate Foreign Relations Committee, has launched a broad proposal to reform foreign policymaking in the Federal Government. This proposal includes provisions for completely restructuring the way we administer our foreign aid programs. Senator HELMS asserts that U.S. foreign policymaking has become so decentralized that it no longer serves the national interest. He proposes to merge most foreign affairs functions into the Department of State.

As the former chairman and now ranking Democrat on the Foreign Operations Subcommittee, I have had some opportunity to be involved in the U.S. Government's conduct of foreign policy, and I have some thoughts about Senator HELMS' proposal.

While I have long advocated better coordination among the executive branch agencies in foreign policymaking, I believe Senator HELMS' proposal would result in U.S. national interests being less well, not better, served.

Why is the Foreign Agricultural Service administered by the Department of Agriculture and not by the State Department? Because farmers know they can count on USDA to represent their interests better than the Department of State and all experiences have proven that.

Why, 15 years ago, did we take the commercial function away from the State Department and create a Foreign Commercial Service in the Department of Commerce? It was because State had for years neglected export promotion, sacrificed export interests to its foreign policy priorities, and treated its commercial officers as second-class employees. It was because the American business community was clamoring for something better, knowing that if we could increase our exports we would increase jobs here in the United States.

The reason we have separate foreign service bureaucracies is that many of our foreign policy interests are actually domestic policy interests that are best pursued abroad by technical experts from domestic policy agencies, not be foreign policy generalists from the State Department. I do not know about farmers from other States, but I can tell you that Vermont farmers are not at all anxious to see the State Department expand its influence over

U.S. foreign agricultural policy. They fear that shifting power from domestic agencies to the State Department will not strengthen representation of United States interests in United States policy but rather will strengthen representation of French interests and Argentine interests and Russian interests.

Let me focus on the specific question of restructuring America's foreign assistance program. I have been advocating reform of our foreign aid program ever since the fall of the Berlin Wall, so I welcome this opportunity for discussion of this issue.

Senator HELMS says that our foreign aid program should further our national interests. I absolutely agree. I do not know of anyone who disagrees.

But I do not agree with his definition of the problem. The problem is not that the Agency for International Development is ignoring America's national interests. The problem is that since 1961 when the Foreign Assistance Act was enacted, much of our foreign aid was allocated to winning allies in the fight against communism.

All you had to do was say, ''I am anti-Communist, pro-American,'' no matter what kind of a dictator you were, money flowed to you.

Billions went to right-wing dictatorships with little or not commitment to democracy or improving the living conditions of their people, or even allowing business competition. Much of that aid failed by the standards we apply today. But it is unfair and disingenuous to judge AID's effectiveness today against the failures of the past when our goals were fundamentally different.

AID needs a new legislative mandate. We meet to get rid of cold war priorities and replace them with priorities for the 21st century.

The Secretary of State has full authority under statute to give policy direction to AID, and the State Department influences AID's activities every day. If AID's projects deviate from State Department policy, it is not because AID is out of control, it is because the people at State are not paying enough attention to what AID is proposing to do.

Senator HELMS also does not give sufficient credit to the Clinton administration for its efforts to improve AID performance. Over the past 2 years, we have seen dramatic progress at the Agency for International Development and the Treasury and State Departments in redefining our foreign aid priorities and focusing resources where they can achieve the most in advancing U.S. interests abroad, in spite of the constraints of an obsolete Foreign Assistance Act.

AID Administrator Brian Atwood has made extensive changes at AID. He initiated an agency-wide streamlining effort that has resulted in the closure of 27 missions and a reduction of 1,200 staff. He is installing state-of-the-art data processing systems that link headquarters in Washington with project officers in the field in real time. This will ensure that information available at one end of the management pipeline is also available at the other, increasing efficiency and improving decisionmaking.

Mr. Atwood has decentralized decisionmaking so the people closest to problems have a full opportunity to design solutions. AID is improving its performance because, for the first time since the mid-1980's, it has hands-on leadership that is committed to making our foreign aid programs effective.

Can AID improve its management performance further? Yes. But would the State Department do better? I doubt it. I believe that abolishing AID and asking regional assistant secretaries at the State Department to manage its functions would be a serious mistake. These assistant secretaries are chosen for their expertise in broad foreign policy. Many do not have experience managing money and programs. And they are overworked now trying to deal with the daily emergencies and complexities of our political relationships with countries in their regions.

Even former Secretary of State Lawrence Eagleburger, a Republican whom I respect and whose counsel I have sought, expressed doubt about this proposal in his testimony before the Foreign Relations Committee on March 23. ''The State Department is not well suited, either by historical experience or current bureaucratic culture, to assume many of these new responsibilities,'' Secretary Eagleburger said. And he was trying to be supportive of the Helms proposal.

I would put the matter a little less delicately: The State Department's specialty is making policy; it has never and probably never will manage programs well. Secretary Eagleburger offered the hope that, with every careful selection of Under Secretaries, it might do better. I am reluctant to trade a bureaucracy that is doing reasonably well and getting better at delivering foreign aid for one that has no competence on the outside chance that it might get better. If we disperse responsibility for foreign aid among assistant secretaries of State, I bet that we will start hearing more stories about misguided and failed projects, not fewer, and more questions about why we have foreign aid, not fewer.

AID today is performing a wide array of tasks that enjoy overwhelming support among the American people:

Every year, AID manages programs worth a billion dollars aimed at protecting the Earth's environment. Does protecting the Earth's forests, oceans, and atmosphere matter to us? Does it further our foreign policy interests? A century from now we are not going to have any foreign policy if we do not join with other countries today to protect the environment.

Every year, AID manages hundreds of millions of dollars in international health programs. Is this money wasted? We might as well ask whether AIDS and tuberculosis are infectious.

Every year, AID commits a large part of its budget to promoting free markets and democratic development in countries where the United States has important interests. This is not diplomacy. It is hands-on assistance that requires people with special expertise on the ground who can get the job done. Working with foreign governments and private organizations on the nuts and bolts of solving real problems. That is what AID does.

Mr. President, we have a strong need to rewrite the Foreign Assistance Act to redefine the framework for foreign aid. AID can continue to downsize and improve its efficiency. But we should not abolish an agency that is aggressively adapting itself to the changed world we live in and to the shrinking foreign aid budget.

Let me close with this, a personal observation.

I have served here during the administrations of President Ford, President Reagan, President Bush, and President Clinton. Each one of those, each President, Republican and Democrat alike, has come to Members of the Congress, Republican and Democrat alike, and sought bipartisan support on foreign policy. We follow the dictates of Senator Vandenberg that politics end at the water's edge.

We have had some major debates on this floor, and we have had major debates in the Cabinet room of the White House. But we have come together. We have observed a number of things, not the least of which is that the President of the United States is our chief foreign policy spokesperson.

Throughout all of my years in the Senate, it has been an unwritten rule that, when the President of the United States is abroad, when he is making foreign policy or conducting foreign policy, he receives support at home. If we disagree with him, we wait until he gets home and we tell him so. I am concerned, when the President of the United States recently went abroad for meetings in Russia and Ukraine, that many would not wait until he came back but had to take to the floors of the House and the Senate to criticize what he was doing. I think that is wrong. We never did that with President Bush. We never did that with President Reagan. We never did that with President Carter. We never did that with President Ford. And we never did that before I was here, to my knowledge, with other Presidents. It is wrong. It gives the wrong signal. It does not mean that we passively agree with everything and anything that any President says. Of course not. We wait until he at least gets back to the country to tell him so. We do not undermine him or say things here in this country that almost guarantees that he cannot be successful in the other country.

Frankly, Mr. President, the President of the United States and the

President of Russia ought to meet on a regular basis every year concerning the nuclear warheads of both sides. We should not set as a standard that the only time they can meet is if they come back with some enormous agreement. As a practical matter, that guarantees failure. They have to meet with or without agreement because there is too much at stake, and we ought to take the lessons of those Congresses in the past to at least let the President come home before we tell him we disagree with him. Let us not have foreign leaders when he is meeting with them see a cacophony of criticism coming, often from those who are not really fully informed of what is going on.

Mr. President, I thank my distinguished colleagues for allowing me to have this time.

I yield the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, we have now reached a point where the Senate is about to give our small towns the right to say no. I hope the House will follow suit quickly so that we can send the bill to the President this year.

We have debated this bill extensively. We have heard a lot of statistics. We have heard a lot about policy. So I would like to use a small example to remind the Senate of why this is so important.

Miles City, MT, is a small prairie town of 8,500 people on the Yellowstone River. Not too long ago, its people faced the prospect of what was probably a Noah's flood of garbage imports. A garbage entrepreneur from Minneapolis came out to look them over. He had a rather remarkable plan: Empty coal trains run out of Minneapolis. Each one of them has about 110 cars—open-roofed cars, 50 feet long, 10 feet wide, 11 feet high. He wanted to fill them to the brim with garbage and bring all that garbage to Miles City and dump it in Miles City. Think of it. A giant garbage snake over a mile long ripening in the sun for anywhere up to 5 days on the run out of Minneapolis, shedding rotten food, broken glass, and used diapers into the Yellowstone River at every bend in the track, steaming into town on a hot summer day with as much trash in one single trip as Miles City throws out in a whole year.

It is crazy; it is humiliating; and Miles City should have the right to say no. So far, the people of Miles City and their representatives in the Montana Legislature have been able to stop these plans. But, with no disrespect to the legislature, it is a weak reed.

Every time waste companies have challenged State laws restricting out-of-State waste, the State laws have been overturned by the courts. So we cannot rely on State legislatures. We need a Federal law. Without congressional action, according to the Supreme Court, neither the people of Montana nor of any other State can stop these garbage trains.

Some interstate movement of garbage makes sense. In Montana, two towns have made arrangements to share landfills with western North Dakota towns and some trash from Wyoming areas of Yellowstone Park is disposed in Montana. These arrangements save money for the communities involved and shared regional landfills can be a policy that makes sense. But it only makes sense when the communities involved agree to it. No place should become an unwilling dumping ground. Nobody should have to take garbage they do not want from another community— not Miles City, not anybody.

This bill is a very good start, and I strongly support it. But like any other bill, it is not perfect. In particular, I am concerned that it would allow waste to be imported until a community gets wise to it and has to say no.

I believe we should take a good-neighbor approach. Waste from big cities should not be allowed into our communities until the people agree to accept it. I do not want the people of Miles City to wake up one morning with a garbage train in the station. I want the garbage broker to come to town first and ask the people's permission before using the community as a trash dump. That is just common courtesy.

I hope we can move in that direction as the bill goes ahead, and for now I urge the Senate's support for this critical new law.

Finally, Mr. President, I wish to congratulate the Senators who have worked so very hard over the years in finally developing a balanced bill. Senator COATS from Indiana has been a bulldog, and Senators LAUTENBERG and SMITH, and our new chairman, Senator CHAFEE, have worked tirelessly. Brokering the agreements that brought the bill to this point was not easy, but they met the challenge.

In closing, let us stand up for small towns and give them the right to protect their people from unwanted trash.

I thank the Chair. I yield the floor and 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. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RATIFICATION OF THE LAW OF THE SEA CONVENTION WILL PROMOTE THE ECONOMIC INTERESTS OF THE UNITED STATES

Mr. PELL. Mr. President, the Law of the Sea Convention entered into force on November 16, 1994, and was transmitted to the Senate for its advice and consent on October 6, 1994 [Treaty Document 103–39]. On this occasion I applauded the President's transmittal of this historic treaty and spoke to the ways in which it will protect the economic, environmental, scientific, and most importantly, the national security interests of the United States (CONGRESSIONAL RECORD, Vol. 140, No. 144, p. 14467). On March 14, 1995 I addressed the importance of ratification of the Convention to the fishery interests of the United States (CONGRESSIONAL RECORD, Vol. 141, No. 47, p. 3862). Today I would like to address how ratification of the convention will best serve U.S. economic interests.

The Third U.N. Conference on the Law of the Sea was initiated as early as 1973 by the United States and the U.S.S.R. to protect navigation rights and freedoms, at a time where coastal States were claiming excessive areas of jurisdiction. Most of the provisions of the convention have long been supported by the United States, and at the conclusion of the law of the sea negotiations in 1982, the Reagan administration indicated that it was fully satisfied with, and supported the entire convention, except for the deep seabed mining part. The recently negotiated part XI implementation agreement, which is also before the Senate [Treaty Document 103–39] addressed all the reservations that the United States and other industrialized countries had. I will speak to the deep seabed mining issues in a forthcoming statement.

The convention directly promotes United States economic interests in many areas: It provides the U.S. with exclusive rights over marine living resources within our 200 miles exclusive economic zone; exclusive rights over mineral, oil and gas resources over a wide continental shelf that is recognized internationally; the right for our communication industry to place its cables on the sea floor and the continental shelves of other countries without cost; a much greater certainty with regard to marine scientific research, and a groundbreaking regime for the protection of the marine environment. With regard to national security, the Department of Defense has repeatedly expressed its strong support for the ratification of the convention because public order of the oceans is best established by a universally accepted Law of the Sea Treaty that is in the U.S. national interest.

The extension by other nations of their national claims were not always limited to matters of resources use but also represented a potential threat to our interests as a major maritime nation in the freedom of commercial and military navigation and overflight. The United States is both a maritime power and a coastal Stage and, as such, it benefits fully from the perfect balance that the convention strikes. It gives extensive rights to States over the resources located within their EEZ's, but also recognizes the need to maintain freedom of navigation on the high seas,

through archipelagic waters thanks to the concept of transit passage and even through the territorial seas of other States based upon the principle of innocent passage.

Mr. President, seaborne commerce represents 80 percent of trade among nations and is a lifeline for U.S. imports and exports. Ninety-five percent of U.S. export and import trade tonnage moves by sea. With continuing economic liberalization occurring globally, exports are likely to continue to grow as a percentage of our economic output. In addition, on some sectors, such as oil, our dependence on imports will continue to grow. Thus our economic well being—economic growth and jobs—will increasingly depend on foreign trade. Without the stability and uniformity in rules provided by the convention,we would see an increase in the cost of transport and a corresponding reduction of the economic benefit currently realized from an increasingly large part of our economy.

Consequently, the United States would stand to lose a great deal if it was no longer assured of the freedom of navigation: trade would be impaired, ports communities would be impacted and our whole maritime industry could be put in jeopardy. The convention addresses these concerns and failure of the United States to ratify would impose a tremendous burden on this industry.

Within its EEZ, the United States has exclusive rights over its living marine resources. Foreign fleets fishing in our waters can be controlled or even excluded, and our regional management councils are in a position to adopt the best management plans available for each of the fisheries on which our industries depend. The settlement of disputes provisions of the convention do not apply to the measures taken by the coastal State within its EEZ. Consequently, the United States has discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management measures.

The provisions of the convention generally reflect current U.S. policy with respect to marine living resources management, conservation and exploitation. As such, they incur little new U.S. obligation, commitment, or encumbrance. The U.S. Fishery Conservation and Management Act of 1976, commonly referred to as the Magnuson Act, was crafted to parallel closely most of the law of the sea's provisions for living resources. But the convention also ensures that some of the stricter measures that the U.S. has adopted, precautionary in nature, are also incumbent on other States, in their EEZ's and, more importantly, on the high seas. As such, some measure of increased stability in international living marine resources policy can be anticipated as a beneficial aspect of U.S. participation of the law of the sea regime.

The convention also provides a jurisdictional framework for the negotiation of a new regime for straddling stocks and highly migratory fish stocks on the high seas. A conference is currently under way at the United Nations to establish such a regime, and I am happy to note that at the last session, held a few weeks ago in New York, the U.S. delegation expressed its satisfaction at the progress already achieved. The negotiators involved are cautiously optimistic that an agreement will be reached by the end of this year, which should help prevent the kind of incidents that recently pitched Canada and the European Union in the latest case of gunboat diplomacy. The convention will provide both the basis and the framework for this new agreement.

Representatives of the oil and gas industry served as active advisers to the U.S. Government throughout its negotiation of the convention. In 1973 the National Petroleum Council published a detailed analysis of industry objectives in relation to this treaty, all of which have been achieved. The National Petroleum Council determined that it was important to its industry that the convention reflect the following principles:

Confirmation of coastal State control of the continental shelf and its resources to a distance of 200 nautical miles, and beyond to the edge of the continental shelf;

Establishment of a continental shelf commission to advice States in delimiting their continental shelves in order to promote greater certainty and uniformity regarding resources ownership;

A constructive mechanism for the settlement of disputes;

And guarantees that the principles of freedom of navigation essential to the movement of tankers and other commercial vessels will not be undercut by the extension of coastal State jurisdiction.

Working in close coordination with our offshore oil and gas industry, our negotiators successfully obtained convention provisions that serve U.S. interests both in regards to development of energy resources off our coasts as well as the interests of our nationals operating abroad. The convention goes further than the Truman Proclamation, in which our country asserted our rights over oil and gas resources on the continental shelf, because it specifies the outer limits of the area.

This new certainty is very important for our oil and gas industry because offshore development is enormously capital intensive and security of tenure is the key. The convention's standards and procedures avoid uncertainty and disagreement over the maximum seaward extent of our jurisdiction. The resulting clarity advances both our resource management and commercial interests, as well as our interest in stabilizing claims to maritime jurisdiction by other States.

At the same time, the convention ensures the protection of the marine environment in relation to pollution, including the allocation of enforcement responsibility between flag, port, and coastal States. It here again strikes the right balance between the need to ensure the development of the oil and gas industries and greater certainty that the environment is adequately protected.

The convention also provides significant benefits to the communication industry. As we know, our country is a proud leader in the technology and communication revolution. In that respect, we depend upon ships to carefully lay fiber optic cables on the sea floor. When these cables are broken, U.S. companies and consumers incur huge repair costs. For example, one such cable, connecting the United States and Japan, can carry up to 1 million simultaneous telephone calls and is valued at over a billion dollars. As one of our major growth industries, telecommunication firms have ambitious plans for replacing existing coaxial cable on our ocean floor and expanding the existing cable network globally.

Our telecommunication industry had long suffered from the poor legal protection afforded to cables laid on the seabed. The Geneva Convention on the High Seas of 1958 provided that the laying of cables and pipelines is a high seas freedom, and that coastal States may not impede laying or maintenance of cables on the continental shelf. Yet it did not contain clear provisions designed to prevent mariners from working dangerously close to cables.

The Convention on the Law of the Sea incorporates the language and principles of the 1958 Geneva Convention. Most important, it also goes further in providing that States are to make it a punishable offense, not only to break a cable, but to engage in conduct likely to result in such breaking or injury. For the first time, cable owners and enforcement authorities are able to act to prevent cable breaks from occurring. Consequently, the protection afforded submarine cables is substantially increased by the convention.

Mr. President, the negotiations on this new ''Constitution for the Oceans'' took more than 9 years, and when the first version, open for signature in 1982, did not meet all our concerns, the Democratic and Republican administrations refused to sign it. It was only after 12 more years of negotiations that all the concerns of the United States were addressed. Significant U.S. economic interests are now protected by this convention and we now need to reap the benefits of these long years of negotiations.

President Clinton said it best in his transmittal letter to the Senate, ''Early adherence by the United States to the Convention and the Agreement is important to maintain a stable legal regime for all uses of the sea, which

cover 70 percent of the surface of the globe. Maintenance of such stability is vital to U.S. national security and economic strength.''

I strongly agree and look forward to the Senate giving its advice and consent to this historic convention during the 104th Congress.

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

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, in a minute or so, I am going to send an amendment to the desk. But so as to not waste time, let me take a few minutes to talk before it is submitted.

First of all, I understand the managers of this bill want to get it finished today, and I gather the leader wants to do it quickly. I want to be cooperative. Essentially, I am not going to say a great deal, other than, first, I compliment Senator KEMPTHORNE on language in this bill that I call commonsense language that relates to small and arid landfills. They are relieved of some very expensive monitoring, and I compliment the Senator for that.

Second, I would like to go a little further, because I want to add a little more common sense. I think common sense, with reference to regulatory processes, was part of the last election. You do not hear me come to the floor trying to second-guess what the election was about. But I am convinced that as to people regulated, be it cities, counties, tiny communities, small business people, the election was about common sense.

So I am going to send an amendment to the desk which would allow States to promulgate their own regulations with regard to small landfills, provided that those regulations are sufficient to protect human health and environment.

In my amendment, small landfills are those which receive 20 tons or less of municipal waste per day based upon an annual average. Such landfills, as the occupant of the chair, the former Governor of a great State would know, serve very small communities. In my State of New Mexico alone there are 50 such small community landfills. Let me suggest that they are not next door to anything. Those landfills are out in a huge, huge open space surrounded, in most instances, by hundreds, if not thousands, of acres of unused land, public or private.

So we are not talking about these small landfills in my 50 small communities as, per se, bothering anyone. The question is, are they safe? Do they protect the health and environment? Frankly, I believe that our States are sufficiently different, and that States ought to be able to determine the regulations that these small landfill operators, small communities, must comply with in order to meet the standards of our law. I believe States are totally capable of drafting the regulations for safe and healthy small landfills in rural America and in rural New Mexico.

According to the Environmental Protection Agency, these small landfills make up 50 percent of the total number of landfills and contribute only 2 percent in terms of the total cumulative waste—2 percent.

Now, I realize that some argue that EPA does give States flexibility with regard to landfill management, and I assume the managers might even say that they believe it has already been done. I also know, however, that my State's environment department has not experienced this purported flexibility on EPA's part.

Frankly, I believe we ought to make it clear that the Environmental Protection Agency shall give this authority to the States to draw up their own regulations with reference to small community landfills so long as the regulation adequately protects human health and the environment. That is very simple.

I have seen small communities attend meetings for 3 years in New Mexico. They are looking for a regional landfill, I say to Senator SMITH, and they are going to meetings for 3 years, trying to figure out how to have this big regional landfill and how this little small town can buy into that. And it is not getting done yet. The little towns are worried about it, and they are out telling their 100 citizens, or 300, what they might have to pay, what they might have to do. And many of them are not even cities, as the occupant of the chair knows. They are villages. They are less than municipalities, many of them.

So I believe common sense says as to those small, but very important, community landfills that we ought to make it mandatory that they can be operated pursuant to State regulations in terms of their adequacy.

With that I yield the floor. I hope I have not taken too much time. I hope the managers will accept this amendment, and I yield the floor.

AMENDMENT NO. 1092

(Purpose: To revise guidelines and criteria for the Resource Conservation and Recovery Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. KEMPTHORNE, and Mr. SMITH, proposes an amendment numbered 1092.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 69, line 22, strike ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow states to promulgate alternate design, operating, landfill gas monitor, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average, provided that such alternate requirements are sufficient to protect human health and the environment.''.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I would like to compliment the Senator from New Mexico. I think his amendment is helpful. I intend to support it. It provides additional flexibility for the States to more closely tailor their own individual problems. One-size-fits-all Federal regulations do not always work. Many times they do not work. I think the Senator has hit on an area here that improves the bill. It would be helpful, certainly, for very small communities in very remote areas, which we find everywhere in almost every State in the country.

One area the Senator did not mention which would have a positive impact on his amendment is many rural areas used to burn their garbage, a lot of it. Of course, when it is burned and not buried, we do not have the methane buildup. So this would give those communities great flexibility because you do not need to monitor where you did not bury and you did burn.

So I think that is another dimension which is really attractive and, frankly, the main reason I support this amendment.

So this Senator will be voting for the amendment, and I congratulate the Senator on his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from New Mexico is attempting to address the concerns of small communities, a concern which we all share. Under the bill before us, and according to pursuant regulations, generally the State of New Mexico can already now do what this amendment asks EPA in to do. That is quite clear.

The Senator from New Mexico thinks there is some ambiguity, and I respect the Senator's view there might be some ambiguity, although we checked with the EPA and checked the regulations and today they can do already what New Mexico wants to do.

I am in a bit of an awkward position because the State of Montana, frankly, sent me a letter expressing their reservations about this amendment. Their reservations generally revolve around the following point; namely, that when the landfill regulations went into effect in 1991, States acted pursuant to these regulations. And under these regulations virtually all authority was

delegated to the States—43 States have approved plans, the State of Montana is one, the State of New Mexico is another—and they began to plan.

One of the goals under each of the State plans is to not only be sure small, local communities are able to develop their landfills in a commonsense way, but also to consolidate landfills where, in the opinion of the State, it makes sense.

So the State of Montana is saying this is probably not a great problem, this amendment. However it is changing horses in the middle of the stream. It has the effect of changing regulations after 1991. The State of Montana is doing fine with the 1991 regulations, and they are also working with some communities, small communities, to keep their landfills open but consolidating other landfills because you need volume to make landfills economically feasible. This amendment might have the effect of disrupting those States' efforts to try to get some consolidation.

It is not a major point. I do not mean to raise it in any serious degree, but it is a consideration I think all States have when they are adopting their plans. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, on the Domenici amendment there appears to be no further debate. I support the amendment and also want to say the views of the Senator from Montana were certainly worthy of consideration. We are ready to go forward with this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent Senator KEMPTHORNE and Senator SMITH be shown as original cosponsors of this amendment.

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

Mr. DOMENICI. I thank the floor managers. With regard to the ambiguity as to whether States are currently given adequate flexiblity over their regulation of small landfills, I might say to my friend from Montana we received a call the day before yesterday from New Mexico's environmental department asking us to do this. They, and I, are still convinced that this amendment will help States with their small landfill problems. But I very much appreciate clarifying this, and I thank my friend for that.

I yield the floor.

The PRESIDING OFFICER. Is all time yielded back? All the time has been yielded back.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1092) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATES' AUTHORITY

Mr. KEMPTHORNE. Mr. President, I would like to take this opportunity to clarify the meaning of language contained in title I of S. 534, regarding the Governors' authority to ban interstate waste shipments. Section 4011(a)(4)(A) limits that authority when its exercise would ''result in a violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-or-State municipal solid waste.''

During the committee markup on this title, the chairman of the committee and I engaged in a colloquy in the business meeting of the Environment and Public Works Committee on March 23, 1995, regarding the meaning of this provision in the case of a host community agreement that contains no tonnage limitation. The chairman agreed with me that where there is no specified tonnage amount in a host community agreement, a Governor's ban of interstate waste shipments to a facility covered by such an agreement would be in violation, or inconsistent with, the terms of the host community agreement.

Mr. President, I would like to ask the distinguished chairman of the committee whether this colloquy still reflects the committee's understanding about how the 4011(a)(4)(A) limitation should be interpreted when a host community agreement contains no specified tonnage amount?

Mr. CHAFEE. The Senator from Idaho is correct. Where a host community agreement contains no specified tonnage, a Governor's use of his authority to ban interstate waste shipments would be in violation of, or inconsistent with, the terms of the host community agreement.

Mr. KEMPTHORNE. If a Governor imposes a cap at 1993 tonnage levels on waste received, affecting a facility with a host community agreement that does not have a tonnage limitation, would the cap be considered to be inconsistent with the host community agreement?

Mr. CHAFEE. The Senator is correct, a cap would be inconsistent with such an agreement.

Mr. KEMPTHORNE. Does the provision, as interpreted, apply only prospectively, or is it intended to cover host community agreements entered into, or permits issued by a State, both before and after enactment of section 4011?

Mr. CHAFEE. The provision applies both retroactively and prospectively to those host community agreements that were in effect before and after the date of enactment.

Mr. KEMPTHORNE. Has anything happened during the course of this floor debate on the bill to change this understanding as to the interpretation of this provision, section 4011(a)(4)(A)?

Mr. CHAFEE. No. But it is this Senator's view that this colloquy confirming our understanding of section 4011(a)(4)(A), as previously set forth in the committee business meeting, does not apply to amendment 1077, an amendment that was offered by Senator COATS and only affects the State of Indiana.

Mr. KEMPTHORNE. Thank you, Mr. President.

Mr. SIMPSON. We are once again trying to pass legislation dealing with the export of solid waste from one State to another. This issue has become a concern because some of the large Northeastern States have been shipping large amounts of garbage to States such as Indiana, Pennsylvania, and Virginia for disposal. This waste is being exported in part because the cost of disposing of this waste in another State, even after figuring in shipping costs, is less than the cost of disposal in the home State.

We find that high population States such as New Jersey and New York have been running short of landfill capacity. That has been caused by a shortage of usable land and more importantly because State and local governments have not been building new landfill capacity or new incinerators. Local citizens in these area have opposed such efforts. This is a classic example of the ''not in my back yard'' or ''NIMBY'' principle. The citizens in States generating the waste oppose the construction of new incinerators. With proper environmental controls incinerators may be one of the best methods of disposal. Heat energy can be recovered from burning trash and we do not end up with the huge volume that must be buried in a landfill. Without local disposal options the next option becomes shipping trash somewhere else and disposing of it in a neighbors back yard. Now the folks who have been receiving trash from out of State are finding their landfill capacity being used up by citizens who live hundreds of miles away. They are saying ''not in my backyard either'' and I can understand their frustration.

The people of Wyoming do not want trash being brought in from other States in large quantities because others will not make the tough political decisions needed to expand landfill capacity or to build incinerators. Wyoming is the largest coal producing State in the Nation. We have large open pit coal mines. We had a proposal floating around in my State at one time to bring empty coal train cars back into the State loaded with garbage to be dumped in the old open pit mines. Someone thought that was a marvelous idea. The people of Wyoming did not think it was a marvelous idea though. There was a hue and cry across the land when that trial balloon was floated. The opposition to this proposal was vocal and near unanimous. So I am pleased that we are granting Governors authority to limit the importation of waste from out of State. I understand the issue with the commerce clause. But we do need to ensure

that some States will not just take the easy way out and send their problems down the road to someone else. This is not about interstate commerce—this is about States and counties failing to face up to their own problems and responsibilities.

We see some of the same issue when dealing with low level nuclear waste. We have set up a system of compacts where States join together and make group decisions about where to locate low level waste disposal sites. Every State generates low level waste and it must be disposed of in a thoughtful manner. But the State compact system does not work well for interstate trash because there are just a few States with huge volumes of waste and no place to put it. So we are letting individual States limit or accept out of State waste as they see fit.

I trust that this legislation will ensure that the exporting States will take a more constructive approach to this problem in the future. Citizens of every State must recognize that as consumers they are responsible for the waste they generate and they must bite the bullet and deal with it locally.

I trust we can get this bill through conference and to the President in a timely fashion. We came very close last year to getting it done but the bill died the last day of the session. Senator CHAFEE and Senator SMITH have done yeoman work on this bill and I commend them for their efforts and I look forward to the passage of this important legislation.

Ms. SNOWE. Mr. President, I rise in support of the bill, S. 534, as amended.

Let me first thank Senator CHAFEE, the chairman of the full Environment and Public Works Committee, and Senator SMITH, the chairman of the subcommittee, for their assistance to Senator COHEN and me on several amendments of great importance to the people of Maine. We offered three amendments to this bill, and all of them have been accepted, for which I am very grateful. The amendments relate to put-or-pay contracts, the term ''original facility'' on page 58 of the bill, and to the ''substantial construction'' requirement on page 56.

I would also like to thank the ranking members of the full committee and the subcommittee, Senator BAUCUS and Senator LAUTENBERG, for their cooperation and acceptance of our amendments.

And finally, I would like to thank my colleague from Maine, Senator COHEN, for working with me on these amendments on behalf of the State of Maine.

Mr. President, Maine has had a keen interest in the issue of flow control since the U.S. Supreme Court issued its ruling in C&A Carbone, Inc. versus Town of Clarkstown, New York almost 1 year ago today, on May 15, 1994. That ruling, which invalidated municipal solid waste flow control ordinances across the country, threatened to unravel the painstakingly crafted waste management systems of local governments in Maine and many other States. Over 200 municipalities in my State made expensive investments in modern waste-to-energy facilities based on the assumption that flow control authority would be available to them. As a result of the Carbone decision, they now fear for their future financial well-being.

S. 534 focuses primarily on municipalities that issued bonds to pay for the construction and operation of designated waste management facilities like waste-to-energy plants. These municipalities relied on flow control ordinances to meet their financial obligations and to repay the bonds. The bill contains a grandfather provision that allows these communities to continue using flow control as long as they enacted their original flow control ordinances and designated their waste management facilities before May 15, 1994.

At first glance, the bill's grandfather provision would appear to protect the communities associated with the Regional Waste Systems waste-to-energy plant in Portland, ME, and the Mid-Maine Waste Action Corp. plant in Auburn, ME. These municipalities banded together in the 1980's to construct the facilities, and they issued bonds to pay for that construction. Flow control ordinances were enacted to guarantee delivery of sufficient amounts of waste to the facilities. But separate provisions in the bill would unintentionally and unfairly exclude many of these communities, and Senator COHEN and I offered amendments to rectify these problems.

The first problem relates to the bill's use of the term ''original facility'' when it defines the duration of the flow control authority available to qualified political subdivisions in the future. Title II, subsection (b)(4)(C) allows qualified municipalities to continue using flow control through the end of the remaining useful life of the original waste management facilities that had been designated. The problem with the term ''original facility'' is that it could be interpreted to exclude facilities that had been the subject of the original designation by a group of municipalities, but that had also been overhauled prior to the Carbone decision.

The MMWAC facility in Auburn, ME, is one facility that could have been unintentionally excluded from S. 534's grandfather provisions by this language. Due to significant deficiencies, the MMWAC plant, which had been constructed in 1988, was temporarily shut down in 1990, and subsequently overhauled. The plant resumed operations in 1992, and it has functioned well since that time. Under the original language of the bill, a party could have argued that because of the renovations, MMWAC could not be considered an original facility, and therefore flow control would not be available to its member municipalities through the plant's remaining useful life.

The amendment that I offered with Senator COHEN, and which has been accepted, deletes the word ''original,'' and ensures that municipalities whose designated waste management facilities were in operation as of May 15, 1994, will be able to continue using flow control through the remaining useful life of the facility.

Another problem in S. 534 relates to the 'substantial construction'' requirement found in title II, subsection (b)(1)(B). This provision States that qualified municipalities would only be able to use flow control if the ordinance or legally binding provision in existence before Carbone had been enacted or signed before ''substantial construction'' of the designated facility had been completed. Unfortunately, more than 61 municipalities in Maine had enacted flow control ordinances or legally binding provisions after the substantial construction of their designated facilities had been completed.

Even more problematic, this provision requires the ''substantial contruction'' to have been completed after the ''effective date'' of the ordinance or provision, rather than the date of enactment. As a result of this language, most of the municipalities in Maine that would otherwise qualify for S. 534's grandfather provision would be denied the bill's protection. Municipalities in Tennessee, Michigan, and other States would be similarly affected.

In recognition of the unintentional problems that this language poses for so many otherwise qualified municipalities, I joined Senators COHEN, SMITH, and THOMPSON in offering an amendment to strike this language. As I noted earlier, that amendment has been accepted by the managers of the bill.

The last amendment that Senator COHEN and I offered relates to put-or-pay contracts. Municipalities that signed put-or-pay contracts with designated facilities prior to Carbone, but that did not enact flow control ordinances before that date, do not qualify for flow control authority in S. 534 as written. Under a put-or-pay contract, a municipality agrees to deliver a specified amount of waste to the designated waste management facility every month. If the muncipality cannot deliver the required amount of waste, then it must pay the facility for the waste that was not delivered.

In Maine, 160 communities in the sparsely populated central, eastern, and northern parts of the State determined that the put-or-pay approach was the best one for them, and they signed contracts with the Penobscot Energy Recovery Corp. [PERC] in Orrington, a $100 million waste-to-energy plant.

These cities and towns signed long-term contracts with PERC in response to the same policy signals from the Federal and State governments as communities that actually issued bonds to pay for municipally-owned facilities. The difference is that the PERC towns chose a somewhat different route. They

decided to sign put-or-pay contracts with a privately owned waste-to-energy plant that was created in response to a request for proposals from these communities.

The original contracts, which were 30-years long and set a tipping fee at $10 a ton, were signed in 1988. Due to financial difficulties that threatened the plant in 1989, however, the contracts were renegotiated.

The new contracts increased the tipping fee fourfold, to $42 a ton. The municipalities agreed to sacrifice in the short-term and pay such a large fee increase for two reasons: to finance essential capital improvements to the plant to help it run more efficiently; and to ensure a stable tipping fee over the life of the contract.

In addition, the new contracts not only required each municipality to deliver a specified amount of waste, but they included a kind of aggregate put-or-pay provision which allows the PERC facility to void the existing contracts if the total amount of waste from all member communities declines below a specified minimum tonnage. Finally, the new contracts provided that the cities and towns that signed would receive 50 percent of any distributable profits earned by the plant.

After signing the contracts, some of the larger cities in this region of Maine like Waterville, and Bangor—cities that have a council form of government—enacted flow control ordinances to ensure that they could deliver the minimum amount of waste specified in the contract. But most of the 160 towns are very small, and they rely on town meetings for public decisionmaking. As anyone familiar with the town meeting form of government knows, the meetings are held infrequently, and the towns generally do not vote on measures unless they must be addressed at that particular time.

Consequently, after signing the put-or-pay contracts, a lot of the Maine towns deferred passage of flow control ordinances in the hope that they could deliver the required amount of waste without having to go through the process of formally enacting a flow control ordinance. But these towns always believed that, if necessary, they could resort to flow control to guarantee delivery of the amount of waste specified in their contracts. If they had known that flow control would not be an option, most, if not all, of them would not have signed these contracts. The Carbone decision eliminated the flow control option, changing the rules in the middle of the game, and leaving these communities vulnerable to significant financial hardship if they being to have trouble delivering the amount of waste required in their contracts.

Without flow control, these towns may not only find it more difficult to meet their individual contractual obligations, however. They could fail to meet their aggregate tonnage requirements as well, giving PERC's owners the right to void all 160 of the contracts and to initiate a new round of negotiations.

The current contract provide stable tipping fees and terms for the member municipalities. And it allows them to receive half the profits generated by the facility—which is only reasonable since the communities have paid for necessary capital improvements through the higher tipping fees negotiated in 1989 and 1990.

These cities and towns cannot afford to lose this arrangement. Because they are dispersed across a large, rural region, and because nearly all of the local landfills have had to close due to Federal and State mandates, the PERC waste-to-energy plant is the only real waste disposal option for most of the 160 towns. Under a renegotiation, these towns, tucked away in the far northeastern corner of the United States, will find themselves facing what amounts to a waste disposal monopoly.

Needless to say, in such a weak negotiating position, the towns could see their waste disposal costs rise sharply, despite having already invested so much money to make the plant viable. And they could lose the opportunity to get a return on the substantial investment that they made in this facility through the higher tipping fees negotiated in 1990.

Mr. President, this elaborate but workable waste disposal system for central, northern, and eastern Maine was predicated on the understanding that flow control would be available to all participating communities. Since flow control was overturned by Carbone, the communities of the region have been placed in a very vulnerable position, one which they would not have placed themselves in had flow control not been an option.

In order to avoid substantial financial hardship in the future, put-or-pay communities that signed contracts before Carbone must retain the authority to enact flow control ordinances if they need to. The net effect of the Carbone decision on these communities is not dramatically different from the decision's effect on other communities that actually issued bonds for their own facilities. In both cases, a court decision leaves the communities dangerously exposed to financial hardship. In both cases, the communities designed new waste systems in response to Federal and State policies that encouraged them to do so. And in both cases, the systems were predicated on access to flow control. Considering these similarities, the put-or-pay communities do not deserve to be treated differently and excluded from the flow control grandfather in S. 534.

The amendment offered by Senator COHEN and I simply clarifies that the term ''legally binding provision'' in title II, subsection (b) of the bill, includes put-or-pay agreements of the kind negotiated in Maine. As a result of this clarification, the municipalities that have contracted with the PERC facility will continue to have access to flow control, and their intricate but successful waste management system will remain intact. I am very pleased that the managers of the bill agreed to accept this important amendment.

Mr. President, with these amendments, S. 534 treats all deserving municipalities equitably, without creating loopholes for other municipalities that did not rely on flow control before the Carbone decision. The bill as amended restores fairness for local governments that acted and invested in good faith, according to the rules that existed before May 15, 1994,

Senators CHAFEE, SMITH, BAUCUS, and LAUTENBERG deserve credit for crafting a reasonable and balanced compromise bill, and I am happy to announce my support for it.

Mr. DOLE. Mr. President, over the past several years the Senate has discussed the issue of interstate trash and has passed two interstate trash bills. The provisions contained within those bills were the result of significant efforts and provided authorization for an integrated approach to interstate trash control. The bill before us today accomplishes similar goals, but also addresses flow control and reinstates the ground water monitoring exemption for small landfills.

I commend the efforts of Senator COATS who has worked so hard for the past several years to pass such a bill. Senator CHAFEE, Senator SMITH, and others have all worked extensively on this legislation. I believe the authority granted to Governors provides the right flexibility, with local community participation being an important part of this legislation. While I remain concerned about long term implications of the flow control provisions, I believe the committee sought to achieve a balance that provides security for existing flow control authorities while providing for a competitive marketplace in the future.

Public and private authorities need to work together in a free market system to address waste management concerns. Congress should only work to assist these decisions, not impede sound environment practices, by providing flexibility to State and local governments to their waste management needs.

Mr. GLENN. Mr. President, I rise today in support of passage of the Interstate Transportation of Municipal Solid Waste Act of 1995. Although I support more stringent restrictions on waste imports, I believe that this legislation is a necessary tool for Ohio and other importing States for implementation of their solid waste management plans.

The accumulation of solid waste in municipal landfills is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials today. According to the Ohio Environmental Protection Agency [OEPA], all the landfills in Ohio

could be full by the year 2000. For several years, I have supported and voted for measures to stem the tide of interstate waste, and I commend my colleague, Senator COATS, for his perseverance on this important issue. In 1992, I voted for the Interstate Transportation of Municipal Waste Act which passed the Senate on a vote of 89–2. In 1993, I was an original cosponsor of legislation to restrict imported waste. I am pleased that the Senate is again acting to address this issue, and it is my hope that this year these restrictions will be enacted into law.

Mr. President, Ohio currently receives about 1.7 million tons of municipal solid waste annually from other States. As old landfills are closed or reach capacity, Ohio has reached the point where 28 of the 88 counties have no landfill, and 35 have 5 years or less capacity remaining. Clearly, my State cannot implement its environmental objectives and deal with thousands of tons of imported trash at the same time.

The increasing flood of waste imports from out-of-State is a serious threat to the health and safety of Ohioans and to the environment in my State and the other States that receive vast quantities of imported waste. Ohio has taken strong and effective actions to reduce its waste generation and to recycle waste. However, my State's efforts are being overwhelmed by trash from other States.

Mr. President, this bill takes several steps that will reduce the amount of out-of-State waste coming into Ohio and other States. The bill will allow Governors to immediately freeze out-of-State waste at 1993 levels at facilities that received imported waste in 1993. In addition, the bill contains strengthened authority to impose an import control, or ratchet, on out-of-State waste. I worked with my colleagues from the other largest importing States—Michigan, Pennsylvania, and Indiana—to make this ratchet more effective by placing tougher limitations on waste exports.

This legislation also contains provisions to restore local authority to control the flow of municipal solid waste. Many county commissioners and solid waste district managers have expressed concerns to me about the need for flow control authority to enforce solid waste planning goals as well as recycling mandates. Although this bill does not accommodate each individual situation in Ohio, it is a strong statement about the necessity of local flow control authority, and I will continue to work through the House-Senate Conference to ensure that Ohio's specific needs are met.

Mr. President, a national solution to the problem of interstate waste is long overdue. We must act decisively, and we must act now to avert a national crisis in solid waste disposal. I urge my colleagues to join me in supporting this legislation.

Mr. LEVIN. Mr. President, the Senate is about to pass S. 534, the Interstate Transportation of Municipal Solid Waste Act of 1995. I am pleased that the Senate is moving early in this session toward resolving this important matter.

This bill is a positive step in the right direction. It has been much improved during the amendment process on the floor, particularly with respect to the provisions on flow control authority. The bill now more clearly provides counties in Michigan with the ability to protect investments they have made in recycling and waste reduction programs, or disposal facilities, using their previously existing authority to control the out-flow of municipal solid waste and recyclables from their jurisdiction.

Several amendments, in particular, should alleviate local government concerns about the effects of the Supreme Court's Carbone decision. These amendments provide the Grand Traverse, Clinton, and other Michigan counties, should be able to continue to use flow control to generate revenue to fund waste management programs, including recycling. And, Kent County, MI, is more clearly grandfathered to continue to exercise its flow control authority.

The bill also provides States and local governments with the ability to control the importation of municipal solid waste into their jurisdiction. At the request of local governments, Governors would be able to half the shipment of waste to disposal facilities in their States that did not receive out-of-State waste in 1993. Governors will be able to freeze shipments of waste to landfills and incinerators at 1993 levels. And, Governors would also be authorized to gradually limit imports of waste from States that did not reduce the amounts of waste they exported.

I offered an amendment to clarify that the definition of ''out-of-State municipal solid waste'' should include out-of-country waste, because of Michigan's experience with Canadian waste. I also supported another amendment that authorized the EPA to conduct a study of solid waste management issues associated with increased border movement of waste due to NAFTA.

Mr. President, I would prefer that the Senate's's bill include a requirement that halted all waste imports until such time as a host community agreement could be negotiated between a local government and a waste exporter. Such an agreement would specify the quantities out-of-State municipal solid waste that would be acceptable to the local government for disposal in their jurisdiction.

Also, construction and demolition debris has been a problem at Michigan disposal facilities for some time. I would hope that the conferees could find a way to include this waste in the definition of municipal solid waste or otherwise provide local governments with some measure of control over its disposal. I cosponsored Senator DEWINE's amendment to do this, but the amendment was ultimately not offered because of the threat of a filibuster for States that export large quantities of this waste.

Michigan is a net importer of municipal solid waste [MSW]. We receive MSW from sources all over the country and Canada. For many years, Michigan had a model comprehensive solid waste management and planning system that provided for long-term local waste disposal needs. Starting with the Fort Gratiot Sanitary Landfill case in 1992 and subsequent Supreme Court decisions, this system was thrown into disarray. These decisions jeopardized good-faith investments made by State and local governments in programs and facilities to manage municipal waste in an environmentally sound, cost-effective manner.

Congress should act quickly and explicitly to put municipal solid waste disposal decisions back into the hands of the people most directly affected by them and best suited to make them—the taxpayers of the municipalities that generate the waste and the States.

Mr. MCCONNELL. Mr. President, I rise today in support for the passage of S. 534, the Interstate Transportation of Solid Waste Act of 1995. This legislation is long overdue. For too long States like Kentucky have been forced to deal with the uncontrollable flows of out-of-State waste. I do not need to remind my colleagues of the garbage barge in 1987 that sailed up and down the east coast looking for a place to deposit its foul load. It came to symbolize our Nation's burgeoning solid waste problem.

Since then, States and communities have attempted to manage their own waste flows, but were helpless to stop the flow of out-of-State waste. For the past 6 years, I have worked to provide States the authority to control the waste being sent to their State. Finally, we have a bill that allows States to say no to out-of-State trash.

It is particularly troubling to think that there are States and localities that have either been unwilling or unable to dispose of their own garbage in a responsible manner, forcing it on States like Kentucky. The disposal of garbage is truly a local concern and should be handled that way. I do not believe States should be forced to share valuable landfill space with out-of-State waste they do not want.

Gone are the days of open dumps and multitudes of cheap landfills. in 1996, new landfill standards will be implemented mandating liners, leachate collection and treatment and ground water monitoring. The EPA has estimated that nearly half of the Nation's 6,000 landfills will be closed. This will obviously force many States to rethink their disposal needs. Therefore, it is critical that States are provided the authority to control out-of-State garbage.

Last week, I offered an amendment that was accepted to protect the authority of States and regional authorities to develop and implement comprehensive waste reduction strategies in an effort to conserve costly landfill space.

For the past 6 years, I have worked hard to ensure that States and localities are given the discretion to manage their own waste and to protect themselves from becoming a dumping ground for those States that take the position of ''out of State, out of mind.'' I refuse to allow Kentucky to become a garbage colony.

In 1990, I introduced S. 2691, a bill to give States the ability to fight long-haul dumping by charging higher fees for disposal of waste coming from other States. This bill passed the Senate with 68 votes.

During the 102d Congress, I introduced S. 197 to once again provide States the authority to impose a fee differential for out-of-State waste. In 1992, Senator COATS and I joined forced and produced comprehensive legislation to provide States the authority to regulate waste. That same year, the Senate passed an interstate waste bill by an overwhelming vote of 88–2. Unfortunately, the bill died in the House.

During the 103d Congress, I joined with Senators COATS and Boren in introducing S. 439. Although the Senate didn't act until late in the session, Congress came extremely close to passing an interstate waste bill. Again, the House stalled long enough to effectively kill the bill on the last day of the session.

I am encouraged by the quick action taken by the committee under the leadership of Senator SMITH and the chairman, Senator CHAFEE to address the problem of interstate waste. I am hopeful that the House will work expeditiously to pass their own interstate waste bill so that we can finally give States the authority to control out-of-State waste and protect their own landfill space.

I urge my colleagues to join me in support of this legislation.

Mr. BRADLEY. Mr. President, today, for the third time, the Senate is attempting to resolve the many difficult issues that are involved with municipal solid waste flows. For the third time in the last 6 years, I have worked with my colleague on the Environment Committee, Senator LAUTENBERG, to defend our home State of New Jersey and the many ways in which we handle, recycle, or dispose of the tons of municipal solid waste produced every year.

Last Congress, we were within a single vote of resolving this issue. All of the relevant parties hammered out a bill that was as fair as it could be to those States that are called waste exporters and those States that are waste importers—actually, most states are both. It responded to the needs of States that tried to manage solid waste flows within their boundaries. It tried to balance the contradictory impulses to create a more competitive waste market or to impose more restrictions on waste flow.

It was not a great bill. But it was a pretty fair bill. And it was as least reasonably consistent. When the bill now before us was first reported to the Senate floor, it was a poor facsimile of last year's effort. Yet, fortunately, the bill's managers were willing to work with Senator LAUTENBERG, State officials, and myself to guarantee New Jersey the security we needed to move forward on this most contentious issue.

Mr. President, this is not the easiest bill to support. Title I of this bill will be restrictive of interstate trade. It will give Governors and citizens the real ability to slow and ultimately stop the flow of municipal solid waste from State to State. Fundamentally, these actions are anticompetitive. They will result in more expensive waste disposal for many Americans and American businesses.

Title II, however, has quite a different purpose. Title II responds to recent legal decisions that, if left standing, would greatly reduce the ability of a State to manage waste flows within its own borders. Because of this title II, as modified on the Senate floor, New Jersey will be able to continue its efforts to control and reduce the municipal waste flow.

For years, many States have anticipated the need to manage internally waste flows, exactly because of the pressures for and against exports, as well as environmental concerns. In my State, we started very early to close inadequate landfills and waste facilities. Early on, we realized that to do the job of waste disposal right was neither cheap nor easy. New Jersey responded with State law setting up a broad program of environmentally progressive waste facilities.

These facilities were not and are not cheap. Many counties in my State were essentially compelled to build facilities that they probably—or certainly—would not have built otherwise. Now these counties depend on mandated trash flows for revenue. Unfortunately, without some legislative redress, these revenues are at risk for many facilities. Additionally, the potential financial collapse of authorized waste facilities would certainly make it far less likely—perhaps exceedingly unlikely—that my State ever develops a truly comprehensive waste management plan again.

I have heard the arguments that, in a world of competition, we do not need to allow States flow-control authority. Trash would end up in the lowest cost facilities that meet the appropriate environmental requirements. Consumers and businesses would save money and the environment could be protected in this world. But title I obliterates any hope of truly competitive markets in solid waste. Once title I is adopted, trash is transformed from an issue of commerce to an issue of baldfaced politics. In such a world, my State has to have effective flow-control authority and that authority is provided in title II of this bill.

In the best of all worlds, frankly, we probably would not be passing any bill. We would simply recognize that trash represents goods in commerce; that a bag of potato chips which moves freely from State to State is not mysteriously transformed once the chips are eaten. But all of my experience dealing with the interstate waste issue confirms to me that we are not living in that world now. I have seen political commercials run attacking my State. I have seen demagoguery. And I have seen efforts that were far more restrictive of interstate waste flows pass this body with overwhelming support.

Mr. President, I have come to conclude that this bill does protect my State and will give us the flexibility we need to resolve these waste flow issues. To be truthful, I am not wild about this bill. However, it can be the basis for a resolution of this matter and it is a compromise that I will support, notwithstanding my obvious reservations.

FLOW CONTROL AND INTERSTATE WASTE

Mrs. BOXER. I voted against final passage of S. 534, which amends the Solid Waste Disposal Act, because the final bill does not adequately address the needs of many California cities and counties which have incurred debt to achieve California's ambitious integrated waste management requirements.

From the beginning, I have had concerns about the impact of this bill on California. California requires its communities to meet stringent recycling and waste reduction goals—a 25-percent reduction by the beginning of this year and 50 percent by the turn of the century. To meet these goals, California communities must aggressively manage their municipal solid waste.

However, California communities do not use statutory flow control authority, as do communities in many other States. Instead, California communities rely on contracts with private companies to ensure that their waste goes to a designated recycling plant or other facility. Consequently, the California League of Cities and the California State Association of Counties asked me to try to amend the bill to ensure that it would not restrict their ability to employ these contractual agreements.

I worked with my colleagues on the Environment and Public Works Committee, and with Senator FEINSTEIN in the full Senate, to try to amend the bill to address the needs of California cities and counties. Unfortunately, our efforts failed. I understand that the bill moving through the House of Representatives may be more favorable to interests of California cities and counties. If that is the case, and this bill is amended in conference to address some of my concerns, I will reconsider my position when the Senate votes on a conference report.

Mr. DODD. Mr. President, I would like to offer my support for S. 534, as amended, and to discuss the importance of flow control to the State of Connecticut.

I want to thank the chairman, Senator CHAFEE, and ranking member, Senator BAUCUS, of the Environment and Public Works Committee for moving forward with this important legislation.

The bill, as crafted by Senators SMITH and CHAFEE, was much narrower than the compromise legislation agreed to at the end of the 103d Congress. The bill before us today, S. 534, seeks to protect only public debt incurred by municipalities to construct waste disposal facilities. Flow control authority would apply to those communities that were operating or constructing their own disposal facilities, or had contracted for such disposal prior to the May 1994, Carbone decision. There is to be absolutely no prospective flow control—flow control authority would cease 30 years after enactment of the legislation.

Unfortunately not all Connecticut mnnicipalities and public service authorities were protected by the original language in S. 534. Therefore, Senator LIEBERMAN and I offered amendments at the committee markup and on the floor of this body. The Senate agreed to our amendments which contained technical changes and small provisions intended to address situations unique to Connecticut.

It is my belief that State and local governments and State-created entities have a vested interest in how solid waste produced within their borders is transported and disposed. Flow control is the backbone of Connecticut's integrated waste management plan. Localities made significant capital investments to construct waste disposal facilities. Approximately 86 percent of Connecticut's waste is disposed of in these state-of-the-art facilities. The State, and ultimately the taxpayers, are backing nearly $500 million in bonds that were used to finance the construction of regional waste disposal centers and recycling transfer stations. Profits from the facilities, used to pay off the bonds, were to be ensured by flow control authority. Without the ability to direct waste to appropriate facilities, these revenue bonds would be in jeopardy.

Again, I thank the managers of this bill for working with staff to understand and incorporate the needs of individual States. If this legislation passes today, I am confident that Connecticut municipalities and localities around the Nation will be able to administer their solid waste management systems in environmentally sound and fiscally responsible manners. Therefore, I hope my fellow Senators will support this bill and I urge the House of Representatives to take up this measure in a timely manner.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I might inquire of the Chair as to what vote it would be proper to request the yeas and nays on. At what stage in what vote?

The PRESIDING OFFICER. On final passage.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Without objection, the committee substitute is agreed to.

So the committee substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the junior Senator from Indiana will be here in a few minutes and would like to make a statement on the bill. That would be the only business in connection with this legislation.

So I ask unanimous consent that at the hour of 2:15 today, the Senate proceed to a vote on final passage of S. 534, as amended.

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

Mr. CHAFEE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I would like to take this opportunity to thank the staff on both sides of the aisle for their work on this bill. The Senate has been grappling with these issues for several years. They are very contentious. They are very arcane. They are hard to understand and in many respects they are totally confusing.

But, nonetheless, I believe we came out with a bill that is balanced on the interstate portion of the bill. The bill in effect is divided into three sections, the first being the interstate part. It is very difficult balancing the views of the importing States, those who have garbage shipped into them, and those who are the exporting States who do not want to be cut from exporting their trash. We tried to wrestle with that. I hope and I believe we have been successful.

I hope that the package we put together will resolve many of the differences that have prevented a solution to the interstate waste.

The flow control dilemma has been a separate one. We have had several votes in connection with that, not leaving everybody happy, but hopefully this will resolve itself in the months and years to come.

I want to thank the staffs of Senator D'AMATO and Senator COATS who labored hard to develop the compromise on title I, the interstate portion of the bill. I would like to thank Jim McCarthy of the Congressional Research Service, George Hall of the EPA, and Tim Trushel of the Senate Legislative Counsel's office for their work in facilitating passage.

On our side of the aisle, the staff, I want to thank John Grzebian and Steve Shimberg, and Jeff Merrifield who worked so hard on this.

Senator D'AMATO's office, Peter Phipps; Senator COATS' office, Sharon Soderstrom and Melissa Murrell.

Of course, we are deeply indebted for the splendid work of the ranking member of the committee, the senior Senator from Montana who has always been helpful and knowledgeable on these difficult issues. I want to pay my respects to him for the splendid work he has done, and to Cliff Rothenstein and Tom Sliter and Scott Slesinger also.

So, Mr. President, we are winding up a long and contentious period. If all goes well, this will be approved at 2:15 this afternoon.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be brief because we have been so long on this bill—it has been 6 years—so that we do not prolong the agony and get it passed, and very much hope the House also passes a similar bill so that we can deal with this in this Congress finally.

To follow up on the points of the Senator from Rhode Island, the chairman of the committee, JOHN CHAFEE, it is the staff around here that does the work. All Senators know that. They work very, very hard, long, long hours, know the details, know the substance, and are not frankly sufficiently complimented I think for all the work they do.

Mr. President, I think that the most noble human endeavor is service. It is service to friends, it is service to families, to the church, to the community, to the State, and the Nation—service.

Some of us who spend our lives in public service get all of the attention and the thanks for a lot of what we do. I must say we get a lot of a contention and criticism for what we allegedly do and do not do as well. But it is the staff, it is the people around here who do the work who get no attention, who do not get thanked who really deserve it for all the work they do. And to again give the names because these are the people who did most of the work on

the majority side, John Grzebian, who was very, very diligent, very helpful. We had many late-night meetings back in the cloakrooms trying to work this out, and John is particularly helpful. Steve Shimberg, staff director for the committee, we have known Steve for many years, those of us who have been on the committee. He is very knowledgeable, very gracious, very helpful; and also Jeff Merrifield who is a bit new to this but nevertheless very, very competent, very diligent, as everyone on the staff working.

On the minority side, Tom Sliter, who is the minority staff director, very gracious, and knowledgeable. I have worked with Tom for many years. I know no one who is more competent. Tom is very effective and very knowledgeable and substantive; that is, not acrimonious, not bitter, and not nasty but very, very solid and very gracious.

The same with Cliff Rothenstein. I frankly do not know anybody not only on Capitol Hill but in this town who knows more about this subject than Cliff. That is because Cliff has been working on it for 6 years. Cliff is bound to know this subject very well, and does, and frankly when we got to a lot of the parts of the amendments we were trying to work out, it was Cliff who was able to provide the solution or the idea of bringing it together.

Mike Evans, who is the minority chief counsel, has also worked on this issue for several years. Mike's knowledge of the issue and his advice was very helpful throughout the course of this bill.

Scott Slesinger works for Senator LAUTENBERG, the ranking minority member of the relevant subcommittee. Scott, too, has added a lot of advice all along every stage of this bill.

We compliment the Senators here on the floor very often. I will not at this point again compliment all the Senators. I have done so many times on this bill. But I want to at this time highlight the staff, and those are the key staff that have worked very diligently. I think all should pause for a moment and reflect to thank them for all of their effort.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, the senior Senator from New Hampshire is the chairman of the subcommittee that dealt with this legislation and has done wonderful service here on the floor despite demands on his time with very difficult matters that came up simultaneously.

So I want to pay tribute to Senator SMITH for his very, very helpful support on this entire legislation, for his knowledge of it, and the fact that he moved along so swiftly in the subcommittee. We would not be here but for Senator SMITH taking charge of that subcommittee and determining that this bill was going to come to the floor in due order and in short order.

So we are very grateful to Senator SMITH for what he has done and appreciate it and look forward to continued working with Senator SMITH as his committee has a series of other bills that will be coming, including the great big Superfund bill, which is a real challenge.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I would like to thank Senator CHAFEE first of all for his very fine remarks. It has been a delight to work with the chairman of the Environment and Public Works Committee on this legislation. He several months ago said we want to try to get the flow control bill and the interstate waste matter brought up. And I took it seriously. We were able to do that. It has been a delight to work with him and his staff as we brought this bill here to the floor for a close, hopefully. It has been a long haul.

We tried to accommodate a number of Senators. I had a long list of some 27 or 28 Senators I think that we were able to accommodate that had specific concerns. I know there were some who we were not able to accommodate because we felt it would essentially violate the spirit and intent of the legislation that we brought forth.

But particularly the majority staff, John Grzebian, Steve Shimberg, and Jeff Merrifield who were really right there doing a lot of work, most of the work I guess behind the scenes to work on these amendments and get the compromise language agreed to. Certainly, Cliff Rothenstein and Tom Sliter and Scott Slesinger on the minority staff; and Peter Phipps of Senator D'AMATO's staff and Melissa Murrell of Senator COATS' staff were all particularly helpful, and as were others.

I think we ended up with essentially a good bill. There are some things I would not have put in it, and Senator CHAFEE would not have put in it. There are certain things we wish we had put in. But the bottom line is that this legislation is a compromise. We tried to accommodate those who brought up concerns that you had not thought of or maybe did not realize that needed to be put in there. And they come up with these ideas, and we tried to work them out.

I think it deals essentially with the issue of flow control. It takes care of those people who made investments, who stood a grave risk had we not passed this legislation. It does grandfather the flow control authority so that it is not a permanent anticompetitive piece of legislation. It does grandfather it. So we went to great lengths to reach a compromise.

Again, I want to thank Senator CHAFEE for his leadership. It has really been a pleasure to work with him in the position of subcommittee chairman. He has been 100 percent cooperative every step of the way personally and at the staff level. As the Senator said, last week I had a number of conflicts. I had three separate subcommittees to chair at the same time, two on Superfund, which is another priority item in our subcommittee, and Senator CHAFEE was willing to step in and participate almost fulltime on the floor debate and the management of the bill, for which I am very grateful.

Mr. President, at this point, I will yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, Yogi Berra said, ''It ain't over 'til it's over.'' We are not through yet, but it is awful close; we are in the bottom of the ninth on this issue I have been working on for 6 years.

I thank the Senator from Rhode Island [Mr. CHAFEE] and the Senator from New Hampshire [Mr. SMITH] and Senator BAUCUS, who is not in the Chamber right now, and others who have joined with me in this effort that started out as a lonely vigil and now has turned into nearly a consensus effort.

Senator D'AMATO was willing to sit down at the table and negotiate a very difficult problem for his State with those of us who had difficult problems for our States. I believe we reached, last Friday afternoon, a satisfactory resolution of that concern.

We have every reason to believe there will be favorable treatment of this in the House. It has been stopped there before. I believe we are as close to success there as we have ever been and we can resolve whatever differences may exist between the House and Senate and put this on the President's desk, and finally give the States and communities we represent a basis for dealing with their own environmental problems but not having to solve everybody else's environmental problems—the ability to say that is all we can take, or we cannot take anymore, or you are going to have to find a way to dispose of that in your own State. We are doing our share; you do your share.

We are that far away, and I am optimistic we are going to finally complete this effort. A lot of people have participated in it, and I thank them for their efforts. I am looking forward to finally putting this issue to rest and then moving on to other concerns before the Senate.

Mr. President, with that, I yield the floor.

HARRISBURG, PA, FLOW CONTROL ISSUE

Mr. SPECTER. Mr. President, I wish to enter into a brief discussion with the distinguished chairman of the subcommittee, the sponsor of this legislation. The city of Harrisburg owns and operates a municipally financed resource recovery facility that was originally constructed in 1972. Harrisburg has issued $40 million in outstanding revenue bonds and has had a flow control ordinance in place for several years. The facility is required, however, to undergo a substantial retrofit pursuant to the Clean Air Act, which will necessitate the issuance of an additional $150 million in bonds and a

new waste stream from nearby counties which have not previously flow controlled to the Harrisburg facility. It would appear to me that the existence of outstanding bonds and the unfunded mandate on Harrisburg under the Clean Air Act would justify the extension of flow control authority to the counties that would want to send waste to the Harrisburg facility in the future.

Would the distinguished chairman be willing to look closely at this issue as this legislation goes forward?

Mr. SMITH. Mr. President, as the Senator from Pennsylvania knows, this legislation provides flow control authority which is predicated on meeting debt obligations. The issuance of new debt at a facility that has operated since 1972 and that would require expanded flow control authority is not one that the committee has had the opportunity to examine in any detail at this time. I would be glad to work with the Senator from Pennsylvania as the bill goes forward and to determine whether the Harrisburg facility is or should be covered by this legislation.

Mr. SPECTER. I thank my colleague from New Hampshire.

Mr. CHAFEE. Mr. President, I share all of the views set forth by the distinguished Senator from Indiana. We have all been struggling with this issue for many years, nobody as hard as he has and with more tenacity. As he indicated, we are this close. I think he said we are in the bottom of the ninth. I hope we complete the game, and I know we will. Then, of course, comes what the House does and then the conference with the House. But all of that we will pursue with great vigor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—94

Abraham	Bingaman	Burns
Akaka	Bond	Byrd
Ashcroft	Bradley	Campbell
Baucus	Breaux	Chafee
Bennett	Bryan	Coats
Biden	Bumpers	Cochran
Cohen	Helms	Nickles
Conrad	Hollings	Nunn
Coverdell	Hutchison	Packwood
Craig	Inhofe	Pell
D'Amato	Inouye	Pressler
Daschle	Jeffords	Pryor
DeWine	Johnston	Reid
Dodd	Kassebaum	Robb
Dole	Kempthorne	Rockefeller
Domenici	Kennedy	Roth
Dorgan	Kerrey	Santorum
Exon	Kerry	Sarbanes
Faircloth	Kohl	Shelby
Feingold	Lautenberg	Simon
Ford	Leahy	Simpson
Frist	Levin	Smith
Glenn	Lieberman	Snowe
Graham	Lott	Specter
Gramm	Lugar	Stevens
Grams	Mack	Thomas
Grassley	McCain	Thompson
Gregg	McConnell	Thurmond
Harkin	Mikulski	Warner
Hatch	Moseley-Braun	Wellstone
Hatfield	Moynihan	
Heflin	Murkowski	

NAYS—6

Boxer	Feinstein	Kyl
Brown	Gorton	Murray

So the bill (S. 534), as amended, was passed, as follows:

S. 534

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 ''Interstate Transportation of Municipal Solid Waste Act of 1995''.

TITLE I—INTERSTATE WASTE

SEC. 101. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

''SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

''(a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

''(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(C) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

''(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

''(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

''(iii) In calendar year 2003, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

''(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

''(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

''(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

''(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

''(V) In calendar year 2000, 1,000,000 tons.

''(VI) In calendar year 2001, 750,000 tons.

''(VII) In calendar year 2002 or any calendar year thereafter, 550,000 tons.

''(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

''(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State's intention to impose the requirements of this section;

''(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

''(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities and the Governor of the importing State may only apply subparagraph (A) or (B) but not both.

''(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(C).

''(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

''(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall

be applied to all States in violation of paragraph (3).

''(6) ANNUAL STATE REPORT.—

''(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-State municipal solid waste. Within 120 days after enactment of this section and on May 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

''(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste. States making submissions referred to in this section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.

''(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste. The list for any calendar year shall be published by June 1 of the following calendar year.

For purposes of developing the list required in this section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this section, nor to verify data provided by the States pursuant to this section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this section shall be final and not subject to judicial review.

''(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(7) Any affected local government that intends to submit a request under paragraph (1) or take formal action to enter into a host community agreement after the date of enactment of this subsection shall, prior to taking such action—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

''(C) provide an opportunity for public comment; and

''(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

''(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

''(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

''(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

''(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

''(D) A description of environmental controls to be utilized at the facility.

''(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

''(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) The authority to prohibit the disposal of out-of-State municipal solid waste provided under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

''(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

''(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

''(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

''(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) at facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

''(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

''(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

''(A) that is permitted under Federal or State law;

''(B) that is identified under the State plan; and

''(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

''(d) COST RECOVERY SURCHARGE.—

''(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

''(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

''(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1.00 per ton of waste.

''(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

''(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or its political subdivision or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

''(7) DEFINITIONS.—As used in this subsection:

''(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs

associated with technical assistance, data management, and collection of fees.

''(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

''(1) to have any effect on State law relating to contracts; or

''(2) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators within the jurisdiction of a State may accept during a prescribed period: *Provided* That such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

''(f) DEFINITIONS.—As used in this section:

''(1)(A) The term 'affected local government', used with respect to a landfill or incinerator, means—

''(i) the public body created by State law with responsibility to plan for municipal solid waste management, a majority of the members of which are elected officials, for the area in which the facility is located or proposed to be located; or

''(ii) the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located.

''(B)(i) Within 90 days after the date of enactment of this section, a Governor may designate and publish notice of which entity listed in clause (i) or (ii) of subparagraph (A) shall serve as the affected local government for actions taken under this section and after publication of such notice.

''(ii) If a Governor fails to make and publish notice of such a designation, the affected local government shall be the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

''(C) For purposes of host community agreements entered into before the date of publication of the notice, the term means either a public body described in subparagraph (A)(i) or the elected officials of any of the public bodies described in subparagraph (A)(ii).

''(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out of State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State waste is also included.

''(3) The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

''(4) The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

''(A) any solid waste identified or listed as a hazardous waste under section 3001;

''(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

''(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

''(D) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company in which the generator of the waste has an ownership interest;

''(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

''(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

''(6) The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to any place of origin, reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources outside the State.

''(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following new item:

''Sec. 4011. Interstate transportation of municipal solid waste.''.

SEC. 102. NEEDS DETERMINATION.

The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

(1) it is done in a manner that is not inconsistent with the provisions of this section;

(2) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the State for the facility; and

(3) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility.

TITLE II—FLOW CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Municipal Solid Waste Flow Control Act of 1995''.

SEC. 202. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.), as amended by section 101, is amended by adding after section 4011 the following new section:

''SEC. 4012. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) DESIGNATE; DESIGNATION.—The terms 'designate' and 'designation' refer to an authorization by a State, political subdivision, or public service authority, and the act of a State, political subdivision, or public service authority in requiring or contractually committing, that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

''(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct such solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

''(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

''(B) does not include—

''(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

''(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

''(iii) medical waste listed in section 11002;

''(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

''(v) recyclable material; or

''(vi) sludge.

''(4) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—

''(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;

''(B) other body created pursuant to State law; or

''(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.

''(5) PUT OR PAY AGREEMENT.—(A) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(i) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(ii) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(B) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

''(C) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

''(6) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).

''(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Each State, political subdivision of a State, and public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or facility for recyclable material, if such flow control authority—

''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action;

''(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994.

''(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a movement to a waste management facility was actually applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority prior to May 15, 1994, had committed to the designation of a waste management facility).

''(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.

''(4) DURATION OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective until the later of—

''(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);

''(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994); or

''(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—

''(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;

''(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or

''(iii) expansion of the facility on land that is—

''(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and

''(II) covered by the permit for the facility (as in effect May 15, 1994).

''(5) ADDITIONAL AUTHORITY.—

''(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

''(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

''(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

''(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

''(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

''(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

''(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(c) COMMITMENT TO CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(1) (A) and (B), any political subdivision of a State may exercise flow control authority under subsection (b), if—

''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.

''(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.

''(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:

''(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained prior to May 15, 1994.

''(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect prior to May 15, 1994.

''(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility.

''(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

''(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1) (A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

''(1) the facility was fully licensed and in operation prior to May 15, 1994;

''(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

''(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were

to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

''(3) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

''(e) CONSTRUCTED AND OPERATED.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) prior to May 15, 1994, the political subdivision—

''(A) contracted with a public service authority or with its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, in order to support revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

''(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued in the name of public service authorities for waste management facilities; and

''(2) prior to May 15, 1994, the public service authority—

''(A) issued the revenue bonds or had issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

''(B) commenced operation of the facilities.

The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(f) STATE-MANDATED DISPOSAL SERVICES.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

''(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the county;

''(2) is required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

''(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law, ordinance, regulation, contract, or other legally binding provision;

''(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid waste management facilities to which the political subdivision's waste is to be delivered; and

''(5) the authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district, political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district, political subdivision or municipality within said district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

''(i) RETAINED AUTHORITY.—

''(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of such waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of such waste.

''(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

''(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of that authority will be used for solid waste management services or related landfill reclamation.

''(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act of a State or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

''(l) EFFECT ON EXISTING LAWS AND CONTRACTS.—

''(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to have any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

''(2) STATE LAW.—Nothing in this section shall be construed to authorize a political subdivision of a State to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

''(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

''(A) authorizes a State or political subdivision of a State to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

''(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

''(m) REPEAL.—(1) Notwithstanding any provision of this title, authority to flow control by directing municipal solid waste or recyclable materials to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

''(2) This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

''(n) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise

flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901), as amended by section 101(b), is amended by adding after the item relating to section 4011 the following new item:

''Sec. 4012. State and local government control of movement of municipal solid waste and recyclable material.''.

TITLE III—GROUND WATER MONITORING

SEC. 301. GROUND WATER MONITORING.

(a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended—

(1) by striking ''CRITERIA.—Not later'' and inserting the following: ''CRITERIA.—

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following new paragraph:

''(2) ADDITIONAL REVISIONS.—Subject to paragraph (2), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

''(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

''(B) the municipal solid waste landfill unit or expansion serves—

''(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevents access to a regional waste management facility; or

''(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

''(3) PROTECTION OF GROUND WATER RESOURCES.—

''(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

''(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

''(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

''(4) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements of the criteria described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This subsection shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

''(5) NO-MIGRATION EXEMPTION.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

''(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

''(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow States to promulgate alternate design, operating, landfill gas monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average: *Provided* That such alternate requirements are sufficient to protect human health and the environment.''.

(b) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by subsection (a), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

TITLE IV—STATE OR REGIONAL SOLID WASTE PLANS

SEC. 401. FINDING.

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(2) by adding at the end the following:

''(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.''.

SEC. 402. OBJECTIVE OF SOLID WASTE DISPOSAL ACT.

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(3) by adding at the end the following:

''(12) promoting local and regional planning for—

''(A) effective solid waste collection and disposal; and

''(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.''.

SEC. 403. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting ''solid waste and'' after ''generation of''.

SEC. 404. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting ''promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and'' after ''objectives of this subtitle are to''.

SEC. 405. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

''(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

''(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

''(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.''.

SEC. 406. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting ''and discretionary plan provisions'' after ''minimum requirements''.

TITLE V—GENERAL PROVISIONS

SEC. 501. BORDER STUDIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MAQUILADORA.—The term ''maquiladora'' means an industry located in Mexico along the border between the United States and Mexico.

(3) SOLID WASTE.—The term ''solid waste'' has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(b) IN GENERAL.—

(1) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(2) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(c) CONTENTS OF STUDY.—A study conducted under this section shall provide for the following:

(1) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(2) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(3) In the case of the study described in subsection (b)(1), research concerning methods of tracking of the transportation of—

(A) materials from the United States to maquiladoras; and

(B) waste from maquiladoras to a final destination.

(4) In the case of the study described in subsection (b)(1), a determination of the need

for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for 1992–1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(5) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(6) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(d) SOURCES OF INFORMATION.—In conducting a study under this section, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(1) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subsection (b)(1), census data prepared by the Government of Mexico.

(2) In the case of the study described in subsection (b)(1), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(3) In the case of the study described in subsection (b)(1), information concerning the type and volume of materials used in maquiladoras.

(4)(A) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(B) In the case of the study described in subsection (b)(1), immigration data prepared by the Government of Mexico.

(5) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(6) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(7) In the case of the study described in subsection (b)(1), a profile of the industries in the region of the border between the United States and Mexico.

(e) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult with the following entities in reviewing study activities:

(1) With respect to reviewing the study described in subsection (b)(1), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(2) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subsection (b)(1), equivalent officials of the Government of Mexico.

(f) REPORTS TO CONGRESS.—On completion of the studies under this section, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(g) BORDER STUDY DELAY.—The conduct of the study described in subsection (b)(2) shall not delay or otherwise affect completion of the study described in subsection (b)(1).

(h) FUNDING.—If any funding needed to conduct the studies required by this section is not otherwise available, the President may transfer to the Administrator, for use in conducting the studies, any funds that have been appropriated to the President under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.''.

SEC. 502. STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term ''hazardous waste'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported waste.

SEC. 503. STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term ''sewage sludge''—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term ''sludge'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge.

Mr. DOLE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The PRESIDING OFFICER. The Senate will now resume the pending business, S. 395, which the clerk will report.

A bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Murkowski amendment No. 1078, to authorize exports of Alaskan North Slope crude oil.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I appreciate the Chair calling up the pending legislation. I have been in conversations with the Senator from Washington with regard to concerns that she has expressed, and I am told that there are some amendments that the Senator from Washington is interested in pursuing. I have not had an opportunity to review the amendments, but I intend to take this opportunity as soon as possible and have our staffs attempt to resolve the concerns of the Senator from Washington, and it would be my intent to attempt to do this with dispatch.

Mr. President, currently the staffs are pursuing an evaluation. I want to ask the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is S. 395 and the Senator's amendment No. 1078.

Mr. MURKOWSKI. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Not on the amendment.

Mr. MURKOWSKI. I thank the Chair. I wonder if the Senator from Washington would entertain, for a moment, an opportunity, so that we may try to accommodate the amendments, and if there is any objection if I suggest the absence of a quorum, and after we have had a chance to talk, ask that the quorum call be rescinded so that we may move into the bill.

I think there is one other Senator who is coming who wishes to speak with regard to an amendment that is pending on our side. I do not see that Senator here at this time. So rather than to take up this time that could be used in negotiating the amendments of the Senator from Washington, if there is no objection, I will suggest the absence of a quorum.

Mrs. MURRAY. I will not object. I want it to be noted that there are several Senators I need to check with, but we can go ahead and go into a quorum call and discuss this.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I further ask unanimous consent that I be able to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

A CRIME BILL

Mr. DEWINE. Mr. President, I rise today to continue my discussion of the crime bill that I intend to introduce tomorrow. As I pointed out, there are really two basic issues that we always need to address when we look at a crime bill. First, what is the proper role of the Federal Government in fighting crime in this country, understanding that over 95 percent of all criminal prosecutions really are done at the local level? The second question we always have to ask is, what really works? What matters? What makes a difference?

Last Wednesday I discussed these issues with specific reference to crime-fighting technology. We have an outstanding technology base in this country, a technology base that will do a great deal to help us catch criminals. But, quite frankly and candidly, we must expand this base. Technology does in fact matter, but we need the Federal Government to be more proactive in getting the States on line with this technology.

Having a terrific national criminal record system or huge DNA data base, or an automated fingerprint data base in Washington, DC, is good. But it will not really do the job if the police officer in Henry County, Trumbull County, Greene County, Clark County, OH, cannot tap into it; if they cannot get into it, put their own information in and get the information back out.

What my legislation does is drive the money down to the local community to help build this database system from the ground up. My legislation would help bring these local police departments on line. It would help them contribute to and benefit from this emerging nationwide crimefighting database.

Mr. President, on Thursday I discussed another aspect of my bill. I discussed what we have to do to get armed career criminals off our streets, to get them locked up and away from our children and our families. I talked about a program called Project Trigger Lock that targeted criminals who use guns and targeted them in the Federal court and prosecuted them in Federal court. My legislation would bring back ''Project Trigger Lock.'' Further, it would toughen the laws against criminals who use guns.

We have to lock up armed career criminals. If we are trying to figure out what works and what does not work, if we are trying to figure out what is important and what is not important, what priority the U.S. Attorney General should place on different types of crime, what the priority of U.S. attorneys scattered throughout this country should be, I cannot think of anything more important than going after repeat violent offenders who use a gun in the commission of a felony.

Mr. President, the third area of the bill that I talked about on Friday has to do with crime victims. Quite frankly, in too many ways our criminal justice system has treated criminals like they are victims and victims like they are criminals. My legislation contains a number of provisions that would make the system more receptive to the rights and claims of crime victims.

Another area: On Monday I turned to another provision of my bill. I talked about what we had to do to get more police officers on the streets, and particularly how we had to get police officers into crime-infested areas and how we had to target the finite tax dollars that we have so that we spend these dollars and that we put these police officers in areas where it would make the most difference, because the simple fact is when you put police officers on the street, when they are deployed correctly, crime does go down. My legislation reflects this plain fact. My bill over a 5-year period of time will spend $5 billion on putting police officers on the street. But my bill would target the money to America's most crime-threatened communities.

Further, my bill, unlike the bill that passed last year, unlike the President's bill, would pay the full cost of these police officers and would pay them for not just 3 years, not just put them out for 3 years, but would do that for 5 years. We target the money to the highest crime areas in the country, the 250 highest crime areas. We pay for the police officers to go in there, and we fully pay for them not at 75 percent but at 100 percent a year and we do it for 5 years instead of 3 years.

Today I would like to discuss another part of my crime bill. That is the need for local flexibility in fighting crime. As I pointed out, 90 to 95 percent of the criminal prosecutions in this country do not take place at the Federal level. Rather, they take place at the State and local level, in communities throughout this country. Crime is a local community problem. The late Speaker of the House, ''Tip'' O'Neill, used to say that all politics is local. It would not be too much of an exaggeration to say the same is true of crime, that all crime is local—just about anyway. I think that any Federal crime legislation to be truly effective has to take this basic fact into account.

Mr. President, this is a historic year. From welfare to health care America today is conducting a fundamental debate on the issue of which level of government is in fact best suited to undertake which responsibilities. What we are frankly seeing this year is a thorough reexamination of the meaning of federalism. This historic debate offers a terrific opportunity to rethink the role of Government and to make our Government work better.

Mr. President, I think in this historic year when we are having this fundamental debate about federalism, the proper role of the Federal Government, the State government and the local government, I think it would be a terrible shame if we did not extend this debate to the issue of crime. We will never have a better opportunity than the present to focus our national attention on crime as a fundamentally local problem; that is, the problem to be dealt with at the local level by local authorities. For this reason my crime legislation applies to the principle of local flexibility, local flexibility to this fight against crime.

Yesterday I talked a little bit about my objections to some of the provisions of the President's plan to put police officers on the street. Specifically, I pointed out that the President's scattershot approach sent police officers, frankly, in too many directions. Some of these places did not need extra police nearly as much as some other communities. The result of this approach, the Clinton approach, is to put too few police officers where the police are the most needed. That is why in my crime legislation we spend $5 billion for police but we target that money. Whereas the Clinton administration spends $8.8 billion, we spend only $5 billion, but we target that money and we target it into the 250 communities in this country where the crime rate is the highest. We do it on a statistical basis, and we do it on a basis that I think makes eminent common sense.

I am convinced that by targeting the extra police only to extremely high-crime areas, we can accomplish a lot more with this $5 billion over 5 years than the President can accomplish with his $8.8 billion over a 5-year period.

The $3.8 billion that is left over, along with an additional $3.2 billion in uncommitted funds provided under my legislation, would be turned over to local communities to use as they see fit. Let me stop at this point and make a point that I hope is clear. But I want to make sure that my colleagues understand this. Our bill does not spend any more money. Our bill takes the basic $30 billion that we have been debating now for the last several years and spends it differently, spends it, I think, more appropriately.

The dollar figures I am talking about to my colleagues in the Senate today I indicate is not one penny more than was indicated under any of the other bills that have been introduced or indicated under the President's plan.

Let me talk a little bit about this discretionary money that we are talking about.

I have worked at the local level. I have worked as an assistant county prosecutor. I have worked as the elected county prosecutor of my home county, worked at the Federal level as a Member of the House of Representatives and as a Member of the U.S. Senate. I have been in the Ohio State Senate, and I have served as Lieutenant Governor. I have had occasion to compare the efficiency and effectiveness at all levels of government. To be honest, a sheriff or county prosecutor, chief of police, or county commissioner in my home county or your home county, Mr. President, and many of the home counties of our other colleagues know a lot more about how crime money should be

spent than does the President of the United States, the U.S. Attorney General or this Senator or this body.

Under the proposal contained in my crime legislation, local government officials will get Federal money, and what they do with it will be up to them. They will be able to spend that money based on local needs, local concerns, local priorities.

Yesterday, I discussed my proposal to pay for extra police officers in the highest crime areas in America. The 250 most crime-infested areas in America are eligible under my bill for police funding. Other areas, areas that are not included in the list of the 250 worst crime areas, may decide, if they wish, that they need extra police officers. If that is the case, they may choose to spend the dollars they get from this $7 billion local flexibility fund to pay for the extra police officers. My bill allows them that flexibility. They can use the money to hire, train, and employ these police officers, maybe put them out on the street. They can use it to pay overtime for police officers that they already have which, frankly, may, depending on the jurisdiction and the economics involved, be the best use of the funds. Or they can use it to buy extra technology that is already covered in this bill. They can use it to beef up school security, either by deploying extra police or adding measures like metal detectors. They can use it to establish and run crime-prevention programs like Neighborhood Watch and citizen patrol programs and programs to combat domestic violence and juvenile crime. They can use it to establish early intervention and prevention programs for juveniles to reduce or eliminate crime.

There was a vigorous debate last year about the issue of crime prevention. One thing I have learned in my years in local law enforcement is that even more than most programs crime prevention programs really have to be grown locally to be effective.

When you travel Ohio, as I have done, or Minnesota, or Wisconsin, and you look at crime prevention programs, I suspect in other States you find what I have found in Ohio, and that is the quality of those programs depends upon the local people. It depends on who is running the program, the dedication of that particular individual. This is not something that Washington can take a cookie cutter and duplicate, replicate across the country. They have to be grown locally.

It is clear that we have to go after those also who have chosen a life of crime. We have to apprehend them. We have to convict them. But we also have to reach out to the young people who are at risk in this country. We have to reach out to them before—before—they embark on a life of crime.

The best ideas on how to do this are not in Washington, DC, surprisingly. It is not with Government bureaucrats, in Washington. It is, rather, locally. Government bureaucrats in Washington, Mr. President, do not know the kids in Greene County, OH. Do you know who does? The people in Greene County—Jerry Irwin, our county sheriff; the county prosecuting attorney, Bill Schenck. I could go on and on. That is why I wish to empower people such as County Sheriff Jerry Irwin, or County Prosecutor Bill Schenck through this proposal.

Mr. President, to mandate a prevention program from Washington, DC, is absurd. Let us trust the people on the ground, the local law enforcers who know the young people in their communities.

In conclusion, Mr. President, let me say there is a basic insight that the American people imparted to all of us last November. I hope we heard the message. That message was fairly simple and basic, that Government is best which is closest to the people.

I have worked to incorporate this basic principle into the legislation that I will be introducing tomorrow.

At this time, I yield the floor.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1078 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I withdraw my amendment No. 1078 at this time.

The PRESIDING OFFICER. The Senator has that right and the amendment is so withdrawn.

The amendment (No. 1078) was withdrawn.

AMENDMENT NO. 1101

(Purpose: To provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes)

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. MURKOWSKI, and Mr. BREAUX, proposes an amendment numbered 1101.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following as a new Title III:

''TITLE III: OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301.—This Title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant.

The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES.—

Section 8 (a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor to this amendment, and that David Applegate, a fellow of the Energy and Natural Resources Committee, be given privileges of the floor during pendency of this amendment.

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

Mr. JOHNSTON. I ask unanimous consent that Senator BREAUX be added as a cosponsor.

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

Mr. JOHNSTON. Mr. President, gross oil imports to the United States today are over 50 percent, and they are scheduled to be over 60 percent by the year 2010. For this reason, in February of this year, President Clinton announced the President's finding that the Nation's growing reliance on imports of crude oil and refined petroleum products threaten the Nation's security because of the increased vulnerability of U.S. oil supply disruptions.

This being the problem, how do we solve it at a time of growing deficits, at a time of money shortage, at a time when we have no money to apply to any kind of energy technology? The way we do it, Mr. President, is by this amendment, which provides that with respect to existing leases in the Gulf of Mexico in over 200 meters of water, where the development expenses are very, very great and where wells otherwise would not be drilled unless given some incentive, there be a discretionary incentive given for both existing leases and new leases according to a carefully worked out formula, worked out with the Department of the Interior.

Mr. President, when I say it is discretionary, it is discretionary in that the Secretary of the Interior must analyze all of these leases and with respect to any lease which he determines would otherwise be drilled, there is no incentive given, there is no royalty holiday given. It is only with respect to those leases that would not otherwise be drilled, either existing or future leases, that this amendment would provide that incentive.

So it is for this reason this amendment has been scored as costing zero by CBO and, as a matter of fact, it would make money for the American taxpayer and for the budget because, obviously, if you have a lease that otherwise would not be drilled, which is drilled, it has positive economic impact from the salaries paid to the workers by the oil company to drill the well, and if oil is found, then there is royalty to be paid even with the royalty holiday because the royalty holiday is not complete.

This was worked out last year with the Secretary of the Interior. It took us a long time to work out the formulas, the amount of the incentive. The Secretary of the Interior wanted the amount of the incentive to be sufficient but not too much. That took a lot of negotiating. The whole matter of negotiation took a long period of time. After working it out last year, we introduced the legislation this year as S. 158. The administration has testified on this in an affirmative way. It is a piece of legislation that is going to make money for the Treasury and is going to help our energy balance.

According to the Department of the Interior, it should bring on at least two new fields with approximately 150 million barrels of oil equivalent from existing leases and it significantly improves the economics of 10 to 12 possible and probable fields.

As we know, Mr. President, the OCS in the Gulf of Mexico has been the United States' most promising region for new discoveries. In 1993, 98 percent of new crude oilfields and 76 percent of new gasfields discovered in the United States were in the Gulf of Mexico.

So, Mr. President, this is a way to offset that $46 billion of deficits which is attributable to net energy imports. It is 40 percent of the total U.S. merchandise deficit of $116 billion. For this reason, Mr. President, I think this is an excellent amendment backed by the administration which will help our energy balance a great deal.

Mr. President, I ask unanimous consent that a letter from Bob Armstrong, Assistant Secretary of the Interior, backing this amendment be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 16, 1995.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: I understand that you intend to offer an amendment to S. 395 to provide Outer Continental Shelf (OCS) deep water royalty relief to leases in the Central and Western Gulf of Mexico.

We support this amendment and believe it is consistent with the Administration's objectives with respect to OCS exploration and development in the Gulf of Mexico. The deep water areas of the Gulf contain some of the most promising exploration targets in the United States, but industry confronts substantial economic and technological challenges in bringing them into production. The responsible and orderly development of these resources is truly in the national interest.

The Office of Management and Budget has advised that it has no objection to the presentation of these views from the standpoint of the Administration's program.

Sincerely,

BOB ARMSTRONG,
Assistant Secretary.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I rise today to support the measure before us lifting the 22-year-old export restrictions on domestic crude oil produced on Alaska's North Slope.

I commend my distinguished colleague from Alaska, the chairman of the Energy and Natural Resources Committee, for bringing this legislation to the floor.

Clearly, the time has come for Congress to repeal an outdated law that no longer serves its intended purpose. When the export restrictions on Alaskan crude oil were originally enacted, many people believed that the legislation would enhance our long-term energy security.

Today, however, we know that restricting the export of Alaskan crude oil has actually weakened our Nation by undermining our initiative to explore and develop new energy resources, and that is keeping us ever more dependent on foreign oil imports.

Some 77 percent of this country's energy consumption is supplied by the oil and gas industry. Yet, the Department of Energy projects that crude oil production will continue to decline over the next decade.

Last year, our Nation imported over half our domestic oil requirements. By the year 2005, the United States will be nearly 70 percent dependent on imported oil—not because consumption is on the rise, but because domestic production continues to fall.

Every drop of oil that is produced by somebody else eventually adds up to a flood of lost U.S. jobs. Three hundred thousand oil-related jobs have been lost in the United States since 1985—the steepest decline in U.S. history.

With oil production decreasing by 2¼ million barrels every day, more job losses are surely ahead.

Of course, decreased production means that revenues are down as well—down, in fact, by more than $50 billion in the last decade.

To add insult to injury, the U.S. petroleum industry has been forced to look beyond American borders when it comes to oil production. We are now putting 65 percent of our exploration and production dollars into projects overseas, at a loss to the U.S. economy of $16 billion annually.

Within the last few years, Congress has consistently rejected regulatory policies that foolishly try to constrain and control the natural flow of goods and services. But there is much more that Congress can do to improve the climate for domestic oil production.

To that end, S. 395 seeks to replace a failed energy policy with a new strategy based on free-market principles.

I am not suggesting that S. 395 will solve this Nation's oil production woes, but it will have a positive, lasting impact.

Nearly every region of the country stands to benefit from lifting the export restrictions on Alaskan crude oil. First and foremost, it would mean new U.S. jobs.

The Department of Energy estimates that if the export restrictions on Alaskan crude oil are lifted, as many as 16,000 new jobs would be created immediately. Up to 25,000 new jobs are likely by the end of the decade.

Lifting the export restrictions would increase oil production in California and Alaska by as much as 110,000 barrels per day.

This legislation will stimulate oil exploration and development in the oilfields of Alaska and California, boosting the economy along the west coast and enhancing our national long-term energy strategy.

The bill also ensures that the U.S. merchant marine will maintain its traditional role of transporting Alaskan crude oil. This provision protects existing U.S. jobs by requiring that exported Alaskan crude oil be carried on American-crewed, American-flag tankers.

Mr. President, history has taught us that free markets—not protectionism—make our Nation more secure. With this lesson in mind, I strongly urge my colleagues to join in the bipartisan effort to lift the ban on exports of Alaskan crude oil.

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

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, unless there is no other Senator seeking recognition, I ask that the amendment pending by the Senator from Louisiana be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1101) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I congratulate the chairman of the committee, the Senator from Alaska, on his good work on the Alaska North Slope bill, the underlying bill. It is an excellent bill. It will give much more efficiency to our production and sale of crude oil, and I think that it is definitely in the interest of the United States. Now that we have the merchant marine problem worked out, I think it will be in the interest of everyone and I urge all Senators to adopt the underlying bill.

I thank the Senator for his help on this deep water bill.

Mr. MURKOWSKI. Mr. President, I appreciate the comments of my good friend from Louisiana, and he is my friend. I have had the pleasure of working with him for some 15 years. A significant portion of that time he was chairman of the Energy and Natural Resources Committee. I work with him now, and I think the amendment just adopted is going to be a significant stimulus to ensuring that we are less dependent on imported oil by enhancing exploration and, hopefully, development in areas that otherwise might prove economically prohibitive to the industry.

With the amendment just adopted by the Senator from Louisiana, why, we have enhanced our industry's ability to be competitive in the production of oil. I commend him for his effort and that of his staff, and I am very pleased that we adopted the amendment.

Mr. JOHNSTON. Mr. President, what is the pending business?

AMENDMENT NO. 1102

Mr. MURKOWSKI. Mr. President, if I may, I have an amendment which I send 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 Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1102.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike Title I and insert in lieu thereof a new Title I.

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

"SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the Unites States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

"SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklunta Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (i)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and

''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

Mr. MURKOWSKI. Mr. President, this is an amendment with regard to technical language associated with title I.

AMENDMENT NO. 1103 TO AMENDMENT NO. 1102

(Purpose: To make clear that the authorization of sale of hydroelectric projects under section 102 has no relevance to any proposal to sell any other hydroelectric project or the power marketing administrations)

Mr. JOHNSTON. Mr. President, on behalf of Senator DASCHLE, I send an amendment to the desk, which is a second-degree amendment to this existing amendment. This amendment states in its entirety as follows:

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations of the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending any support to any proposal to sell any other hydroelectric project or the power marketing administrations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. DASCHLE, proposes an amendment numbered 1103 to amendment No. 1102.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment insert the following:

SEC. . DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administration.

Mr. DASCHLE. Mr. President, I offer an amendment to S 395, the Alaska Power Administration Sale Act, to make explicit that this legislation does not in any way set a precedent for the sale of any other Federal power marketing administrations.

My colleague from Alaska makes a strong case for the sale of the Alaska Power Administration. As I understand the situation, the congressional delegation and the Governor of Alaska support the sale, and the proposal enjoys broad public support.

As we concentrate on this bill and this sale, it is important to keep in mind that there is a broader discussion taking place in the Congress over the sale of other Federal power administrations, and the case for those sales is by no means as clear cut as that in Alaska.

While the privatization of the Alaska PMA is supported in Alaska, there is strong public opposition to the sale of PMA's located in the lower 48 States. Moreover, the sale of the Alaska PMA involves a relatively small sum of money, only $83 million. This is a manageable investment for the State. It ensures that Alaskans will be able to purchase the PMA assets and that the purchase will not cause rates to rise substantially.

This is not the case with the proposed sale of PMA's in the lower 48 States, where far greater sums of money are at stake and where the sale likely would lead to significant rate increases.

In South Dakota, the Western Area Power Administration, which markets power from the main stem dams along the Missouri River, has ensured a consistent and affordable supply of electricity. The program is being run on a sound financial basis, as it recovers all expenses relating to its annual operation and the initial construction expenses, with interest. Under the current system, rates are set at the lowest possible cost, consistent with sound business principles, and to ensure that these financial objectives are met.

If this power marketing administration is sold, then it is likely that rates will increase substantially. The assets could well be purchased by out-of-State financial interests, who likely will set rates to maximize profit. Electric rates for existing Federal power customers will rise as a result. South Dakotans and customers from other States served by power marketing administrations will pay higher costs for power, and much of that money will go to the out-of-State financial interests who bankroll these purchases.

The Western Area Power Administration is a program that works. It provides affordable power to states like South Dakota, and it does so without any subsidy. The Federal Government gets a return on its investment. In short, it is an unquestioned success. It is a program that we should hold up as an example of how the Federal Government can work for the people and the national economy.

In conclusion, Mr. President, the sale of the Alaska Power Administration should not be viewed as a precedent for the sale of other power administrations. The situation in Alaska is unique. It is very different from the situation with the other PMA's, such as Western, where there is strong public opposition to the sale and where Senators are on record opposing the sale. I have received well over 10,000 letters in opposition to this sale and 2 in favor of it. And while sheer numbers can never determine the merits of any program, I am inclined to believe that people generally know what is best for themselves.

Given the almost certain rate increases that would accompany the sale of the Western Area Power Administration and others in the lower 48, and the potential for out-of-State ownership and, thus, the export of State resources, it is not a policy that I can support. I hope that my colleagues will be willing to recognize that the Alaska sale does not set any sort of precedent for the sale of other power marketing administrations, and support my amendment.

Mr. JOHNSTON. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1103) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, what is the pending business, if I may inquire of the Chair?

The PRESIDING OFFICER. The first-degree amendment No. 1102.

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 1102, as amended.

The amendment (No. 1102), as amended, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1104

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1104.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike the text of title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as 'Trans-Alaska Pipeline Amendment Act of 1995'.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the

United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

Mr. MURKOWSKI. 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. MURKOWSKI. 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. 1105 TO AMENDMENT NO. 1104

Mr. MURKOWSKI. 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 Alaska [Mr. MURKOWSKI], for Mr. HATFIELD, proposes an amendment numbered 1105 to amendment No. 1104.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following new section:

SEC. 206. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

Mr. MURKOWSKI. Mr. President, I am offering this amendment on behalf of Senator HATFIELD and respectfully urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1105) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

THE BUDGET RESOLUTION

Mr. DORGAN. In the next several days, we will have on the floor of the Senate a budget resolution. This has been much discussed and anticipated because we have had substantial debate here in the Senate and in the House of Representatives and in the country as a whole about the need to deal with this country's fiscal policy problems. No one, I think, will deny that our country is off track in fiscal policy. We spend more than we have. We routinely charge the balance to our children and grandchildren, and we must change priorities and fiscal policy to balance the Federal budget.

The Federal budget that we deal with and the budget resolution coming from the Budget Committee is a critically important document. A hundred years from now, if historians then could look back 100 years and view us, they could evaluate our priorities by what we spent our money on. They can look at our Federal Government and look at a $1.5 trillion budget and determine what was important to us by how we spent our money. What did we hold dear? What did we treasure, value, and what kind of investments did we think were important? That is what they will be able to tell about us. That is what is in the budget resolution. It represents our priorities, values, and what we think is important for our country.

A lot of people view this as just politics, just the same old thing, Republican versus Democrat. It is not that at all. It is much, much more important than that. It is the establishment of a set of principles by which we determine how we spend the public's money. I recall a story in the Washington Post, I believe, once where two people were quoted from Congress and one said—speaking of some other dispute—''This has degenerated into an argument about principle.'' I thought to myself, I hope so. That is what this is all about. That is what the budget resolution ought to be about.

I was at the White House this morning with a group of my colleagues meeting with President Clinton. He made a point about the budget resolution that I happen to agree with, which is that his problem with the budget resolution that is going to come to the floor of the Senate is that the priorities in that budget resolution do not match the needs of the country.

The budget resolution from the House of Representatives calls for a very large tax cut. The benefits of the tax cut will largely go to the wealthiest in America. If you take a look at who benefits from the tax break by the House of Representatives, the numbers show up like this: If you are a family earning under $30,000 a year, you get a tax break of $120. If you are a family over $200,000 a year in income, you get a tax break of around $11,000. It is pretty clear who benefits from that kind of policy.

In order to pay for a very expensive tax break, the bulk of which goes to the most affluent Americans, what do you have to cut in spending to do it? Well, they cut Medicare. They make it more expensive for someone to go to college. They cut education. They make it more difficult for the elderly to get health care. They cut earned-income tax benefits for the working poor, which means higher taxes for the working poor.

I happen to think those priorities do not match what our needs are. My own view is we ought not at this point have

a tax cut. I would like to see everybody pay far less taxes than they now pay. But the first obligation, I think, for our country, is to balance the Federal budget.

I give credit to the budget resolution and those who framed it because it includes some recommendations that I support. There is a part of the budget recommendation that comes to the floor of the Senate that I think makes eminent good sense, and I support it. I say congratulations. I sent 800 billion dollars' worth of spending cut recommendations to the Budget Committee. I believe in this. We need to balance the Federal budget, and not with smoke and mirrors but with real spending cuts in real ways. And, yes, also in some areas with real revenue. But I believe in some areas you must balance the Federal budget.

I do not believe, however, with the kind of deficits we have, the way to start balancing the Federal budget is to first start talking about tax cuts. I understand the Senate budget resolution does not specifically prescribe tax cuts, but I also understand it specifically sets aside $170 billion to be sent to the Finance Committee specifically for cuts. So this budget resolution, like the House resolution, will accomplish the same things. It will cut taxes. And it will pay for that tax cut by providing less for Medicare, by cutting the earned-income tax credit and therefore raising taxes on low-income working families, and by slashing spending for education, especially the education money available to help young people go to college.

I think those priorities are wrong. There must be spending cuts in a whole range of areas. Will we have to limit the rate of growth in Medicare and Medicaid? Yes, I believe we will, in the context of reforming the whole health care system in some reasonable way, without limiting people's choice. But the fact is you cannot continue seeing skyrocketing health care costs across the country without some interruption. The Federal budget cannot stand that, the family budget cannot stand that, nor can a business budget stand that. So we must respond to that problem.

But we ought not, under any condition, decide to take several hundreds of billions of dollars out of Medicare and Medicaid, both of them, and do that at least in part so we can give a very big tax cut to some of the wealthiest Americans. That makes no sense at all.

I would say, on the issue of education, to the extent anything is important in our country, we must decide as a country to invest so our kids can go to school. Investing in education for our children is an investment in this country's future. It yields dividends of enormous importance to the future of this country.

So, when we decide we are going to make a trade here and we are going to do classic trickle-down economics, and that means we do not have enough money to provide for financial help for somebody going to college, that is a trade that in my judgment injures our country's economy.

Some people say this is new, that this is reform. This is not new. There is nothing new about this. This is 15 years old and it is 50 years old. It is: run an election, win, write a contract, give tax breaks for the rich, and have the rest of us pay for it somehow, with less medical care and less help for their kids to go to school and higher taxes for the working poor. That is not new. That is Herbert Hoover.

We have been through this before. Trickle-down economics—that is the notion where you pour the money in at the top somehow and, if you make the top generous enough or affluent enough, somehow it all trickles down and rains on everybody else in America.

Another Member who served in this body many, many years ago described trickle-down economics. He said it is the concept that if you feed the horse some hay, sometime down the road the sparrows will have something to eat—trickle-down economics. That is not a notion that I think makes sense for the economy engine of this country. Our goal is not to make the comfortable more comfortable. It is to provide working people in this country with something to make a good living: jobs, opportunities, education. That is what drives the American economy. It is not trickle-down economics, it is percolate-up economics.

I think what we ought to do when we bring this budget resolution to the floor of the Senate, I would like to see on a bipartisan basis for all of us to do something very serious and very quickly. I would like to see us decide immediately. The first test is to decide to balance the budget using spending cuts. Do that. Debate about the priorities, what are the values here, what are the things we hold dear, what should we invest in, what about our children—go through that debate. Set the tax cuts aside and say, let us not do tax cuts. Let us just deep six all that stuff. And then let us do honest, real spending cuts and balance the Federal budget.

Then, when we have done that, we have rolled up our sleeves and done the honest work, then we can turn to the other issues. But I think it is wrong to engage in a political exercise and balance the budget by beginning with a very large tax cut for the affluent, which means we must take more from Medicare for the elderly, more from programs to help those who want to go to school, more from the working poor by scaling back the earned-income tax credit, and so on. That, in my judgment, is not the right way for this country to proceed.

I noted some columnists have said the Democrats in the Chamber do not seem to be as ambitious in dealing with the budget deficit as some others. I do not think we need to take great instruction from columnists about our interest in deficit reduction. Those of us who, in 1993, voted on the floor of this Senate for $500 billion of deficit reduction, some of which was very unpopular, all of which was pretty controversial—those of us who were willing to do that without any help at all, not even one accidental vote from the other side of the aisle, do not need lectures about deficit reduction.

I believe in deficit reduction. I am glad I voted for it in 1993. I will vote for much more deficit reduction offered by either side of the aisle. If it is responsible cutting of what represents excesses in the Federal budget, count me in and sign me up because I am willing to do it.

Also, as I said, I sent $800 billion in deficit reduction recommendations to the Budget Committee, mostly spending cuts, some additional revenue increases, saying: Here is a jump start on how we ought to do this.

Much of that is in the mark that will come to the floor by Senator DOMENICI. And I will support those portions of the budget. But I do believe the broader priorities, especially the priorities these days in something called the Contract With America, are priorities that I do not share. We must, it seems to me, understand how to provide decent health care for our elderly in this country and we must understand and make a commitment to provide health care for those in America who are disadvantaged and who are poor.

That is not something we ought to debate much about. Yes, we can debate about how to control costs or how to bring down the rate of increase. But we ought not trade off the health care needs of the elderly or the health care needs of the American poor with tax cuts for the most affluent Americans. That is not a trade that makes sense for this country.

I hope in the coming week, when we resolve this budget issue, that we will on a bipartisan basis decide, in a serious, sober, thoughtful, reflective way, to honestly cut Federal spending where we are spending too much; honestly put this country back on track toward a balanced budget, and do that first by spending cuts and not talk about, again, tax cuts for the most affluent Americans.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1106 TO AMENDMENT NO. 1104

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

The PRESIDING OFFICER. Does the Senator from Washington intend to amend the Murkowski amendment?

Mr. MURKOWSKI. I believe it is the intention of the Senator from Washington to propose an amendment to the Murkowski amendment. Is that the intention of the Senator from Washington?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1106 to Murkowski amendment No. 1104.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment add the following new section:

Title VI of the Oil Pollution Act of 1990 (Pub. L. 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

"SEC. 6005. TOWING VESSEL REQUIRED.

''(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours of a request for assistance. The towing vessel shall be capable of—

''(1) towing the vessel to which the response plan applies;

''(2) initial firefighting and oilspill response efforts; and

''(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting, and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

Mrs. MURRAY. Mr. President, I thank the Chair.

We have been working this afternoon with the Senators from Alaska on the bill before us. One of our main concerns has been the environmental issues in Puget Sound in my home State of Washington.

I appreciate all of the work that the Senator from Alaska has done in helping to meet one of our concerns on this bill.

The amendment in front of us requires that a vessel be in Puget Sound that is paid for by the industry so we can assure that the vessels which come into Puget Sound are escorted through the Straits of Juan de Fuca.

I thank the Senator from Alaska and his committee for all their work on this and urge its adoption.

Mr. MURKOWSKI. May I respond, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I appreciate the cooperative effort as evidenced by the Senator from Washington. It has been a pleasure working with her staff, and we do accept the amendment.

I think it is a tribute to the Senator from the State of Washington for addressing obviously an environmental need, and I feel confident that her contribution by this amendment will ensure a greater degree of safety associated with the movement of oil from my State to her refinery. As a consequence, we are pleased to accept the amendment.

Mrs. MURRAY. One of my main concerns is vessel safety. I want to make certain all vessels transporting oil through the strait of Juan de Fuca or Olympic Coast Marine Sanctuary are properly escorted.

Under my amendment, the Oil Pollution Control Act would be modified to require response plans for such vessels to provide emergency response within at least 6 hours. This would be a vast improvement over the status quo.

However, my State including the Office of Marine Safety, conservation groups, and the Makah Indian nation, would like to see an even shorter response time.

It is my understanding that under this amendment, the State and other parties would have the flexibility to negotiate an arrangement that would ensure a response time of 4 hours or fewer. Specifically, the State would be able to arrange stationing an emergency response tug boat at Neah Bay.

If the State, tribe, and tanker operators agree, the Coast Guard under my amendment, should modify the response plans accordingly.

Does the chairman concur in this interpretation?

Mr. MURKOWSKI. Yes, I have reviewed the language and agree.

The PRESIDING OFFICER. Are there others who want to be heard? If not, the question is on agreeing to the amendment No. 1106.

So the amendment (No. 1106) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. 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.

Mrs. MURRAY. 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. 1107 TO AMENDMENT NO. 1104

Mrs. MURRAY. 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 Washington [Mrs. MURRAY] proposes an amendment numbered 1107 to amendment No. 1104.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, of the pending amendment, insert after line 12 the following:

(C) shall consider after consultation with the Attorney General and Secretary of Commerce whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

On page 3, insert after line 12 after the word ''implementation;'': ''including any licensing requirements and conditions,''.

On page 4, line 2, after ''President'' insert ''who may take''.

On page 4, line 3, after ''modification'' insert ''or revocation''.

Mrs. MURRAY. Mr. President, as you know, I have very strong reservations about the exports of Alaskan North Slope oil. I am concerned about jobs in my State, the price of oil to consumers across our Nation, and the environmental impact lifting this ban may produce. However, after a day of negotiation, I am pleased to offer several amendments en bloc to the bill that the chairman has agreed to. These en bloc amendments will ensure a full review of export impacts.

They mandate that the President, along with the Attorney General and the Department of Commerce, will review environmental impacts, consumer price increases, and anticompetitive practices that would hurt independent refineries and shipyards who employ thousands in my region.

I believe we have come far to negotiate this agreement that now speaks first for the people of the Pacific Northwest before the exporting of this oil begins.

I thank the chairman for his work in moving toward this amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding we had an opportunity to review the amendment and, indeed, the amendment is in order, as suggested by the Senator from Washington. I am well aware of her concern for her own economic activity associated with Alaskan oil.

We find the amendment satisfactory. I am pleased to accept it at this time. It does meet with satisfaction the terms and conditions which we agreed to mutually.

The PRESIDING OFFICER. Are there other Senators who want to be heard concerning this amendment? If not, the question is on agreeing to the amendment No. 1107 to amendment No. 1104.

The amendment (No. 1107) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I thank the Chair and the chairman of the committee who has worked diligently with me this afternoon. One of my main concerns regarding this proposal to export ANS relates to the supply of Alaskan crude to the Tosco refinery at Ferndale. As I understand it, Tosco has 3 years and 8 months remaining on a supply agreement with BP. I want assurance that BP will honor the contract.

I have asked BP to provide me with that assurance, and today I received a letter from the president of BP Oil Shipping Co., Steve Benz, promising to honor the existing contract with Tosco's refinery at Ferndale.

Mr. President, I ask unanimous consent to print a copy of the letter in the RECORD.

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

BP AMERICA, INC.,
May 16, 1995.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: I am sensitive to your concerns regarding the supply agreement for Alaska North Slope crude oil that BP has with the TOSCO refinery at Ferndale, Washington. While we are under a strict confidentiality agreement with respect to the details of that arrangement, I want to give you my assurance that BP will fully honor the terms and conditions of our current supply agreement with TOSCO for the Ferndale, Washington refinery. This guarantees that BP will be a supplier of Alaska North Slope crude oil to the TOSCO Ferndale refinery through 1998.

I hope that this letter satisfies any remaining concerns you may have regarding security of supply to TOSCO.

Sincerely,

STEVE BENZ,
President, BP Oil Shipping.

Mrs. MURRAY. Mr. President, I also ask the distinguished chairman of the Energy Committee if he can also assure me that he will do everything in his power to assure that adequate supplies of Alaskan North Slope crude continue to be made available to the Tosco refinery.

Mr. MURKOWSKI. Mr. President, I fully understand and appreciate the concern of the Senator from Washington in this area. I can assure you, based on information that I have from British Petroleum and others, a security of supply to the Northwest independent refiners will not be a problem.

I can assure the Senator, if there are supply disruptions, I will personally work with her and other Members of the Washington delegation to address that problem to the very best of my ability.

Mrs. MURRAY. Mr. President, I thank the Senator from Alaska and would just like to notify him that I am working on one more statement for the RECORD, a few more words to say, and I appreciate all of the work and help he has been in working toward this agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon.

Mrs. MURRAY. I withhold that request.

Mr. HATFIELD. Mr. President, I just would like to express my gratitude to the chairman of the committee, the Senator from Alaska [Mr. MURKOWSKI]. I suppose Mr. MURKOWSKI's diligence and perseverance again proves the old adage that, if you stick with a problem or an issue, you get it resolved with patience and forbearance. Certainly, the Senator has demonstrated both those qualities.

I also want to express my appreciation for the staff. I do not know an issue I have dealt with for a period of time that has not incorporated more staff than this one, and they have all been most cooperative. Staff of committee, personal office staff people, staff of my colleagues, like the Senator from Washington State—all of the staff—really, again, demonstrated the superiority of our professional staff people, both in the offices and on the committees as well.

So I would like to thank the Senator for his cooperation in resolving one of my problems.

Mr. MURKOWSKI. If I can respond to my friend from Oregon, his particular reference to patience is one that I have had an opportunity to observe, as the Senator from Oregon has displayed this as chairman of the Appropriations Committee, both as ranking member and as chairman, for as long as I have been in this body, some 15 years. And he has accumulated an extraordinary ability in negotiation, using both his historical interest of this body as well as a history of many of our Presidents and his patience and oftentimes humor in moving along problems and has led me to view him with admiration and respect. I am particularly appreciative of his comments today.

Mr. President, I am not sure. If I may make an inquiry of the Senator from Washington, is it her intention to make another statement, or are we perhaps waiting? I did not hear the last reference.

Mrs. MURRAY. I am waiting to clear a colloquy with the Senator's staff which should be done very shortly.

Mr. MURKOWSKI. 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. MURKOWSKI. 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. WELLSTONE. Mr. President, I wonder whether I might ask my colleague from Alaska a question. I am assuming that my colleague intends to go to a vote very soon, is that correct?

Mr. MURKOWSKI. The Senator from Minnesota is correct. I anticipate that we are within 3 or 4 minutes of calling for third reading and a recorded vote.

Mr. WELLSTONE. I wonder whether I could simply take a minute to speak before the final vote. My colleague has the floor, so I will wait until he is done.

Mr. MURKOWSKI. I am sure it will be more than a minute or a couple of minutes, but I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I just had a chance to come to the floor now, and I had anticipated that this debate could go on through tomorrow. I understand that, for a variety of different reasons, we are going to go to final vote. I want to go on record—and I will have a more complete statement—I believe that this piece of legislation is misguided. I am in profound disagreement with it. The particular problem I have is that now when we open up the exporting of the oil, I think we get back to all of the ways in which we as a nation still are so dependent upon the imports.

I worry about this being essentially the first step toward opening up oil drilling at Arctic National Wildlife Refuge. I want to simply say that I think, for some very basic important environmental reasons, this piece of legislation is mistaken. I also have some concerns about the basic environmental safety reasons that have to do with the shipping of this oil across the sea. I do not know exactly what protection has been built in. All in all, I think it is a mistake. I have to say to you, Mr. President, that my only regret is that I was at another meeting dealing with a piece of legislation that I have been working on for a couple of years.

So I was not able to be here during some of the debate and now do not really have time to lay out on the floor a full statement or be involved in a full debate.

I hope colleagues will vote against this. I hope colleagues will vote against this, I think, on very solid environmental grounds. I hope colleagues will vote against this understanding that I think this is the first step toward opening up ANWR. We went through this last Congress. It was very contentious. Maybe it was the Congress before, when I first came to the Senate. We actually had a filibuster against oil drilling in the Arctic National Wildlife Refuge. I think that is where we are heading with this legislation. I think it is part of the effort to get there.

I have appreciation for my colleague from Alaska on a personal level. I know him to be incredibly hard working, and he cares fiercely about his State. I am in profound disagreement with this. I hope we will have some strong ''no'' votes.

I yield the floor.

Mr. MURKOWSKI. 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.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, it is my intent to advise Senators that we will be calling for a rollcall vote and I will be calling for third reading.

I do want to thank my friend from the State of Washington, Senator MURRAY, for her concern over the aspects affecting her State with regard to the oil that comes down from my State of Alaska.

I also want to thank Senator BOXER for her questions and concerns reflected in colloquy.

I want to thank Senator JOHNSTON for his contribution and concern, and particularly with reference to the inclusion of deep water royalty, which is part of this legislation which I think will benefit—certainly lessening our dependence on imported oil and, as a consequence, relieve substantially our balance of payments by developing our own domestic supply which is so well supported in the Gulf of Mexico and the State of Louisiana and others.

I want to thank my senior colleague, Senator STEVENS. Certainly Senator HATFIELD has been most cooperative. I am also very sensitive to his concern regarding his shipyard, as well as concern for the shipyards in California. Senator FEINSTEIN has also been very cooperative.

I want to recognize the staff of Senator JOHNSTON, our own staff, Gregg Renkes, Andrew Lundquist, Gary Ellsworth, Jim Beirne, Howard Useem, Mike Poling, and others.

If I may just for a moment reflect on a little bit of how I look at this legislation as an Alaskan and how my constituents view it. I think it marks another advance in the policies made by the Federal Government to Alaska when we accepted the statehood compact back in 1959. Thirty-six years is a long time to wait for the action that is about to be taken today. I think it is certainly historically significant for Alaska, if this legislation carries.

We have done some significant things. We have authorized the sale of the Alaska Power Administration, the Eklutna hydro project, to the municipality of Anchorage. That has been 40 years in the making. It was first proposed back in 1955. It has been 7 years under the stewardship of Senator STEVENS and myself.

The sale of the Snettisham hydro project to the State of Alaska, and the Alaska Power Administration, of course, is also authorized. That has been pending for over 10 years.

It is my hope, Mr. President, that my colleagues will join me in acting favorably on this bill. This action by the Senate, if it is passed, will ultimately—assuming that it receives the support of the House of Representatives—allow the export of Alaskan oil.

That is the oil that is excess currently on the west coast, oil that used to go through the Panama Canal. This action, I might add, is supported by the administration and the President and with the concurrence of this body and, hopefully, the House of Representatives.

Now for the very first time Alaskan oil can look forward to a truly free market. While perhaps we Alaskans are still not free from the Federal yoke, some of the load has been lifted from the shoulders of Alaska, if this passes today. And perhaps this marks a favorable sign for the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1104) was agreed to.

Mr. HATFIELD. Mr. President, the Senate is now considering an amendment to provide for payment of a certain sum generated by this legislation to retire the debt incurred by citizens of the city of Portland, OR, to construct the largest floating drydock on the west coast. On June 1, 1977, Portland taxpayers financed this investment based in large part on the commitment made to keep this Alaska North Slope oil supply for domestic production oil only.

Alaska oil exploration and the congressional commitment to the prohibition on the export of Alaska North Slope crude oil were crucial factors in Portland's decision to expand its publicly owned maritime repair facility. No drydocks on the west coast were large enough to handle the new Alaskan oil ships either in operation or under construction. Unless this infrastructure deficiency was remedied, these vessels would have had to be repaired in foreign shipyards and U.S. jobs would be lost.

Based on the Federal assurances that this oil was for domestic use only and the encouragement by Federal officials for Portland to step forward to be part of the infrastructure team required to move this oil from the end of the Trans-Alaskan Pipeline to the lower 48 States, local voters in Portland strongly supported the expansion of the Portland Ship Repair Yard to accommodate these very large oil carrying vessels and approved an $84 million bond measure. My amendment is intended to cover the remaining debt on these bonds dated June 1, 1977. After that significant investment, drydock 4 came on line, adding a vital component to the stated Federal plan for transporting Alaskan oil to domestic markets. Maintaining a ban on the export of this production was an integral part of the agreement to allow construction of the Trans-Alaska Pipeline, and the citizens of Portland reasonably relied upon this agreement.

The bill before us today would reverse this 22-year-old commitment, to the great detriment of the substantial investments made by the citizens of Portland, OR. If the damaging impact on the Portland Ship Repair Yard of exporting Trans-Alaska Pipeline crude oil has not been made perfectly clear prior to this date, I would like to share with my colleagues an article that appeared in the Portland Oregonian today. The article reports that Todd Pacific Shipyards Corp. has withdrawn its application to become the sole contractor at the Portland Ship Repair Yard. One of the primary concerns noted by Todd in announcing its withdrawal was congressional action to lift the Alaska oil export ban.

My amendment seeks to address the unfairness lifting the ban would impose on the taxpayers of Portland. The amendment would require payments from the naval petroleum reserve, a primary beneficiary of the increased revenues that the Congressional Budget Office has judged will result from this legislation. These payments would go toward retirement of the $50 million in outstanding bonded debt incurred by the taxpayers of Portland to acquire Drydock No. 4. An additional $10 million would be made available to improve the shipyard to meet the new market conditions in the maritime industry that will result from the repeal of this longstanding export ban. This amendment is consistent with the pay-as-you-go budget rules currently in force.

This amendment will keep faith with the citizens of Portland in the face of this dramatic change in Federal policy to allow Alaskan oil exports. I thank the Senator from Alaska and others for working with me to achieve this important provision to ensure the taxpayers of Portland are treated fairly.

Mrs. BOXER. Mr. President, section 202 of the substitute amendment to S. 395 requires that the administration complete an appropriate environmental review. Does this mean that National Environmental Policy Act applies to this bill.

Mr. MURKOWSKI. Yes, the Senator is correct, the National Environmental Policy Act applies to this bill.

Section 202 specifically provides that the President ''shall conduct and complete an appropriate environmental review'' of a proposed exportation.

In addition he must consider appropriate measures to mitigate any potential adverse effect on the environment.

There is no waiver, repeal, or change to any Federal, State, or local environmental law, rule or regulation, including the National Environmental Policy Act.

There will be full compliance with all applicable environmental provisions.

Mrs. BOXER. Another matter that concerns me is the recent audit that was performed on the Trans-Alaska Pipeline by BLM that raised several concerns about maintenance and management of the pipeline. Is the Bureau

of Land Management in fact following through with the oversight of the repairs and maintenance of TAPS, and as the chairman of the Energy Committee, how are you going to ensure that in fact the concerns raised by the audit in fact will be addressed.

Mr. MURKOWSKI. In testimony before the House Subcommittee on Oversight and Investigations, on November 10, 1993, the chief executives representing the three major owners of the Trans-Alaska Pipeline System [TAPS] made specific commitments to correct the problems identified by the various audits of TAPS. Richard Olver of BP stated, ''. . . I commit to you today to provide the necessary human resources that are required to put this plan into place and to back that up about [sic] all the necessary and appropriate financial resources.''

The owners have reaffirmed this commitment on several occasions as demonstrated by the number of human and financial resources they have provided Alyeska since those hearings. This commitment was reaffirmed again in meetings that Alyeska and the TAPS owners had just last week with various Congressmen, Senators, and staff in Washington, DC.

The most apparent example of the owners commitment is the $220 million spent to address audit findings in 1994 with an additional $80 million being spent on findings this year. By the end of 1995, 85 to 90 percent of the audit findings will have been addressed. By December 1996 all but a handful of the audit items will have been resolved. Plans are in hand to address outstanding long lead issues, that is, control systems.

Furthermore BLM has continual and direct oversight of TAPS as a condition of the right-of-way. BLM can in fact shut down the pipeline if the oil producers violate the right-of-way agreement and the violations lead to an imminent threat to the Trans-Alaska Pipeline.

When these repairs required by the audit are completed at the end of 1996, as the chairman of the Energy and Natural Resources, I will request the BLM to report to the Senate Energy and Natural Resources Committee on whether the concerns raised by the audit have been adequately addressed.

Mr. DOLE. Mr. President, I would like to commend the Senators from Alaska, Senator MURKOWSKI and Senator STEVENS for their work on the bill before us today. This bill accomplishes many good things for the State of Alaska and is the culmination of years of work by both these Senators on behalf of their State.

I am pleased, after many years of effort, that the restrictions on the export of Alaskan oil will be lifted. This legislation represents an effort to provide for new economic opportunities for the people of Alaska. New job opportunities will be created which will strengthen industries directly and indirectly related to this effort. The bill also provides for a review of the effects of the export sales on consumers, shippers, and other domestic oil producers. We need to continue to look for ways to assist domestic oil production and ensure that our efforts for production only work to benefit consumers and our domestic industry. This legislation shows what can be accomplished when individuals share common goals for a strong economy.

In addition, authorization for the sale of the Alaskan Power Administration is a positive step forward for the State of Alaska. I believe there is a need to continue to look at opportunities such as this, where Federal Government activities can be better accomplished on the State, local, or private level.

I am pleased to join with my colleagues in support of this legislation.

KEEPING THE ALASKAN NORTH SLOPE OIL BAN—U.S. DEPENDENCE ON FOREIGN OIL

Mr. D'AMATO. Mr. President, I have the greatest respect for the Senator from Alaska and I honor his diligent effort to do what is in the best interests of his great State. I must however oppose this legislation for the reason that I strongly believe it would be damaging to U.S. jobs and national security.

Mr. President, 22 years ago, the Trans-Alaska Pipeline Authorization Act of 1973 permitted the building of a pipeline from the North Slope producing fields to Valdez. Through an amendment to section 28 of the Mineral Leasing Act, Congress placed strict prohibitions on exporting Alaskan oil due to the energy crisis.

Mr. President, in 1992, this Senate addressed the Nation's overreliance on foreign oil and voted 94 to 4 to reduce the Nation's dependence on imported oil in order to provide for the energy security of the Nation. I have always opposed lifting the Alaskan North Slope [ANS] oil export ban for two reasons: national energy security and the protection of U.S. jobs.

Mr. President, since 1973 when the ban was enacted, things have dramatically changed—for the worse in terms of our energy dependence. The situation is not improving. During the early 1970's, the United States imported roughly 22 percent of our total oil consumption; in 1990, imported oil accounted for 39 percent of our oil consumption. The Energy Information Administration recently forecasted that our dependence on foreign oil will exceed 60 percent by the year 2010. Considering the current situation in the Middle East, specifically with regard to Iran, our Nation's continued reliance on foreign oil constitutes a serious threat to our national security as well as to our economy.

Mr. President, Iran is a terrorist regime intent on aggression in the gulf. In the past few weeks reports have surfaced suggesting that the regime is stationing more troops, Hawk missiles, and chemical weapons in the Straits of Hormuz. Mr. President, this represents a major threat to the flow of oil to the West. It is clear to all, that the disruption of the flow of oil could be devastating.

It is because of the nature of the Iranian threat that I introduced two pieces of legislation, S. 277 and S. 630, which effectively place a total United States trade embargo on Iran, in the case of the first bill, and a global embargo in the second bill. The President's recent Executive order effectively implements my first bill and is a positive step toward cutting off Iran, but we have more to do.

When we conduct business with Iran, we are subsidizing Iran's terrorist activities with hard currency. Because of this, we have to cut off our purchases of Iranian crude. Because of the nature of the Iranian, Iraqi, and Libyan regimes, we are currently closed out of 10 percent of the world's oil production by Iran, Iraq, and Libya. Iran's actions in the Middle East may result in a further reduction in our access to oil from this region. The volatile Middle East situation only makes our country's supply of domestically produced oil more essential.

Mr. President, not only is our heavy dependence on foreign oil dangerous but it also damages our economy. Boone Pickens, president of Mesa, Inc., of Dallas, TX, testified before the Committee on Foreign Relations, on March 27, 1995, that,

> The two oil shocks of the 1970's reduced U.S. gross national product by 3.5 percent, increased unemployment by 2 percent, increased interest rates by 2–3 percent, and added 3 percent to the general rate of inflation.

He added that,

> Taken together, the combined impact of these effects on the U.S. economy in the decade following the 1973 Arab oil boycott totaled $1.5 trillion!

Mr. President, lifting the ANS oil export ban would not only export oil, it would also export U.S. jobs. Current statutory restrictions on oil exports result in the employment of U.S.-built, U.S.-manned vessels—that is Jones Act tankers—to transport most ANS crude. Under U.S. law, Jones Act tankers must be built in the United States and manned with American crews. However, if ANS exports were allowed, the oil would probably be transported to the Far East on U.S.-flag, non-Jones Act ships. U.S.-flag vessels can be foreign-built and transferred to U.S. registry. Foreign subsidies make it cheaper to build ships abroad than in U.S. yards with American workers.

The consequences of Alaska oil exports to the Jones Act tanker fleet would be devastating. ANS exports would result in approximately 20 Jones Act tankers being scrapped and roughly 651 seagoing jobs lost. Against this structural collapse, there would be a modest offset of about 225 new American seagoing jobs on six foreign-built very large crude carriers operating under the U.S. flag from Alaska to Japan in export service.

The most significant development in the likely ANS export proposal would

be the ability to transport Alaska oil on foreign built tankers. This change would accomplish a longstanding objective of North Slope producers who want to avoid replacing their Jones Act fleets in the United States due to the higher costs of domestic construction. If such export authority were granted, ever-increasing volumes of Alaska oil would be carried to the Far East on foreign built bottoms, thereby eliminating the need to construct replacement tonnage in U.S. yards. Prospective employment losses resulting from ANS exports are estimated to be 7,500 U.S. shipbuilding and allied industry jobs.

Mr. President, exporting ANS crude oil would also be catastrophic to the west coast ship repair business. Negative consequences are certain to result because foreign sales of Alaska oil will: First, reduce the overall size of the ANS fleet as well as the number of vessels that must be repaired; and second, make it economically attractive for all U.S. tankships employed in Alaska oil service to have repairs done in less expensive yards located in the Far East.

A study concluded that removing the statutory restrictions on the export of Alaska North Slope crude oil will cause the loss of 10,000 U.S. jobs in the maritime shipyard sector alone. Thus, exporting ANS crude will result in measurable harm to this important sector at the very time domestic shipyards are attempting to make the difficult transit from Navy to commercial construction.

The U.S. ban on ANS oil exports was done to ease the country's dependence on foreign oil. Today, however, the United States is more dependent on foreign oil than in 1973. Lifting this ban would only serve to increase our vulnerability to blackmail by Iran, who could use oil to hold the United States and the world hostage. Moreover, the United States can ill-afford to ship United States produced oil elsewhere when we are trying to compensate for the loss of Iranian, Iraqi, and Libyan oil. Lifting the ban would export thousands of jobs to foreign countries. It is imperative that we keep the ban on ANS oil exports for the sake of U.S. jobs and our national security.

For these reasons, I must respectfully disagree with the honorable Senator from Alaska and oppose his legislation, S. 395.

Mr. WELLSTONE. Mr. President, I rise today to express my concern—my profound concern and disquiet—about what appears to be a campaign to rush a bill through the Senate, and by so doing deprive this body—and the American people—of a full and sober accounting of what this bill would do.

Of course, I am referring to Senate bill 395, the Alaska Power Administration Asset Sale and Termination Act. And right there in the title—''Asset Sale''—we have what this bill is all about. Let me be blunt; this bill is about one thing: Selling off as much of America's strategic natural resources as fast as we can in the interest of chasing a quick buck.

I understand there are important issues in this bill that deserve discussion—and I have been prepared to have that discussion here on the Senate floor. It should be a complete and thorough discussion and clearly we are not in a position to do that now.

Mr. President, the Senate is about to begin work on one of the most critically important tasks that it has—that is the debate over the budget. The Sunday talk shows and newspaper opinion columns recently have been filled with news about the budget—the programs that may get cut, the poor and underserved who will suffer under those cuts, how much the rich would get even richer under certain tax-cut proposals. I am reasonably sure that all my colleagues, like myself, are spending most of their time these days in preparation for the budget debate—and well they should.

That is precisely why, Mr. President, I am puzzled—and troubled—that the majority leader should at this particular moment have brought Senate bill 395 up for consideration. It is not like the Senate has not been working steadily—for example, as soon as we finished up what was a rigorous debate on product liability reform, we turned to the important matter of interstate waste disposal which we have just reached agreement on. And its not as if this bill were one that could be easily or quickly disposed of—for it should not.

Mr. President, I may wonder out loud about the timing of bringing this bill up at this time. With the media and most Member's attention focused on more important matters—the Nation's budget—is now the time to move on a bill that will send American oil overseas? Because that is exactly what this bill will do—by lifting the long held ban on exporting Alaskan oil, it will allow the oil companies to take American oil and sell it to the highest bidder overseas.

Is now the time to move on a bill that will increase pressure to open up one of the only remaining pristine wilderness areas in the United States—the Arctic National Wildlife Refuge—to big oil and gas drilling? Because that is exactly what this bill will do—it will deplete our national oil reserves by sending American oil to other countries, and increase the pressure to open up the ANWR. The distinguished Senator from Alaska and bill author Senator MURKOWSKI admitted as much when he told the Anchorage Daily News on February 20 of this year that if we do not open up the ANWR, ''the oil on the West Coast is going to come from Colombia and it is going to come in on foreign vessels.'' And even yesterday on the floor, my distinguished colleague again said that lifting the export ban will increase pressure to open up new potential fields for drilling.

Mr. President, is now the time to move on a bill that could make the United States even more dependent on foreign oil? At time when this country is importing record amounts of oil, is now the time to move on a bill that would likely increase our oil imports? Does that sound like a long-term strategy to make the United States more secure, more prepared, more energy-independent? I do not think so.

Mr. President, what is being asked for here is a special exemption just for the state of Alaska. By law, no State—let me repeat, no State—may export oil unless it is found to be in the national interest to do so. Is exporting Alaskan oil in the Nation's best interest? On this matter I prefer to recall the words of my distinguished colleague, the senior Senator from Alaska [Mr. STEVENS]. In response to a question, Senator STEVENS on the floor of this body on July 12, 1973, said: ''I will assure the Senator from New Hampshire that so long as I am in the Senate, I will oppose the sale of Alaska's oil to Japan.'' The position of the distinguished Senator from Alaska was correct then, and it is correct now.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of S. 395, title II, which would allow for the first time the export of Alaska North Slope crude oil to foreign markets.

Mr. President, I have struggled long and hard over this bill. Constituents from my State have mixed views on the benefits of exporting ANS crude oil abroad.

After discussing this bill with all affected parties and weighing the pros and cons, I am convinced that this legislation, as now drafted, satisfies the problems that have been identified and, on balance, presents a win-win solution.

Let me briefly go over the concerns I have had, including the possible impacts on jobs, on crude oil supplies for the west coast, and on the environment.

JOBS

First, for this legislation to be a success, it must not eliminate jobs in one place while adding them somewhere else. That is why I support its requirement that any ANS crude exported abroad must be carried in American-flagged and American-crewed ships. Otherwise, crude oil that now comes to American refineries in American ships would instead be going to overseas refineries in foreign ships.

But I am also concerned that the ships carrying this crude be built in American yards. While I understand why such a requirement cannot be included in this bill, I have received assurances from BP America, the company that is most likely to be exporting the crude overseas, that it is committed to building any new ships needed for this trade in American yards. I received the following letter from BP America on this issue:

SEPTEMBER 30, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Further to discussions with you held September 30, 1994, if the ban on Alaska exports is lifted, BP will commit now and in the future to use only U.S.-built, U.S.-flagged, U.S.-crewed ships for such exports. We will supplement or replace ships required to transport Alaskan crude oil with U.S.-built ships as existing ships are phased out under the provisions in the Oil Pollution Act of 1990.

I hope that this commitment satisfies your request that Alaska oil exports be carried on U.S.-built, U.S.-flag ships, manned by U.S. crews.

Yours sincerely,

STEVEN BENZ,
President,
BP Oil Shipping Company, USA.

OIL SUPPLIES

Second, the loss of ANS crude oil supplies from the west coast of the United States must not create a situation where gasoline prices at the pump go up in our western States, or where our western refineries that now depend on this crude oil supply must close their doors because they are unable to replace it at a reasonable cost.

This bill specifies that the President shall determine on an annual basis whether independent refiners in the Western United States are able to secure adequate supplies of crude. If not, he is to make recommendations to Congress. Further, the bill requires that the GAO conduct a broader assessment of the impacts of the export of ANS crude after 5 years, including gasoline prices at the pump, and make any recommendations necessary.

ENVIRONMENTAL IMPACT

Third, I have been concerned that passage of this legislation could increase pressure for drilling in the Arctic National Wildlife Refuge and off the west coast of the United States. The administration has assured me that it will oppose such drilling, and that this is an issue that is totally separate from whether or not ANS crude should be exported.

BENEFITS

Now, Mr. President, let me turn to the dramatic benefits the export of ANS crude offers. The current law provides that all ANS crude be shipped to American refineries. This creates an artificial surplus in crude oil supplies on the west coast, which depresses the price that refineries are willing to pay for alternative sources of supply, such as the heavy crude oil pumped in Kern County, CA.

Independent oil producers in Kern County have laid off thousands of workers over the past decade, and shut down many wells. Eliminating the federally mandated oil glut on the west coast will raise the price paid for Kern County crude and make its production viable once again. The Department of Energy estimates that this will generate from 5,000 to 15,000 new jobs very quickly, with as many as 10,000 to 25,000 by decade end, most of which will be in Kern County.

As you know, Mr. President, California still has not joined the rest of the United States in a full recovery from the recession of 1990. Unemployment has remained particularly high in California's Central Valley, caused in part by dramatic fluctuations in annual rainfall, but also by the steady decline in employment and production in the Kern County fields.

So, in conclusion, Mr. President, I am pleased to state my support for this legislation, which will provide net positive benefits to our merchant marine, our independent oil producers, and the companies pumping ANS crude, while providing protection through periodic evaluation of its impacts for our shipyards and our independent refiners.

Mr. MURKOWSKI. Mr. President, I ask that the bill be read for the third time.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third time and was read the third time.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—74

Abraham	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Hatch	Packwood
Bryan	Heflin	Pell
Burns	Helms	Pressler
Campbell	Hollings	Pryor
Chafee	Hutchison	Robb
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Shelby
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
Daschle	Kennedy	Specter
DeWine	Kerrey	Stevens
Dole	Kyl	Thomas
Domenici	Leahy	Thompson
Dorgan	Lott	Thurmond
Faircloth	Lugar	Warner
Feinstein	Mack	

NAYS—25

Akaka	Gorton	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Reid
Bumpers	Hatfield	Rockefeller
Byrd	Kerry	Sarbanes
D'Amato	Kohl	Simon
Dodd	Lautenberg	Wellstone
Exon	Levin	
Feingold	Lieberman	

NOT VOTING—1

Biden

So the bill (S. 395), as amended, was passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

The title was amended so as to read:

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION OF AMENDMENT NO. 1105

Mr. MURKOWSKI. Mr. President, I would ask unanimous consent that amendment 1105 previously adopted by the Senate be modified to conform to the language which I now send to the desk.

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

The modification is as follows:

At the end of amendment No. 1104, add the following new section:

SEC. . RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;

(2) $13,000,000 in fiscal year 1997;

(3) $10,000,000 in fiscal year 1998;

(4) $8,000,000 in fiscal year 1999;

(5) $6,000,000 in fiscal year 2000;

(6) $3,500,000 in fiscal year 2001; and

(7) $3,500,000 in fiscal year 2002.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I believe there has been a request for a brief period of morning business. I would so ask unanimous consent that Senators wishing to speak in morning business be allowed to do so.

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

CIVILIAN MARKSMANSHIP PROGRAM SHOULD BE TERMINATED

Mr. LAUTENBERG. Mr. President, I rise to bring to my colleague's attention a copy of a letter I recently received from the Department of Defense regarding the Civilian Marksmanship Program.

The letter from Under Secretary of the Army Joe Reeder responds to a letter I sent recently to Defense Secretary Perry about the Civilian Marksmanship Program. It confirms my longstanding belief that the time has come for the Congress to terminate this program once and for all. The letter says "* * * the Army gets no direct benefit from the program" and that there is "* * * no discernible link" between the program and our Nation's military readiness. It goes on to say, "Last year and again last week, DOD repeatedly has conveyed to Congress that, while it will continue to administer the program as directed by Congress, it will also continue to support legislation ending the program."

This letter, Mr. President, is not a plea to the Congress to save a program that enhances our military readiness and national security. To the contrary. It is an invitation to terminate the program. I ask unanimous consent that a copy of the letter be printed in the CONGRESSIONAL RECORD at the end of my statement.

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

(See exhibit 1)

Mr. LAUTENBERG. Mr. President, recent press reports indicate that members of extremist militia groups in this country, which may pose a threat to public safety, may be gaining access to military bases and receiving weapons, ammunition, and training at Army facilities under the auspices of the Civilian Marksmanship Program. In one article, I learned that the leader of the Michigan-based militia group told ABC's "Prime Time Live" that he had access to U.S. military bases in Michigan for the purpose of training through this program. In another article, I learned that members of the Competitive Sportsman club were asked to leave Camp Grayling base when they showed up wearing Southern Michigan Militia patches. The American people have a right to know that their tax dollars are not being used to train people who may pose a threat to law abiding citizens and to peace and order in this country. The Defense Department should either investigate these allegations or call on another branch of the U.S. Government to do so.

In the meantime, Mr. President, the Civilian Marksmanship Program should be terminated. My colleagues know that I have long believed the Civilian Marksmanship Program is a low-priority program and is an egregious example of waste in Government. The program promotes rifle training for civilians through a system of affiliated clubs and other organizations, and sponsors shooting competitions. As part of these activities, the program donates, loans, and sells weapons, ammunition, and other shooting supplies. The Department of Defense has provided me with a State-by-State breakdown listing of 1,146 member clubs that participate in this program, which I will make available to any of my colleagues who wish to read it.

The program was first established in 1903, at a time when civilian marksmanship training was believed to be important for military preparedness. Yet the Pentagon says it supports legislation to terminate it and that there is "no discernible link" between military readiness and the Civilian Marksmanship Program. As Army officials told the GAO, no Army requirements exist for civilians trained in marksmanship, and no system is in place to track program-trained personnel. In a March 15, 1994, hearing in the Senate Defense Appropriations Subcommittee, Army Secretary West stated that national security objectives will be met with or without the Civilian Marksmanship Program.

In essence, the Civilian Marksmanship Program has provided a taxpayer subsidy for recreational shooting. In light of the budget deficit we face and the military needs we ought to address, this simply is not a justifiable use of scarce resources. After all, defense dollars are not used to subsidize other sports. They ought not be used to subsidize a shooting program which has no relationship to military needs and requirements.

Additionally, the program puts the U.S. Government in the role of selling weapons and ammunition to civilians. There is no shortage of guns and ammunition available in this country through the private sector. I do not believe the U.S. Government needs to be involved in putting more guns on the street in this country.

Mr. President, Senators FEINSTEIN, LEVIN, SIMON, and I recently introduced a bill, S. 757, to terminate the Civilian Marksmanship Program. I urge my colleagues to read the letter from Under Secretary Reeder and approve that bill without delay.

EXHIBIT 1

UNDER SECRETARY OF THE ARMY,
Washington, DC, May 11, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Secretary of Defense, the Honorable William J. Perry, has asked me on behalf of the Army, which serves as the executive agent for the Civilian Marksmanship Program (CMP), to respond to your letter regarding your concerns about the CMP.

The CMP was established by Congress in 1903 to develop marksmanship skills throughout our nation from which the armed forces could draw when needed for rapid mobilization. To this end, the CMP supported creation of rifle clubs throughout the country. There are 1,146 member clubs (the current listing at Tab A is an update from all previous reports on clubs).

Over time the mission of the CMP changed. Now, the current focus of the CMP is weapons safety, familiarization and the sport of marksmanship. The CMP is apolitical, and provides no instruction in military skills.

In FY 1994, the CMP spent $2.483 million of appropriated funds; $2.544 million are budgeted for FY 1995. The Army has requested no appropriated funding for the CMP in FY 1996, because the Army gets no direct benefit from the program. The FY 1996/1997 Biennial Budget Estimates submitted to Congress documents the request for no funds in FY 96. Last year and again last week, DOD repeatedly has conveyed to Congress that, while it will continue to administer the program as directed by Congress, it will also continue to support legislation ending this program. I have enclosed a copy of the recent OSD, General Counsel, response (Tab B) to The Honorable Floyd Spence, Chairman, House National Security Committee, and Ranking Minority Member Ron Dellums reiterating, ". . . no discernible link" between military readiness and the CMP.

DOD shares your concern that the CMP not inadvertently become involved with groups or individuals who may intend to harm federal or non-federal employees. To my knowledge the CMP has never endorsed the involvement of militia groups or extremists in any context. Before club status is granted, three adults responsible for the formation of the club must submit a DD Form 398–2 (Personnel Security Questionnaire) and pass a background investigation performed by the National Agency Check and Investigative Center. If Congress continues to direct that this program be implemented, we will continue to follow these procedures.

Section 4309, Title 10, United States Code, provides that all ranges built in whole or in part with Federal funds may be used by persons capable of bearing arms. Under this legislation, the CMP and other organizations may request the use of military ranges and are generally granted such use provided they comply with range and installation rules. They must not interfere with scheduled military training and their intended use must not pose a safety hazard. If we have any indication of misuse, we will take appropriate corrective action.

Thank you for your interest in this program. I hope this information addresses your concerns.

Sincerely,

JOE R. REEDER.

MINOR CROP PROTECTION ASSISTANCE ACT

Mrs. MURRAY. Mr. President, today I rise to join my colleagues as a cosponsor of the Minor Crop Protection Assistance Act. This legislation will provide much needed relief to the food and horticultural industries so important to the economy of my State and the Nation.

This purpose of this legislation is simple: It is all about economics. This legislation seeks to provide some relief to producers of minor crops who face the imminent threat of losing access to vital, and safe crop protection tools due to market forces. Currently, registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] with EPA is an intensive process, involving as many as 120 data requirements. Chemical manufacturers are forced to make the decision to cancel, or not reregister, crop protection tools for use on minor crops because the resulting

sales revenues will not support the high costs of reregistration. The result is that many safe minor crop protection chemicals have been dropped from production, despite the essential role they play for our minor crop growers.

The production of the minor commodities, as they are called, is in fact of major importance to Washington State. In Washington, 90 percent of our agricultural industry is in minor crops. Most notable are hops, apples, small fruits, vegetables, and hay. Washington alone produces 77 percent of all commercially consumed hops in the United States. Hops growers have five pesticides available to them, and four of these are in danger of being lost due to the high cost of reregistration. If only one pesticide is available, pests will quickly develop their resistance and this compound will become obsolete as a tool for crop protection. Another example comes from the hay producers in Washington. The hay we grow makes up one-third of the world's hay market. We export 75 percent of our product. One particular pesticide which is essential to the growth cycle is in danger of not being reregistered. If it goes, with it will go our global market share.

This purpose of this bill is not an issue of public health or public safety, this is an issue of economics. It is designed to preserve safe minor use pesticides and to encourage the development of environmentally sound pest management tools. We need to provide the economic incentive for pesticide manufacturers to pursue the costly reregistration of products with limited market potential.

The Environmental Protection Agency and the U.S. Department of Agriculture recognize this situation. They have worked with a coalition of minor crop producers and my colleagues, Senator LUGAR and Senator INOUYE, on this legislation. Accordingly, this bill streamlines the registration and reregistration process, and provides new incentives to the pesticide industry to pursue minor crop registrations. Most importantly, this bill reinforces EPA's authority to deny reregistration of minor use pesticides out of concern for public safety. In the Administrator's judgment, if a pesticide puts the public at too great a risk, the incentives for development, registration, or reregistration can be revoked.

A safe food supply is very important to me. Minor crops, which in large part are fruits and vegetables, are staples in the diets of infants and children, and they also receive large applications of pesticides. In its 1993 report, ''Pesticides in the Diets of Infants and Children,'' the National Academy of Sciences found that current pesticide standards may be inadequate to protect infants and children from pesticide exposure and recommends policies to increase protection.

While this legislation addresses a market issue, it leaves us with the responsibility of addressing the complex issue of food safety and the adequacy of the current pesticide regulatory system. In no way are we relieved of dealing with pesticide issues in a comprehensive manner.

I am very interested in promoting the development of newer, safer pesticides, and encouraging farmers to decrease their use of dangerous pesticides. Our efforts in this bill should go hand in hand with incentive-based approaches that encourage integrated pest management, and even organic production practices. I look forward to working with my colleagues to address the shortcomings of our current pesticide regulatory system, and to encourage innovative approaches for the future.

TRIBUTE TO MASSIMO SANTEUSANIO

Mr. KERRY. Mr. President, I would like to acknowledge a ceremony which was held yesterday in Boston to honor Mr. Massimo Santeusanio.

Mr. Santeusanio recently celebrated his 100th birthday and the ceremony is to honor not only this extraordinary event but his service during World War I. He is to this day an inspiration to those Americans who appreciate the unselfish sacrifices made in defense of freedom and liberty. During this Memorial Day period, I would like to express our country's gratitude to all World War I veterans through Massimo Santeusanio.

WELFARE REFORM

Mr. PELL. Mr. President, I have today received a copy of a resolution passed by the Rhode Island House of Representatives, outlining the devastating consequences that H.R. 4, the Personal Responsibility Act, would have on the State of Rhode Island if it becomes law.

This resolution, introduced by Rhode Island State Representatives Benoit, Sherlock, Williams, Kellner, and Bumpus, articulates far better than I can the great damage that this legislation would do to the neediest of Rhode Island families.

As the welfare debate begins in earnest in the Senate, I hope that my colleagues will bear in mind the strong opposition of many in my State to this proposal, and will heed in particular the part of the Rhode Island House of Representatives' resolution which urges us to ''Put children first by working for humane welfare reform that provides for all citizens in need during difficult economic times, that supports effective return-to-work programs, and that recognizes that the care given to our Nation's children is a shared Federal-State responsibility. * * *''

I ask unanimous consent that the resolution passed by the Rhode Island House of Representatives on May 10, 1995, be printed in the RECORD.

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

HOUSE RESOLUTION

Whereas, under the provisions of the Personal Responsibility Act (H.R. 4), Aid to Families with Dependent Children would be replaced by the Temporary Family Assistance Block Grant, and the entitlement program which guarantees benefits to all children who qualify would be eliminated. Under the proposed block grant financing formula, Rhode Island would receive $54 million less in federal funds over the next five years, and an estimated 25,000 children would be denied benefits; and

Whereas, while the Personal Responsibility Act purports to return control to the states, the block grant legislation, in reality, contains many federal prohibitions limiting states' freedom that would deny eligibility to several categories of children and families; and

Whereas, the Personal Responsibility Act would virtually eliminate cash assistance to 21% of the disabled children currently in the SSI program, and $27 million less in federal funds would be available to Rhode Island over the next five years; and

Whereas, all child nutrition programs would be replaced by two block grants; federal funding would be reduced by 10%; federal nutrition standards would be repealed; eligibility for food stamps would be sharply curtailed by federal restrictions with the result that Rhode Island would receive a combined total of $127 million less in federal funding over the next five years; and

Whereas, funding for several major child protection programs would be sharply reduced and replaced by a block grant, and Rhode Island would receive $15 million less in federal funding over the next five years, sharply reducing funds for adoption assistance, foster care, and the computerization of the state's abuse and neglect tracking system; and

Whereas, essential child care programs that enable low-income families to work would lose their entitlement status; Rhode Island would receive $8 million less in federal funding over the next five years and $2.4 million less by the year 2000, thereby resulting in 1,570 fewer children receiving assistance; and

Whereas, most legal immigrants would be ineligible for most programs, leading to a loss in federal aid to Rhode Island of $72 million over the next five years; now, therefore, be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby respectfully requests that the Rhode Island Congressional delegation:

1. Oppose the Personal Responsibility Act (H.R. 4) as passed by the United States House of Representatives; and

2. Put children first by working for humane welfare reform that provides for all citizens in need during difficult economic times, that supports effective return-to-work programs, and that recognizes that the care given to our nation's children is a shared federal-state responsibility; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the Rhode Island Congressional Delegation.

NORWEST BANK OF COLORADO AND ATLANTIS COMMUNITY, INC.

Mr. CAMPBELL. Mr. President, I want to say a few words of congratulation to the people who work for

Norwest Bank of Colorado and Atlantis Community, Inc.

Atlantis Community is the largest home health care agency in Colorado, with an outstanding record of service to and advocacy for disabled individuals. With Norwest Bank, Atlantis developed a unique program to help lower income disabled people achieve an American dream: the dream of owning a home.

Atlantis and Norwest pioneered the Disability Community Homeownership Program to help provide home mortgage financing to disabled people. This program features 15- to 30-year first mortgage loans with no down payment, no closing costs, below market interest rates, and other advantages to qualified home buyers. In 1993, Norwest set aside $2.5 million for loans to the disabled community. Norwest now has over $6 million in home loans to 100 people with disabilities, who could not avail themselves of existing lending programs.

Atlantis teamed with Norwest to help build awareness of this program among the disabled community. In addition, Atlantis offers financial counseling and money management services specifically tailored to meet the needs of disabled people. The interest in these services was so high, Atlantis and Norwest decided to expand it to a consumer loan program for buying and modifying vehicles, improving disabled access to homes, and other purposes.

In recognition of these community-oriented efforts, Atlantis and Norwest received nominations for the Social Compact Outstanding Community Investment Award. Social Compact is a coalition of hundreds of leaders from the financial services and community development industries, coming together to strengthen American communities through neighborhood partnerships.

I congratulate Atlantis and Norwest for their nominations for this award, and I applaud their initiative for turning community concerns into concrete results.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz once more. You remember—one question, one answer:

Question: How many million dollars are in $1 trillion? While you are arriving at an answer, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.8 trillion.

To be exact, as of the close of business Monday, May 15, the exact Federal debt—down to the penny—stood at $4,881,377,281,278.42. This means that every man, woman, and child in America now owes $18,529.79 computed on a per capita basis. Which, I might add, is an increase of $22 million over the weekend.

Mr. President, back to the pop quiz: How man million in a trillion? There are a million, million in a trillion.

MEXICO IS A LENINIST STATE

Mr. MOYNIHAN. Mr. President, in late January I came to the floor to speak of our relations with Mexico in the context of the new North American Free-Trade Agreement. My remarks appeared in the RECORD under the heading ''Free Trade With an Unfree Society.'' I returned to a theme which I had stated on a number of occasions since NAFTA was first proposed during the administration of President Bush. I had been an enthusiastic supporter of the free-trade agreement with Canada, but was troubled by the thought of a similar arrangement with Mexico, and for the most elemental reason. I argued that the political and legal arrangements of the United States and Canada being essentially symmetrical, the vast involvement in one another's affairs, the partial ceding of sovereignty implicit in such an agreement would provide quite manageable. There would be no political loss and considerable economic gain. Optimality, as an economist might say. By contrast, I feared that our political and legal institutions were anything but symmetrical with those of Mexico. Mexico, I said, was a Leninist state.

I had hoped for some response to this statement from the executive branch, but there was little. Indeed, apart from a gracious note from our distinguished Treasury Secretary, Robert E. Rubin, there was none. In any event, we were then, in January, caught up in an intense effort to save Mexico from defaulting on its foreign debt. This was the first of what I fear will be a sequence of such crises, and it seemed gratuitous to press the argument in that atmosphere. But now the first crisis has eased, thanks in large measure to what Alexander Hamilton, our first Secretary of the Treasury, termed ''energy in the executive,'' now embodied in his successor, Secretary Rubin. And so I would take this quiet morning to return to the subject.

I would begin by calling attention to an essay by William Pfaff, which appeared in the International Herald Tribune on March 16. Mr. Pfaff, who writes from Paris, is a foreign policy analyst of unexampled range, depth, and experience. He would be such if he lived in Utica, but living abroad gives him a singular perspective on American affairs. His essay begins with this simple, chilling analogy.

The commitment the United States now has made to Mexico bears a distinct resemblance to the commitment it made to Vietnam during the late 1950s and the early 1960s, when the troubles in that country were only beginning.

That was war and this is peace. Nonetheless now, as then, with as little reflection and a simplistic ideology, Washington has taken on responsibility for the fortunes of another nation that it scarcely knows and fails to understand.

In Mexico this American assumption of responsibility is primarily economic, but Mexico's economic plight is inseparable from the political crisis afflicting the eleven-decade-long dictatorship in Mexico of the PRI, or Institutional Revolutionary Party, historically the vehicle of Mexican nationalism—and of resistance to American exploitation of Mexican oil resources.

Washington has demanded, and last Friday was given, Mexico's promise of a program of economic austerity with distressing implications for millions of Mexicans, who only weeks ago were being told that their country's membership in NAFTA assured rising prosperity for them and their country. One aspect of the new arrangement is that a major part of Mexico's future oil revenues is pledged against the new American and international loan guarantees.

Even without the debt crisis a national upheaval is under way in Mexico which not even the Mexicans can be sure they can solve. Washington's commitment to a solution is an engagement with the uncontrollable and unforeseeable.

In my January statement I was unapologetic about discussing government in the abstract. I allowed as how Speaker GINGRICH, by encouraging us to read or re-read The Federalist, was directing us to just such abstractions, which very much engaged the Founders of the Nation. They ransacked history for different ideal types of government for lessons to be learned and contrasts to be made with the new American Republic which they had set about constructing. Here, then, is a definition of Leninism from the ''Harper Dictionary of Modern Thought.'' The capitalized words are employed in the original for purposes of cross reference:

Leninism. The term refers to the version of MARXIST thought which accepts the validity of the major theoretical contributions made by Lenin to revolutionary Marxism. These contributions fall into two main groups. Central to the first was the conception of the revolutionary party as the vanguard of the PROLETARIAT. The workers, if left to their own devices, would concentrate on purely economic issues and not attain full political CLASS consciousness, and therefore the revolutionary seizure of power needed the leadership of committed Marxist ACTIVISTS to provide the appropriate theoretical and tactical guidelines. The role of the party was thus to be a ''vanguard'' in the revolutionary struggle which would culminate in the overthrow of the CAPITALIST STATE and the establishment of a DICTATORSHIP OF THE PROLETARIAT under the HEGEMONY of the party.

The second major theoretical contribution made by Lenin was to draw the political consequences from an analysis of CAPITALISM as both international and imperialist. The phenomenon of IMPERIALISM divided the world between advanced industrial nations and the colonies they were exploiting. This situation was inherently unstable and led to war between capitalist nations thus creating favorable conditions for REVOLUTION. For Lenin, the ''weakest link'' in the capitalist chain was to be found in UNDERDEVELOPED regions of the world economy such as Russia where the indigenous BOURGEOISIE was comparatively weak, but where there had been enough INDUSTRIALIZATION to create a class-conscious proletariat. The idea of world-wide SOCIALIST revolution beginning in relatively backward countries led to the inclusion of the peasantry as important

revolutionary actors affording essential support to the proletariat in establishing a socialist order. Such socialist revolutions in underdeveloped countries would exacerbate the contradictions inherent in advanced capitalist economies and thus lead to the advent of socialism on a world scale.

As compared with the ideas of Marx and Engels, Leninism gives more emphasis to the leading role of the party, to backward or semi-colonial countries as the initial site of revolution, and to the peasantry as potential revolutionary agents. With the success of the BOLSHEVIK revolution in 1917, Leninism became the dominant version of Marxism and the official IDEOLOGY of the Soviet Union. Lenin's analysis of imperialism and his idea of the ''weakest link'' also made his version of Marxism appealing to emerging ELITES in the THIRD WORLD. In the West, however, while Leninist principles are maintained by the small Trotskyist parties, many adherents of eurocommunism have begun to ask how far Leninist ideas reflected specifically Russian circumstances and should therefore be modified to fit the conditions of advanced capitalist societies.

Clearly, Leninst doctrine and Soviet example had considerable appeal to the revolutionary leaders and intellectuals who came to power in Mexico in the 1920's. It happens this was a time of artistic energy, perhaps especially in mural paintings of Diego Rivera, Jose Clemente Orozco, and David Alfonso Siquieros. To this day one can see on the walls of the Government buildings of Mexico City vast scenes of revolutionary tumult. Amid a sea of yellow sombreros and silver machetes there is sure to be found an incongruously bearded Lenin turned out in a starched collar and black necktie. That, and of course, swarms of red flags.

If the Soviet experiment attracted sympathizers, even adherents, in the United States in those years, I would hazard that public opinion would have shown even greater sympathy for the goings-on in Mexico. A wonderful encounter came at the time of the construction of Rockefeller Center in New York City in the early years of the Great Depression. Diego Rivera was commissioned to paint a fresco for the lobby of the central RCA building, as it then was. Word got out that it would include not only red flags, but Lenin himself. Nelson A. Rockefeller, who was managing the enterprise, demurred. Much hullabaloo followed, leading in turn to the classic poem by E.B. White of the New Yorker, ''I Paint What I See,'' describing an imagined encounter between the youthful scion of great wealth and the revolutionary artist. Here are passages.

''Whose is that head that I see on my wall?''
Said John D.'s grandson Nelson.
''Is it anyone's head whom we know, at all?
''A Rensselaer, or a Saltonstall?
''Is it Franklin D.? Is it Mordaunt Hall?
''Or is it the head of a Russian?''

* * * * *

''For twenty-one thousand conservative bucks
''You painted a radical. I say shucks,

* * * * *

''For this, as you know, is a public hall
''And the people want doves, or a tree in fall,
''And though your art I dislike to hamper,
''I owe a little to God and Gramper,
''And after all,
''It's my wall. . .''
''We'll see if it is,'' said Rivera.

As I noted in January, it was no accident that when Leon Trotsky fled the Soviet Union, having lost out to Stalin in the struggle to succeed Lenin, he did not settle in Paris, where failed revolutionaries were supposed to go. He went to Mexico City, where he set up in considerable style, surrounded often as not by American acolytes.

Two things are to be said about the coming to power of the Institutional Revolutionary Party in 1929. First—the great English historian Sir John Plumb has made this point—it was a blessing for the Mexican people who for decades had lived through indescribably bloody and agonizing turmoil. Of a sudden, stability was achieved. Sir John makes the point that revolutions are easy; it is the onset of stability that is rare in human experience. The second point is that nothing like the Leninist terror followed the coming to power of the PRI. Diplomatic relations with the Papacy—severed since 1867 when Benito Juárez implemented strict controls of church power—became particularly hostile in 1926 during the rule of Plutarco Elías Calles, who would later organize the PRI. His strict enforcement of the anticlerical provisions of the Constitution sparked the Cristero rebellion which lasted 3 years. The Mexican Government and the church reached a modus vivendi in 1929 and after that Catholicism, the religion of the people, was not generally speaking suppressed. But do not fail to take note of Graham Greene's ''The Power and The Glory.''

Even so, one party control, and the corruption that so quickly follows, settled on the Republic of Mexico. The forthcoming 1994–95 edition of ''Freedom in the World,'' the authoritative annual survey published by Freedom House, states:

Since its founding in 1929, the PRI has dominated the state through a top-down corporatist structure that is authoritarian in nature and held together through co-operation, patronage, corruption and, when all else fails, repression. The formal business of government takes place secretly and with little legal foundation.

I correct Leninist practice, the party controlled not only the State, but all the private institutions that might seem to be arrayed against the State, most importantly the trade unions. The Department of State reports in the Country Reports on Human Rights Practices for 1994:

The largest trade union central is the Confederation of Mexican Workers (CTM), organizationally part of the ruling PRI. CTM's major rival centrals and nearly all the 34 smaller confederations, federations, and unions in the Labor Congress (CT) are also allied with the ruling PRI.

Of late, however, the Leninist state in Mexico appears to have entered a time of troubles, possibly of disintegration. As William Pfaff, writes, ''a national upheaval is underway.'' Let us turn to Tim Golden's account of the May Day celebrations in Mexico City this year.

DEFIANT WORKERS IN MEXICO PROTEST GOVERNMENT POLICIES.

MAY DAY DEMONSTRATION IN CAPITAL'S CENTER

Defying the pro-Government union leaders who have dominated Mexican labor since the 1930's, independent unions and leftist political groups turned the celebration of Labor Day today into an outpouring of anger at the economic policies of President Ernesto Zedillo.

The limited political strength of the independent labor movement was evident in the colonial central square of this capital, where the biggest of more than a dozen protests around the country drew only about one-fifth of the 350,000 demonstrators that organizers had predicted. But for the first time in decades, May Day's main political act was something other than a loyal tribute to the Government and its long-ruling Institutional Revolutionary party.

Leaders of the pro-Government unions had canceled their traditional parade through the square weeks ago, apparently out of fear that they would be unable to control the critics in their ranks.

Trade union subservience to the PRI has been a settled fact for half a century. As I noted in January, this hardly escaped the notice of the American labor movement. Perhaps more recently the party seems to have begun parceling out hugely profitable state enterprises or resources to favored business leaders, who have evidently become fabulously wealthy. A dacha outside Moscow is one thing; $25 million a plate fundraising dinners in the Presidential palace are surely another.

Such enormities, such contrasts can never be stable, and in Mexico the system is obviously under strain, as Pfaff observes.

On March 23, 1994, Luis Donaldo Colosio, the Presidential candidate of the PRI, was assassinated in Tijuana. One Mario Aburto Martinez was arrested at the scene, convicted, and sentenced to 45 years in prison. The administration of Carlos Salinas de Gortari, who had chosen Colosio as his successor, maintained that the assassination was the work of this lone gunman. However, on February 25, 1995, the new Mexican Attorney General Antonio Lozano Gracia announced the arrest of a second suspected gunman, Othon Cortes Vazquez, a PRI security guard.

A second political assassination occurred on September 28, 1994, when Jose Francisco Ruiz Massieu, the Secretary-General of the PRI was killed in Mexico City. On February 28, 1995, Attorney General Lozano Gracia announced the arrest of Raul Salinas de Gortari, the brother of former President Salinas, in connection with Ruiz Massieu's assassination. The investigation into the Ruiz Massieu assassination had previously been carried out by the victim's brother, Mario, who was soon after arrested in the Newark, NJ airport with $46,000 in undeclared cash. The Mexican Attorney General has since located $10 million in United States bank accounts linked to Mario

Massieu which he apparently obtained while in charge of Mexico's counternarcotics program.

Add a further twist to the tale. Former President Salinas whom the United States supported as our candidate to be the first president of the World Trade Organization until this story was revealed, is now living in the United States in virtual exile.

And now another political murder would seem to have occurred. On May 10 the former Jalisco State Attorney General, Leobardo Larios, who previously had been responsible for investigating the 1993 killing of Cardinal Juan Jesus Posadas Ocampo, was assassinated in Guadalajara. At the time of Cardinal Posadas Ocampo's assassination, the first official explanation of the killing was that the Cardinal had been accidentally killed in the cross-fire between two rival drug cartels. However when the autopsy later revealed that the Cardinal had been shot 14 times at close range, Leobardo Larios postulated that the Cardinal had been mistaken for the leader of a local drug ring, despite the fact that the Cardinal was wearing his clerical garb.

Revelations such as these are familiar. Power in Mexico has resided within the PRI and on occasion arguments within the party settled by murder. These features of Leninist totalitarianism appeared early in the Soviet state. In ''Political Succession in the USSR'' (1965), Myron Rush explains,

> [W]hile Lenin still ruled, he exercised his power through both the Party and the government. In the Party, formally, he had no special position but was simply a member of the Politburo along with six others; he headed the government, however, as Chairman of the Council of People's Commissars. He governed through the state apparatus directly, through the Party apparatus indirectly. * * * The Party, as the embodiment of the Revolutionary will, decided overall policy.

After Lenin's death, no one person was in a position to consolidate power.

The ensuing power struggle was waged for control of the party, not for control of the Government. At the time of Lenin's death there were six other members of the Politburo, the chief deliberative body in the party for the formation of policy, including Stalin and Trotsky. By 1929 Joseph Stalin had managed to expel the other five surviving members of the Politburo and secure unchallenged leadership of the party, and by extension of the state. Stalin did not take a political title until May 7, 1941, when he became the formal head of the Government as chairman of the Council of People's Commissars. Mexico continues to maintain the Leninist model of having the President fulfill the official role of head of state, while controlling the party without formal title, though the party and the Government appear to be moving apart somewhat. Much of what happened of late in Mexico echoes an earlier time of change and violence. But there is much that promises a new era altogether.

On May 23, 1991, as we in the Senate debated granting fast-track authority to enable the administration to negotiate the North American Free-Trade Agreement, I took to the floor to explain my opposition. I began, ''Mr. President, for some months now, I have made the point to the administration that Mexico does not have an independent judiciary.'' This was, and I fear still is, a matter of seeming small interest to our Department of State. But observe. It has become a matter of considerable interest to the rulers of Mexico. On May 12, 1994, the first ever Presidential debate took place between Ernesto Zedioll Ponce de Leon, the PRI candidate who succeeded the assassinated Colosio, and his opponents from the National Action Party [PAN] and the Party of the Democratic Revolution [PDR]. During the debate Diego Fernandez de Cevallos of the National Action Party charged that Zedillo does not get a passing grade in democracy. If elected, Mr. Fernandez de Cevallos promised to form a plural government. In turn, Zedillo used the debate to announce his intentions to establish a truly independent judiciary. The CIA Foreign Broadcast Information Service records him as saying, ''I am proposing the total reformation of our judicial system. This must be a deep-rooted reform, starting virtually from ground zero, because we need a justice system that will function for the Mexican people.''

Once elected, President Zedillo in one stroke cleared the bench of all 21 sitting supreme court justices. These judges had been appointed for life. Like most things in Mexico, while the constitution provides for an independent judiciary, reality is something quite different. Appointments to the court are made by the President and approved by the Senate; in which 95 of the 128 Senators belong to the PRI. Again, Freedom House is instructive:

> The judiciary is subordinate to the president, underscoring the lack of a rule of law. Supreme Court judges are appointed by the executive and rubber-stamped by the Senate. The court is prohibited from enforcing political and labor rights, and from reviewing the constitutionality of laws. Overall, the judiciary system is weak, politicized and riddled with corruption.

And yet, and yet, very possibly President Zedillo means to change this. And to change much else. The North American Free-Trade Agreement surely indicated a desire by Mexican elites to begin to put the institutions of the Leninist state behind them; indeed, to throw in with the liberal democratic states that appear to have prevailed in that epic struggle of the 20th century. Pfaff writes:

> The new president, Ernesto Zedillo, a product of the PRI system, is attempting to reform the party and the way it has perpetuated itself in power. For the first time crimes committed within the party leadership are being exposed to public view, investigated and given the promise of prosecution.

It may be the United States can help. More to the point, we have no choice but to try to help. We have made a huge commitment to this relationship. There is no point arguing whether we should have done so. We did. And in no time at all we began to realize this. The Mexican currency crisis appears to have been the direct result of overspending on imported consumer goods, which the ruling party determined would help with yet another Presidential election, this time when there was serious opposition. Perhaps not least because in a North American free-trade zone it is taken as normal for elections to involve more than one party! My argument is to a somewhat different point. I have been here on the Senate floor talking about the nature of the Mexican state for half a decade. Apart, as noted earlier, from a generous note from the Secretary of the Treasury, I have never had the least indication from the executive branch that anyone had the least idea what I was talking about. In my remarks in January, I noted that the American labor movement had no such difficulty. From the time of Samuel Gompers, who in 1924 had to be brought across the Rio Grande so that he might die on American soil, American labor has followed events in Mexico with clear understanding of the threat a Leninist state poses to a free labor movement. Can the Nation ever adequately express our debt to the leaders of the A.F. of L. and later the AFL–CIO, for their international activism through all those years of the cold war? But the Department of State? To my knowledge, there has been little or no interest at all in any of this.

The President has just returned from Moscow, where the great transition from totalitarianism is underway, to what purpose and what end we do not know. But surely, we know that it matters to us. Surely, the Department of State has focused attention on the matter; has proposed policies, responses. The same intelligent, patient, persistent attention needs to be paid to the transition in Mexico. There is, perhaps, not that much America can do, especially given our long history of aggression against Mexico, and the consequent suspicion of our motives. But surely we can let it be known that we have some inkling what they are going through. There are small ''d'' democrats in Mexico who need to know this. If there is anything we have learned from this hideous century is that it makes all the difference when those who resist totalitarian regimes know that there are those abroad who know of their resistance. I do not wish to suggest that Mexico is in any way to be compared with, shall we say, East Germany. But still, it is not Denmark and those who would see it change need to know that we are with them. At the same time, we need to be very careful about the commitments we take on. It is perhaps a heartless thing to say of so rare a thinker as William Pfaff, but I

hope this time, for once, he does not prove to be prescient. But this can only happen if we attend to what he foresees.

The financial crisis has eased. We are free to think anew and act anew. There was at least one such moment in our involvement with Vietnam. We missed it.

SOUTH DAKOTA FLOODS

Mr. PRESSLER. Mr. President, once again, Mother Nature's fury is challenging the spirit and perseverance of South Dakotans. For the past several weeks, persistent rains have brought flooding conditions to much of the State for the third straight year. As a result, 38 counties already have been declared disaster areas. More counties may be added in the days ahead. Just by way of comparison, in July 1993, 33 counties were disaster areas due to the heavy rainfall and flooding that made front page headlines nationwide.

Flooding has made vital roads and bridges impassable, placing the assurance of basic services at risk. Rivers and streams overflowing their banks have wreaked havoc in urban and rural areas across South Dakota—basements, fields, and roads are inundated with water. Damage to public and private property threatens the well-being of farmers, small business men and women, families, and individuals.

On Monday, Gov. Bill Janklow requested that the President declare the State a disaster area and provide Federal emergency assistance in excess of $16 million. The devastation appears already to have surpassed that caused by the so-called Great Flood of 1993. Some areas of the State already are experiencing their wettest springs in history with 3 weeks remaining in the season.

An end does not appear to be in sight. National Weather Service reports indicate heavy precipitation will continue through the end of this month and maybe into this summer. If this is the case, South Dakota once again may resemble the Great Lake of the Midwest.

South Dakotans clearly are experiencing hard times. The Governor's office has informed me that the State is using all the resources it can to assist those in need. Federal help is critical. As South Dakota's senior Senator, I intend to do all I can to ensure that the President and our Federal agencies respond to South Dakota's disaster needs swiftly and diligently. The people of South Dakota deserve and should expect no less from their Government.

I already have written to the President, the Federal Emergency Management Agency [FEMA], and the Small Business Administration [SBA], and the Federal Highway Administration, alerting them of South Dakota's urgent situation and urging quick approval of the Governor's aid request.

I also invited the Administrator of the Federal Highway Administration, Rodney Slater, to personally assess the damage of our flood-damaged roads and bridges and to give immediate consideration to a request from the State for assistance. Having endured $1.2 million of damage to roads and bridges last year, additional damage to roads and bridges makes FHWA assistance even more critical this year.

Administrator Slater for some time has planned to survey damaged roads and bridges in South Dakota. Unfortunately, he has not scheduled a visit. Now is as good a time as any for him to see just how serious the situation is.

South Dakotans have no time to waste. The Federal Government should act, and act fast. South Dakota deserves the same response other areas of the Nation receive in times of need. I intend to see that this action is taken.

What kind of action can be taken at the Federal level? Plenty. In fact, a number of initiatives can be taken without a Presidential disaster declaration—initiatives that are critical to South Dakota farmers and ranchers. First and foremost, the Department of Agriculture and the Federal Crop Insurance Corporation must provide far greater flexibility in the administration of the Crop Insurance Program to South Dakota farmers.

The Crop Insurance Program, which has replaced disaster payments as the central means for emergency relief, is predicated on the planting of crops. However, as we all know, the clear problem caused by the recent rain and floods for crop farmers is that they are unable to plant. Consider the percentage of crops planted, as of May 8, 1995, as compared to the 5-year average: corn—1 percent, 5-year average—19 percent; spring wheat—17 percent, 5-year average—89 percent; oats—12 percent, 5-year average—85 percent; barley—6 percent, 5-year average—84 percent.

I already have written to Agriculture Secretary Glickman, urging administrative flexibility for the Crop Insurance Program. Specifically the Secretary needs to take the following steps:

First, provide prevent planting coverage on crops that producers paid premiums on. If a producer was unable to plant the insured crop by the final planting date, crop insurance should pay the prevented planted indemnity and permit the producers to plant any subsequent crop possible and insure that crop.

Second, provide crop insurance coverage for producers who aerial seed this year's crop. With the degree of wet conditions occurring in South Dakota, aerial seeding needs to be considered a usual practice.

Third, withhold penalties against producers by permitting prevented planting coverage even if a producer enters the 0/92 program.

Fourth, release Conservation Reserve Program [CRP] acres for haying and grazing.

Fifth, extend immediately the May 15 deadline for calving on CRP acres. I am pleased that Secretary Glickman has responded to this request, and has extended the deadline.

Sixth, permit the following crops to be planted this year without the loss of farm program benefits: millet, soybeans, buckwheat, sunflowers.

FEMA, SBA, and the FHWA also should be equally responsive, fair, and flexible to the needs of South Dakotans should the Governor request Federal assistance.

The need for equitable treatment in response to disasters is very important to me. In recent years, I have been very critical of what I believe to be the apparent discriminatory administration of Federal emergency assistance. It seems that disaster aid is always quick in coming to States and localities with major media markets and big electoral votes. However, whether you are from Humboldt, CA, or Humboldt, SD, a disaster is a disaster—a lost home, business, or income due to Mother Nature is hard for all Americans, regardless of where they live. Thus, treatment of these disasters should be fair.

Once again, the wrath of Mother Nature is challenging the people of our great State. Times are tough, but I know South Dakotans will persevere. The pioneer spirit and sense of community within all South Dakotans will rise to the occasion. In the last few days, my wife Harriet and I have talked to a number of our friends in South Dakota. We have heard the difficulties they have faced. Our hearts and our prayers are with them—the farmers, ranchers, business men and women, and the families impacted by the flooding. I intend to do all I can to ensure that the Federal Government stands side-by-side with all South Dakotans during this difficult time. The President can begin this effort by approving Governor Janklow's request and send assistance where needed. I urge him to do so without delay. Again, the people of South Dakota should expect and deserve no less.

CELEBRATION OF THE LIFE OF ED ROBERTS

Mr. HARKIN. Mr. President, it was with profound sadness that I learned of Ed's death. On March 14, 1995, not only did the world lose one of our most dynamic and forceful advocates for the rights and empowerment of people with disabilities; on that day, I lost a friend and confidant.

Ed Roberts was a kid who lived for baseball when he contracted polio at age 14. He became severely disabled almost overnight, needing large equipment and assistance simply to breathe. Ed overheard the doctor tell his mother that it would be better if he died because he was going to be a vegetable. He decided right then that if he was going to be a vegetable, he would be an artichoke: prickly on the outside with a tender heart.

A lot of people told Ed there were a lot of things he could not do.

They told him he could not graduate from high school because he could not pass PE or driver's education, so he

had to argue with and convince his principal to change these requirements because they were not fair.

They told Ed he could not attend the University of California at Berkeley because they had never had a student in a wheelchair, one who used a respirator, or one who slept in an iron lung. Ed fought all that too, and convinced the university to admit him. ''Helpless Cripple Goes to College'' was one of the headlines marking Ed's entrance to college.

They made him live in the infirmary. But Ed was not helpless. By the time Ed left UC Berkeley, he and fellow student activists who called themselves the Rolling Quads had organized funding to begin transforming the campus into a model of physical accessibility for students with disabilities.

As Ed said, ''We realized that we could change some things, and the first thing we can do is change our own attitudes toward ourselves, be proud of who we were and what we were and go out and change it for others and for ourselves * * * that liberated me when I realized that I can help others. It made me a lot freer to help myself.''

Ed went on to graduate school in political science and taught at UC Berkeley for several years. One of Ed's deans once told him, ''Oh, you'll finish your Ph.D and they you'll live in a nursing home.'' But Ed knew otherwise. He told that dean, ''No, that's not the plan. We're here to change that whole idea.'' And at his memorial service, a representative from the university described him as ''bringing the honor of being the right kind of troublemaker here at Cal.'' Today, over 800 students with many kinds of disabilities attend UC-Berkeley where there are scholarships in his name for undergraduate, graduate, and postdoctoral students with disabilities.

After his university years, Ed went on to establish the first Center for Independent Living in the country. Where was it was located? Where else? Berkeley. Today there are over 300 independent living centers all across the country. Independent living is a philosophy which defines independence as full inclusion of people with disabilities in all aspects of community life. Ed lived this philosophy, and he helped others live it as well. His colleague Doug Martin, ADA and 504 compliance officer for UCLA, recently described Ed during the CIL years when he said, ''He believed in us before we believed in ourselves.''

Ed's philosophy of independent living, and his ability to get the money and the people behind it changed our lives. It changed the lives of millions of people in this country and abroad—people with disabilities, their families, their friends and many others who began to see the universality of his approach. As Ed put it, ''I'm paralyzed from the neck down, but I'm completely in control of my own life. I can make decisions about what I want.''

Early on, they told Ed he was unable to be rehabilitated. However, this rehab failure went on to become director of the California State Department of Vocational Rehabilitation. You see, Ed loved to turn barriers upside down, rendering each one a challenge in his own slalom course toward empowerment and independence. And by the end of his tenure in Sacramento, Ed knew he wanted to be a full-time rabble-rouser. Ed told his friend Stephen Hofman, ''I don't want to work. It prevents you from raising hell, and I like to raise a lot of hell * * * After all, if raising hell doesn't work, the only solution is to raise even more hell, and then, they give up!''

As Joe Shapiro wrote in U.S. News & World Report the week after Ed died, ''He knew that it was the paternalism of others, more than his own disability that held him back.''

In 1984, Ed was awarded a MacArthur Genius Fellowship, which he used to live on as he started The World Institute on Disability, a disability policy think tank located in Oakland, CA. Ed testified before committees in Congress numerous times, and many of us grew to know him well. But Ed was not content to be a solo rabble-rouser. He wanted to join forces, debate the issues, hammer out policy and see it implemented in his lifetime. WID was the crucible Ed fashioned with his colleagues for stoking fires and building community.

Ed's vision was exemplified in the way he lived his own life, but he also very much believed in empowering others. As one of his colleagues at WID said, ''Part of his star quality was that he always talked about 'we'. He always would come up and say 'we've got to do that,' 'we need people,' 'we need to work on this together,' 'we can make this happen.'" Ed blew people's minds when he took to the streets of Moscow in his motorized chair in 1993. There, he has become a symbol of freedom, a household word to millions of people with disabilities.

But Ed was more than a civil rights hero. He was a man with heart, a man whose love and sense of humor were tools just as powerful as his keen mind and his passion for justice. Ed always took the time to find out how you were doing.

He took the time to encourage young students with disabilities to study public policy.

He took time to talk with personal assistants about the powerlessness of being underpaid.

He took the time to visit other respirator users in the hospital when they were despairing over living independent lives.

He took the time to stop on the street and talk with homeless people, people with disabilities that the ''system'' has forsaken.

He took the time to laugh, to have an adventure, and always to eat a good meal!

Ed did just about everything a person could dream of doing. He got married. He fathered a son—his absolute pride and joy. Ed swam with the dolphins, practiced karate, was almost eaten by a shark, threw tremendous dinner parties, and travelled all over the world. As WID vice president and one of Ed's former proteges, Debby Kaplan said recently, ''He had a determined exuberance for life.''

We are all fortunate to live in this world which Ed so deeply touched, so richly celebrated.

Mr. President, I yield the floor.

MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1045. An act to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following measure was read the first time:

H.R. 1045. An act to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 454. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes (Rept. No. 104–83).

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. HATFIELD:

S. 806. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 807. A bill to amend the Internal Revenue Code of 1986 to provide that individuals who have attained age 59 1/2 may contribute to individual retirement accounts without regard to their compensation; to the Committee on Finance.

By Mr. BREAUX:

S. 808. A bill to extend the deadline for the conversion of the vessel M/V TWIN DRILL, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. HELMS, and Mr. BRADLEY):

S. 809. A bill to amend the Trade Act of 1974 to limit the eligibility for treatment under the generalized system of preferences in the case of countries that support international acts of terrorism, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 810. A bill to direct the Secretary of the Interior to remove from the Coastal Barrier Resources System a tract of land in South Carolina that was added to the System without notice to the county in which the tract is located, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 806. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Finance.

THE RURAL HEALTH IMPROVEMENT ACT OF 1995

● Mr. HATFIELD. Mr. President, during the last several years, Americans have heard a lot about the need to reform our health care system. Health care costs are soaring out of control—far outpacing the rate of inflation—and nearly 38 million Americans are without health care insurance. Solutions for reform are complex and will go through much debate and consensus building before implemented on a national level.

While local and regional health care systems have rushed to consolidate and integrate their services and resources over the last decade, rural entities, due to their shortage of physicians, the vulnerability of their hospitals, their geographical and technical isolation, and the demographics of their patient populations, have been largely unable to adjust in a similar way. As public concern over the national health care crisis grows and legislative bodies and policymaking agencies scramble to devise and implement far-reaching health care reform, the special health care needs of rural America must not be neglected.

Today I am reintroducing the Rural Health Improvement Act because I feel, given the current direction of the health care reform debate, that it provides an essential transition into comprehensive health care reform. Now, more than ever, health providers in rural communities are joining with their urban counterparts to create networks to assure that health care is accessible in rural areas. There are a number of obstacles, however, that create a disincentive for providers to participate in these efforts. I believe that the legislation that I am introducing today will remove these obstacles and help rural communities position themselves for comprehensive health care reform.

Mr. President, the Rural Health Improvement Act will help our rural communities in the following ways. First, this legislation provides grants to allow rural and urban providers to develop rural health extension networks to facilitate the delivery of health care in rural communities. It allows existing networks such as area health education centers to compete for these grants in order to prevent needless duplication and to assure that successful programs will have the ability to expand their capabilities. The goal of the rural health extension networks grant is to facilitate resource sharing within the network by providing education and training for health care providers in rural areas, creating linkages between rural and urban providers through the use of telecommunications and other consultative projects, and assisting rural providers in developing cooperative approaches to health care delivery.

Second, my bill provides grants for the creation of rural managed care cooperatives which will enhance the economic viability of health care providers in rural areas. The idea of health cooperatives in rural areas is not new. In 1929, the first health maintenance organization in the United States was developed in rural Elk City, OK, by the Farmers' Cooperative. Since 1929, there have been several attempts to create rural health cooperatives, however, they have suffered because they lacked sufficient startup support. My bill provides this startup support.

These cooperatives will be made up of health providers of all types including, but not limited to, hospitals, physicians, rural health clinics, nurse practitioners, physician assistants, and public health departments. By establishing an effective case management and reimbursement system designed to support the financial needs of rural hospitals and health care systems, cooperatives will provide an effective framework for negotiating contracts with payers and assuring a defined level of quality. The cooperatives will also help rural practitioners with a portion of their payments on malpractice premiums.

Due to the concerns about possible antitrust problems that might arise in the formation of the rural health extension networks and the rural managed care cooperatives, the bill includes language which would protect providers who participate in these entities from antitrust law. This exemption from antitrust law should facilitate the development of network and cooperatives in rural areas.

Third, the bill allows the Secretary of Health and Human Services to award competitive grants to develop and implement mental health outreach programs in rural areas. The bill emphasizes the needs of the elderly and children in rural areas. Grant recipients are encouraged to form relationships with rural managed care cooperatives to enhance the delivery of these services.

Fourth, my bill provides stipend grants under the Area Health Education Centers [AHEC] Program to health care providers and trainees in rural communities as an incentive to provide health care services in those areas. While the stipends envisioned in this legislation will not completely relieve the financial burden young providers face, especially physicians, it is my hope that they will provide enough of an incentive to attract and retain health care providers in rural areas.

It has been 20 years since the AHEC Program was enacted and we now have a network of 48 AHEC Programs in 38 States. In my own State of Oregon, we have an excellent statewide AHEC program with five centers now operating to meet the challenges of both rural and urban areas. State studies have shown that AHEC's have an excellent record in addressing the primary health care profession needs of underserved areas. In fact, since AHEC's inception more than 1.5 million students, residents, and preceptors have been trained in medicine, allied health, dentistry, nursing, and pharmacy.

Finally, this year I have included a nonrefundable tax credit for qualified providers in rural and underserved areas. This tax credit is similar to the tax credit proposed in health care reform legislation last session. Under this provision qualified providers will be eligible for a tax credit if they serve in rural or underserved areas for 5 years. A similar tax credit program in Oregon has enjoyed great success. In a recent survey by the Oregon Office of Rural Health, rural providers indicated that the Oregon Tax Credit Program is the most important program offered that keeps them practicing in rural areas.

Mr. President, our rural communities are facing a crisis in health care delivery. Nationwide, 141 rural community hospitals closed between 1989 and 1993. In Oregon, five rural hospitals have closed since 1986 and several other rural facilities are threatened with imminent closure. These hospitals simply cannot compete with their urban counterparts. I believe my legislation will give rural health care providers the tools to build rural health care delivery systems which meet the health needs of their communities. This is the first step in developing an infrastructure of providers who will support and sustain comprehensive health care reform and provide health care access for all Americans.

I'd like to take a moment to thank the National Rural Health Care Association, the Oregon Office of Rural Health, the Oregon Association of Hospitals, the Oregon Medical Association, the Oregon Nurses Association, and the Oregon AHEC Program Office for their support in developing this innovative legislation.

I urge my colleagues to take a careful look at this bill and consider it as a transition into comprehensive health care reform that can help our rural communities now.●

By Mr. BREAUX:

S. 808. A bill to extend the deadline for the conversion of the vessel M/V *Twin Drill,* and for other purposes; to the Committee on Commerce, Science, and Transportation.

M/V TWIN DRILL LEGISLATION

● Mr. BREAUX. Mr. President, I am introducing a bill today to extend the deadline for the completion of the conversion of the vessel M/V *Twin Drill.* This vessel is what is known as a SWATH or small waterplane area twin hull vessel of advanced design that provides for an unusually smooth operating platform. This vessel currently undergoing initial conversion in Louisiana to ready her for a complete conversion to a U.S.-flag day cruise service.

Under terms of section 601(d) of Public Law 103–206 the M/V *Twin Drill* was granted full coastwise privileges provided that the cost of major conversion work on the vessel in a U.S. shipyard was more than three times the purchase value of the vessel. Furthermore, the owners were required to commit to build a new vessel entirely within a U.S. shipyard. These requirements were to have been completed by certain dates. A number of delays resulted from the discovery of additional work that was necessary because of unknown conditions on the vessel slowed the project to the point where it will now be impossible to complete the conversion by the statutory deadline.

Given the significant investment to date, and the progress already made, it is only reasonable that we provide some additional time for this shipyard work to be completed. This will cost the Government nothing, but it will mean immediate jobs at the shipyard and long-term employment opportunities onboard the *Twin Drill.* Failure to act would also mean foregone job opportunities in the construction and operation of the new vessel as well. A similar provision was passed by the House of Representatives last fall as part of the Coast Guard authorization legislation which we were not able to act on before the end of the last session. It is time we finish the job and I urge my colleagues to support this legislation.●

By Mr. LAUTENBERG (for himself, Mr. HELMS, and Mr. BRADLEY):

S. 809. A bill to amend the Trade Act of 1974 to limit the eligibility for treatment under the generalized system of preferences in the case of countries that support international acts of terrorism, and for other purposes; to the Committee on Finance.

THE TRADE ACT OF 1974 AMENDMENT ACT OF 1995

● Mr. LAUTENBERG. Mr. President, I introduce a bill that would make our Nation's Generalized System of Preferences Development Program conform with out foreign aid program when it comes to eliminating benefits for countries that sponsor terrorism. I am pleased that Senators HELMS and BRADLEY are original cosponsors of this legislation.

Under this bill, a country would automatically lose its GSP benefits once the Secretary of State makes a determination under the Export Administration Act of 1979 that ''the government of that country has repeatedly provided support for acts of international terrorism.'' Under the Foreign Assistance Act of 1961, once the Secretary makes this determination and a country is added to the State Department's so-called ''terrorism list,'' it is no longer eligible to receive foreign assistance from the United States. Likewise, state sponsors of terrorism should be precluded from importing products into this country duty free under the GSP Program.

But they are not.

Syria is a case in point. Syria was designated by the State Department as a state-sponsor of terrorism on December 29, 1979, which made it ineligible to receive foreign assistance. Nonetheless, Syria continued to import products into the U.S. duty free under the GSP Program until August 16, 1992. At that time, Syria's eligibility was suspended due to concerns about workers' rights—not a concern about terrorism.

Technically, the GSP law prohibits the President from designating a country GSP eligible ''if such country aids or abets, by granting sanctuary from prosecution to any individual or group which has committed an act of international terrorism.'' But the law did nothing to prohibit Syria, a country our Government already recognized as a state-sponsor of terrorism, from benefiting from the United States Government's GSP Development Program. That is why I am proposing a change in the law.

Mr. President, once the Secretary of State determines that a country sponsors terrorism it ought to automatically lose its GSP benefits, just as it loses its foreign assistance. There is no sensible rationale for barring foreign assistance for state sponsors of terrorism while providing GSP benefits to those same state sponsors of terrorism. Like foreign aid, GSP is a benefit, not a right. It is development program with goals that are similar to those of the foreign aid program. Both programs ought to be governed by the same terrorism standard.

When it comes to fighting terrorism, our Government needs to speak with one voice. We need to make it crystal clear that the benefits of American friendship are not provided to countries that, by their presence on the terrorist list, have been found to have a consistent pattern of state support for terrorism.

Mr. President, by making the GSP Program conform with the foreign aid program when it comes to providing benefits to countries that support terrorism, this bill would add an important element of consistency to our antiterrorism foreign policy.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 809

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

SECTION 1. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

Section 502(b)(6) of the Trade Act of 1974 (19) U.S.C. 2462(b)(6)) is amended to read as follows:

''(6) if—

''(A) such country aids or abets, by granting sanctuary from prosecution to any individual or group which committed an act of international terrorism, or

''(B) the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979; and''.●

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 810. A bill to direct the Secretary of the Interior to remove from the Coastal Barrier Resources System a tract of land in South Carolina that was added to the System without notice to the county in which the tract is located, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL BARRIER RESOURCES SYSTEM FAIRNESS ACT OF 1995

Mr. HOLLINGS. Mr. President, I rise today to introduce the Coastal Barrier Resources System Fairness Act of 1995. The bill is aimed at correcting a mistake in the Coastal Barrier Resource System. Without this correction, a portion of Colleton County, SC, will remain in the Coastal Barrier Resources System even though the county never had an opportunity to voice their objection to their inclusion.

In 1980 Congress directed the Secretary of the Interior to study and propose a Coastal Barrier Resources System. The aim was to create a system made up of relatively undeveloped low-lying coastal lands which, because of their susceptibility to flooding, would not be eligible for Federal flood insurance. Practically speaking, to be included in the CBRS means you can't sell or develop your property.

Soon after the passage of the 1980 act, the Department of the Interior created a study group charged with promulgating an inventory of coastal

properties—properties to be included in the CBRS. By the end of 1988, the study group had completed its work and the Department of the Interior submitted the CBRS proposal to Congress.

This proposed inventory was the culmination of 8 years work and included suggestions made during two public comment periods. The first public comments were made following the release of an initial draft inventory in 1985. Additional comments were made following the release of a second draft in the spring of 1987. The Department of the Interior received numerous comments on these draft inventories and incorporated many in their final report to Congress. This final report was the basis for the Coastal Barrier Resources System adopted in 1990.

I recite this history because without an understanding of it, Mr. President, one can't understand the intent of my legislation.

While the Department of the Interior was drafting this proposed system, a strip of coastal South Carolina was being annexed by Colleton County from Charleston County. Unfortunately, this annexation occurred in 1987 in the midst of the 1987 CBRA comment period. Unfortunately, the notice of this second draft inventory was not received by Colleton County. The county never received any notice. It appears, the draft inventory was provided to Charleston County, not Colleton County. In fact, the maps currently on file at the Department of the Interior, still, incorrectly show this tract in Charleston County—not Colleton County. Thus, the citizens of Colleton County, never having had an opportunity to comment on these proposed changes, now find this tract included in the CBRS. And for all practical purposes off limits for development.

This bill corrects that mistake. It rights that wrong. It does not drastically redraft the Coastal Barrier Resources System nor withdraw any lands included in the 1985 draft. The bill simply returns a small portion of Edisto Island, SC, to its 1985 status.

I urge my colleagues to support this bill.

ADDITIONAL COSPONSORS

S. 426

At the request of Mr. SARBANES, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 507

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 578, a bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards.

S. 633

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 633, a bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the names of the Senator from Colorado [Mr. CAMPBELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 667

At the request of Mr. BRYAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 667, a bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes.

S. 681

At the request of Mr. HELMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 681, a bill to provide for the imposition of sanctions against Colombia with respect to illegal drugs and drug trafficking.

S. 770

At the request of Mr. DOLE, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 794

At the request of Mr. LUGAR, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 805

At the request of Mr. SIMPSON, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 805, a bill to improve the rural electrification programs under the Rural Electrification Act of 1936, to improve Federal rural development programs administered by the Department of Agriculture, to provide for exclusive State jurisdiction over retail electric service areas, to prohibit certain practices in the restraint of trade, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as ''National Former Prisoner of War Recognition Day.''

AMENDMENTS SUBMITTED

THE SOLID WASTE DISPOSAL ACT OF 1995

MURRAY (AND GORTON) AMENDMENT NO. 1079

Mrs. MURRAY (for herself and Mr. GORTON) proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

Title II, following section (f) State Solid Waste District Authority, add the following section (g) and reletter all the following subsections accordingly:

''(g) STATE MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a state may exercise flow control authority for municipal solid waste, and for voluntarily relinquished recyclable material that is generated within its jurisdiction, if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

''(1) the political subdivision had, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

''(2) the political subdivision is currently undertaking a recycling program in accordance with its adopted waste management plan to meet the State's solid waste reduction goal of fifty percent; and

''(3) significant financial commitments have been made, or bonds have been issued, a major portion of which, were used for the construction of solid waste management facilities.''

On page 65, line 10, strike ''or (e)'' and insert ''(e) or (f).''

THE ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995

MURKOWSKI AMENDMENTS NOS. 1080–1082

Mr. MURKOWSKI proposed three amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes; as follows:

AMENDMENT NO. 1080

Strike title I and insert in lieu thereof a new title I:

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklutna Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (1)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and

''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

AMENDMENT NO. 1081

Strike the text of title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months

after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

AMENDMENT NO. 1082

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as 'Trans-Alaska Pipeline Amendment Act of 1995'.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within six months after the date of enactment of this subsection.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, ad shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

THE SOLID WASTE DISPOSAL ACT OF 1995

KEMPTHORNE AMENDMENT NO. 1083

Mr. CHAFEE (for Mr. KEMPTHORNE) proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

On page 35, line 5, after the word, ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

On page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

THE ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995

MURRAY AMENDMENTS NOS. 1084–1091

(Ordered to lie on the table.)

Mrs. MURRAY submitted eight amendments intended to be proposed by her to the bill S. 395, supra; as follows:

AMENDMENT NO. 1084

On page 17, strike lines 9 through 11 and insert the following:

SEC. 9. LICENSES AUTHORIZING EXPORTS.

Any license that is required under any law authorizing an export of Alaskan North Slope oil under section 203(f) of the Trans-Alaska Pipeline Authorization Act, as added by section 202, shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1085

On page 14, strike line 15 and all that follows through page 17.

AMENDMENT NO. 1086

At the appropriate place, insert the following:

SEC. . OIL POLLUTION PREVENTION AND EMERGENCY TOWING AND RESCUE VESSEL.

(a) IN GENERAL.—The Secretary of Transportation shall purchase, by not later than January 1, 1996, and cause to be refurbished, equipped, crewed, and placed in operation by the Coast Guard, by not later than July 1, 1996, a vessel to be used for oil spill prevention and protection of the Olympic Coast National Marine Sanctuary and for emergency towing and rescue operations in the Strait of Juan de Fuca and the adjacent Pacific coast.

(b) PAYMENT OUT OF THE OIL SPILL LIABILITY TRUST FUND.—The Secretary of Transportation shall pay, out of the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986—

(1) not more than $10,000,000 for the purchase, refurbishment, and equipping of the vessel under subsection (a); and

(2) not more than $5,000,000 for the maintenance and operation of the vessel for a period of 5 years.

(c) CAPABILITIES.—The vessel provided under subsection (a) shall be capable of providing—

(1) emergency towing service to a vessel of up to 265,000 deadweight tons;

(2) initial oil spill response, a platform for initial salvage assessment, marine fire fighting response and support, and intervention support for the Coordinated Vessel Traffic Service; and

(3) enforcement support for the Department of Fisheries and National Oceanic and Atmospheric Agency.

AMENDMENT NO. 1087

On page 15, between lines 5 and 6 insert the following:

''(2)(A) No license that is required under any law authorizing an export of oil under this subsection may be granted unless the Secretary of Commerce, based on advice from the Attorney General, makes and publishes a finding that the export will not have an anticompetitive effect that is likely to harm independent refiners or consumers.

''(B) A license described in subparagraph (A) shall have a duration of not longer than 1 year, and any renewal or extension of such a license shall be based on a new finding made and published in accordance with subparagraph (A).

''(C) A license described in subparagraph (A) shall be revoked if the Secretary of Commerce determines, based on advice from the Attorney General, that the finding on which the license is based is no longer valid.

AMENDMENT NO. 1088

On page 15, between lines 5 and 6 insert the following:

''(2) The total average daily volume of exports allowed under this subsection in any calendar year shall be limited to the portion of the oil delivered through the trans-Alaska oil pipeline system that—

''(A) is owned by the State of Alaska; or

''(B) is in excess of the following amounts:

''(i) 1,600,000 barrels per calendar day in 1995.

''(ii) 1,500,000 barrels per calendar day in 1996.

''(iii) 1,400,000 barrels per calendar day in 1997.

''(v) 1,600,000 barrels per calendar day in 1998.

''(vi) Such an amount per calendar day in any year after 1998 as the President determines to be in the national interest.

AMENDMENT NO. 1089

On page 15, strike lines 6 through 16 and insert the following:

''(2)(A) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, and subject to subparagraph (B), oil exported under this subsection shall be transported by a vessel documented under the laws of the United States that is eligible to engage in the coastwise trade.

''(B) A vessel shall not be eligible to transport oil under this subsection if, during a voyage on which such oil is transported, any repair on the vessel is performed in a foreign shipyard other than an emergency repair that is necessary in order to allow the vessel to complete the voyage safely.

''(3) Any license that is required under any law authorizing an export of Alaskan North Slope oil under this subsection shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1090

At the appropriate place, add the following new title:

TITLE ____—JUSTICE FOR WARDS COVE WORKERS ACT

SEC. ___. APPLICATION OF CIVIL RIGHTS PROTECTIONS.

(a) SHORT TITLE.—This title may be cited as the ''Justice for Wards Cove Workers Act''.

(b) AMENDMENTS.—Section 402 of the Civil Rights Act of 1991 (42 U.S.C. 1981 note) is amended—

(1) in subsection (a) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

(c) APPLICATION AND CONSTRUCTION.—

(1) APPLICATION.—For purposes of determining the application of the amendments made by the Civil Rights Act of 1991, such amendments shall apply to a case that was subject to section 402(b) of the Civil Rights Act of 1991 (as in effect on the day before the date of enactment of this Act) in the same manner and to the same extent as such amendments apply to any case brought under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) that was not subject to section 402(b) of the Civil Rights Act of 1991.

(2) CONSTRUCTION.—Nothing in this title shall be construed to alter, or shall be considered to be evidence of, congressional intent regarding the application of such amendments to any case that was not subject to section 402(b) of the Civil Rights Act of 1991.

AMENDMENT NO. 1091

At the end of the bill, add the following:

TITLE III—UNITED STATES CRUISE VESSELS

SEC. 301. SHORT TITLE.

This title may be cited as the ''United States Cruise Vessel Development Act of 1995''.

SEC. 302. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled ''An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes'', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), is amended to read as follows:

''SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

''(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

''(1) the vessel is owned by a person that is—

''(A) an individual who is a citizen of the United States; or

''(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916 (46 App. U.S.C. 802(a));

''(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

''(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

''(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

''(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

''(A) has a term of at least 18 months; and

''(B) is to a person described in subsection (a)(1).

''(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

''(A) is approved by the Secretary; and

''(B) is in accordance with such terms as may be prescribed by the Secretary for that approval.

''(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

''(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

''(A) the vessel—

''(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

''(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

''(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of

the United States Cruise Vessel Development Act of 1995 if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

''(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the 18-month period under paragraph (2) for an additional period of not to exceed 6 months for good cause shown.

''(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) who owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

''(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

''(2) any of the islands of Hawaii.

''(e) PENALTIES.—

''(1) CIVIL PENALTY.—A person operating a vessel in violation of this section shall be liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

''(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, shall be liable to seizure by and forfeiture to the United States Government.

''(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

''(f) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) COASTWISE TRADE.—The term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port.

''(2) CRUISE VESSEL.—The term 'cruise vessel' means a vessel that—

''(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

''(B) has berth or stateroom accommodations for at least 200 passengers; and

''(C) is not a ferry.

''(3) RELATED PERSON.—The term 'related person' means, with respect to a person—

''(A) a holding company, subsidiary, affiliate, or association of the person; and

''(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).''.

SEC. 304. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A vessel described in paragraph (3) is deemed to comply with this part and part C of this subtitle.

''(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

''(3) A vessel is described in this paragraph if—

''(A) the vessel meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

''(B) a coastwise endorsement is issued for the vessel under section 12106 after the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(C) the vessel is authorized to engage in coastwise trade by reason of subsection (c) of section 8 of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289).''.

SEC. 305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting ''other than primarily in the transport of passengers,'' after ''the coastwise trade''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.''.

SEC. 306. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking ''passenger cargo'' and inserting ''passenger, cargo,''.

SEC. 307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

DOMENICI (AND OTHERS) AMENDMENT NO. 1092

Mr. DOMENICI (for himself, Mr. KEMPTHORNE, and Mr. SMITH) proposed an amendment to the bill S. 534, supra; as follows:

On page 69, line 22, strike '' ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow states to promulgate alternate design, operating, landfill gas monitor, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average, provided that such alternate requirements are sufficient to protect human health and the environment.''.

HATFIELD AMENDMENT NO. 1093

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

At the appropriate place in title II, add the following new section:

SEC. . RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

DASCHLE (AND OTHERS) AMENDMENT NO. 1094

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. WELLSTONE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

On page 14, between lines 14 and 15 insert the following:

SEC. 104. DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

HARKIN (AND AKAKA) AMENDMENT NO. 1095

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

At the appropriate place, insert the following:

TITLE III

SECTION 301. SHORT TITLE.

This Act may be cited as the ''Hydrogen Future Act of 1995''.

SEC. 302. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from 1 of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 303. PURPOSES.

The purposes of this Act are—

(1) to provide for a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 304. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 305. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies 1 or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—In the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the program.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research and development are of such a purely basic or fundamental nature that a non-Federal commitment is not obtainable.

(2) DEVELOPMENT AND DEMONSTRATION.—

(A) IN GENERAL.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs that directly and specifically relate to the program.

(B) TECHNOLOGICAL RISKS.—The Secretary may reduce the non-Federal requirement under subparagraph (A) if the Secretary determines that—

(i) the reduction is necessary and appropriate considering the technological risks involved in the project; and

(ii) the reduction serves the purpose and goals of this Act.

(3) NATURE OF NON-FEDERAL COMMITMENT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash and the fair market value of, personnel, services, equipment, and other resources.

(d) CONSULTATION AND CERTIFICATIONS.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 306. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 307. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

SEC. 308. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

JOHNSTON AMENDMENT NO. 1096

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

Insert the following new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301.—This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for action filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337 (a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

BOXER AMENDMENTS NOS. 1097–1100

(Ordered to lie on the table.)

Mrs. BOXER submitted four amendments to the bill S. 395, supra; as follows:

AMENDMENT NO. 1097

On page 15, line 5, strike ''exported,'' and insert: ''exported, except that no crude oil from any oil exploration and development effort, or from any established oil well within the current borders of the Arctic National Wildlife Refuge shall be transported or delivered through the Trans-Alaska Pipeline System under any circumstances,''

AMENDMENT NO. 1098

On page 15, line 5, strike ''exported.'' and insert: ''exported, unless the President has determined that such export would not be consistent with the requirements of the National Environmental Policy Act of 1970.''

AMENDMENT NO. 1099

On page 15, line 5, strike ''exported.'' and insert: ''exported, except that in no case shall the total average daily volume of exports allowed under this section in any calendar year exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1.35 million barrels per calendar year.''

AMENDMENT NO. 1100

On page 15 between lines 22 and 23, insert the following:

''(4) There shall be no exports of Alaskan North Slope oil until the Secretary of the Department of Interior certifies to the Congress full compliance by Alyeska Pipeline Service Company with the Trans-Alaska Pipeline right-of-way agreement. This certification shall also include a full accounting that all problems identified in the 1993 and subsequent audits conducted on behalf of the Bureau of Land Management, including but not limited to monitoring, compliance with applicable codes and standards, quality assurance and inspection program, electrical systems integrity, and other nonconforming items have been corrected. Another audit conducted by an independent accounting firm shall be required in 12 months following such certification and thereafter, audits shall be required every 5 years.''

JOHNSTON (AND OTHERS) AMENDMENT NO. 1101

Mr. JOHNSTON (for himself, Mr. MURKOWSKI, and Mr. BREAUX) proposed an amendment to the bill S. 395, supra; as follows:

At the appropriate place in the bill, insert the following as a new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases;

through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400-800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this tile within 180 days after the enactment of this Act.

MURKOWSKI AMENDMENT NO. 1102

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike title I and insert in lieu thereof a new title I:

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklutna Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (1)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and ''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use'' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

DASCHLE AMENDMENT NO. 1103

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to amendment No. 1102 proposed by Mr. MURKOWSKI the bill S. 395, supra; as follows:

At the end of the pending amendment insert the following:

SEC. . DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

MURKOWSKI AMENDMENT NO. 1104

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike the text of Title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This Title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the ''Trans-Alaska Pipeline Authorization Act,'' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

HATFIELD AMENDMENT NO. 1105

Mr. MURKOWSKI (for Mr. HATFIELD) proposed an amendment to amendment No. 1104 proposed by Mr. MURKOWSKI to the bill the bill S. 395, supra; as follows:

At the end of the amendment add the following new section:

SEC. 206. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

MURRAY AMENDMENT NO. 1106

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

At the end of the pending amendment add the following new section:

Title VI of the Oil Pollution Act of 1990 (Pub. L. 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

''SEC. 6005. TOWING VESSEL REQUIRED.

(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours or a request for assistance. The towing vessel shall be capable of—

(1) towing the vessel to which the response plan applies;

(2) initial firefighting and oilspill response efforts; and

(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting; and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

MURRAY AMENDMENT NO. 1107

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

On page 2, insert after line 12, of the pending amendment the following:

(C) shall consider after consultation with the Attorney General and Secretary of Commerce whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

On page 3, insert after line 12 after the word ''implementation;'': ''including any licensing requirements and conditions,''.

On page 4, line 2 after ''President'' insert ''who may take''.

On page 4, line 3 after ''modification'' insert ''or revocation''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 18, 1995, at 9:30 a.m., to receive testimony on the Smithsonian Institution: Management Guidelines for the Future.

For further information concerning this hearing, please contract Christine Ciccone of the committee staff on 224–5647.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Energy Production and Regulation will also include S. 801, a bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes.

The hearing will be held on Thursday, May 18, 1995 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. CHAFEE. 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 Tuesday, May 16, 1995 at 9:30 a.m., in SR–332, to discuss rural development and credit.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 16, 1995 session of the Senate for the purpose of conducting an oversight hearing on NASA's space shuttle and reusable launch vehicle program at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 16, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to review Nuclear Regulatory Commission licensing activities with regard to the Department of Energy's civilian nuclear waste disposal program and other matters within the jurisdiction of the Nuclear Regulatory Commission.

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

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Tuesday, May 16, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare solvency.

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

SUBCOMMITTEE ON DISABILITY POLICY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Disability Policy of the Committee on Labor and Human Resources be authorized to meet for a hearing on the Individuals with Disabilities Education Act, during the session of the Senate on Tuesday, May 16, 1995 at 9:30 a.m.

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

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9 a.m. on Tuesday, May 16, 1995, in open session, to receive testimony on Department of Defense Financial Management in Review of S. 727, the National Defense Authorization Act for Fiscal Year 1996, and the future years defense program.

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

SUBCOMMITTEE ON SEAPOWER

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 16, 1995, in open session, to receive testimony on the requirements for continued production of nuclear submarines, submarine industrial base issues, procurement strategy, and associated funding in review of S. 727, the Defense Authorization Act for Fiscal Year 1996 and the future years defense program.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, May 16, 1995 at 2 p.m. in closed/open session to receive testimony on the Department of Energy weapons activities, nonproliferation and national security programs in review of S. 727, the National Defense Authorization Act for Fiscal Year 1996 and the future years defense program.

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

ADDITIONAL STATEMENTS

KOREA—BOTH SIDES OF THE LINE

● Mr. INOUYE. Mr. President, I would like to share with my colleagues and all Americans a poem, ''Korea—Both Sides of the Line,'' written by Mr. Ernst E. Banfield, a former sergeant in the United States Marine Corps who served in the Korean conflict. I believe Mr. Banfield's poem poignantly depicts our Nation's commitment to this conflict, and ask that it be printed in the RECORD.

The poem follows:

KOREA—BOTH SIDES OF THE LINE

It's over now or so some may say.
  Will silence prevail while some turn to prayer?
Some will cheer, others a disbelief will share.
  Is it true no bugles will sound this day?
We had our differences, Army . . . Navy . . . Marines
  But we stood or fell together blood red,
All feeling anger, pain and warm tears when our brothers bled,
  Knowing for them this day there would be no future dreams.
We made the landing and headed north,
  Most with our inner thoughts and a touch of fear.
Some will swagger while their hearts ache for loved ones dear,
  But now's the time to put it aside and prove our worth.
We were all of one purpose that brief space in time,
  And I'll always remember my brothers and sisters.
Yes, you heard right when I said, ''Sisters'',
  For the women were there too, doing their share to hold the line.
It's long past time to mourn our fallen comrades I say,
  But praise is overdue for the sacrifice they made.
Forgive me, my friends, for the long delay, and may a wreath in honor of you be laid,
  And finally a lasting tribute is dedicated to all this day.
For freedoms sake, let this valiant band
  Remember how we prevailed, . . . Both sides of the line.●

HONORING MAJ. GEN. RONALD E. BROOKS

● Mr. LUGAR. Mr. President, I rise today to honor the accomplishments of Maj. Gen. Ronald E. Brooks. General Brooks' patriotism and service to our country have been impressive. America should be proud of his dedication and hard work around the world. I would like to elaborate a moment on General Brooks' tremendous career, which he will complete this fall.

General Brooks grew up in Tennessee and began his military service in the Reserve Officers Training Corps at East Tennessee State University. In 1961, he earned the bachelor of science degree in business administration from that institution and was commissioned in the U.S. Army. He later earned the master of business administration degree from Butler University. General Brooks has also studied at the Army War College and the U.S. Army Command and General Staff College.

General Brooks has a military record of distinction. Beginning as a platoon leader in the 2d Infantry Division, General Brooks rose steadily in a number of administrative positions. In addition to service throughout the United States, he has served as commander of the transfer and reception station in Puerto Rico, and as an adjutant general in Vietnam and in Europe. The culmination of his distinguished work came in 1990, when he assumed command of the U.S. Army Soldier Support Center at Fort Benjamin Harrison in Indiana.

Mr. President, I am pleased today to pay tribute to a great American. General Brooks stands as a symbol of American military achievement, and it is my privilege to salute his life and work.●

CHILDREN ARE THE VICTIMS OF NATIONAL POLICIES

● Mr. SIMON. Mr. President, Abigail Trafford of the Washington Post wrote a commentary recently that I ask be printed in the RECORD at the end of my remarks. She writes that we as a Nation care immensely when tragedies involving individual children come to our attention, but we fail to care enough for children who are hurt by our national policies.

A recent example of this is our national sense of outrage and compassion regarding the children killed in the

Oklahoma City bombing. We were all rightfully outraged that innocent children were killed in this senseless act of violence. But we cannot and should not accept the fact that millions of innocent children do not have adequate health care, which results in the premature death and disability of many, many children. Perhaps if we were able to put a face on every single child who suffers from lack of access to health care, we would have a national policy that ensures all children would have their health care needs met.

There are important reasons why we need to act soon. A report released a few months ago by the Employee Benefit Research Institute shows that between 1992 and 1993, the number of uninsured people increased 17.8 percent to 40.9 million. The most alarming finding, however, is that children account for the largest proportion of the increase in the number of the uninsured. In 1993, 11.1 million children did not have health care coverage.

In addition, if the enormous cuts in the Medicaid Program that have been proposed by some of my colleagues are enacted, there will be a tremendous increase in the number of uninsured children. That is because Medicaid currently provides health care coverage to approximately 13.5 million children whose families could not otherwise afford to take their children to a doctor.

To address this problem, I will introduce legislation next month to ensure that all children, beginning with children under 7, and pregnant women have affordable coverage for comprehensive, high-quality health care. My proposed maximizes State flexibility while ensuring full accountability for results, and relies on the private sector to deliver the highest quality care at the lowest price.

If you agree that we need to protect our children, I welcome your interest and urge you to help me develop a proposal that all of us can support. Dr. Birt Harvey of the Stanford University Medical School states in Ms. Trafford's article, ''We care about children as individuals. We don't care about them as a nation.'' I hope we can work together to change that.

The article follows:

[Washington Post, May 9, 1995]

WE LOVE THE CHILD, BUT WHAT ABOUT THE CHILDREN?

(By Abigail Trafford)

It was the baby in the firefighter's arms—little Baylee Almon covered with dust and blood—who became the symbol of the nation's agony in the Oklahoma City bombing. Long after rubble from the bombing is cleared, we remember Baylee and the others in the doomed day-care center.

Suffer the children.

We are a nation that loves children. Obsesses about children. The child in pain, the child in triumph—we hang on every detail. We open our hearts—and our pocketbooks—to help a high-profile child in need. Children are our conscience.

Or are they?

You would certainly think so from the way we respond to children in the news. We have a track record for turning the child in the public spotlight into a metaphor of what kind of people we are and who we care about most.

We held our breath when Jessica, the 18-month-old toddler of Midland, Tex., was buried for 2½ days in an abandoned well in 1987. And cheered when she was hauled out by a crane into the glare of television lights and cameras.

We agonized over David, the boy in the bubble. Born with a rare immune disease, he died in 1984 after spending most of his 12 years of life inside a sterile plastic cage that kept him away from common germs—and away from human touch.

And last year, we grieved for Michael, 3, and Alexander, 14 months, the two boys of Susan Smith, the young South Carolina mother who confessed to sending her sons to a water grave.

Suffer the children.

Every child who makes the news taps into the public's huge reservoir of concern for children in trouble, for children who are victims. But this outpouring of anguish and generosity usually stops with the high-profile case.

The fact is that as a nation we neglect our children, particularly the ones who are sick and poor. That was the conclusion of a 1991 bipartisan national commission on children. ''. . . at every age, among all races and income groups, and in communities nationwide, many children are in jeopardy,'' stated the commission in its executive summary. ''If we measure success not just by how well most children do, but by how poorly some fare, America falls far short.''

Advocates for children like to point out that the United States is the only industrialized country that doesn't have a national policy to support children. While a patchwork of government and private programs help certain groups of children, there is no comprehensive commitment to the young the way there is to the elderly. As Sara Rosenbaum, co-director of the George Washington University Center for Health Policy Research, explains: ''Children are the most vulnerable segment of society. They don't have the clout that other population groups have. If children are falling apart, it has tremendous consequences for the nation.''

To be sure, the prime responsibility for the health and safety of children rests with the family. But some families cannot provide the basic supports. The needs, according to the bipartisan report, involve many aspects of children's lives including housing, education and protection from abuse.

One of the biggest needs is health insurance. An increasing number of children do not have health coverage from private or public sources. There is no national health plan for children that automatically covers them as the Medicare program does for the elderly.

''We care about children as individuals. We don't care about them as a nation,'' says Birt Harvey, professor emeritus at the Stanford University Medical School and past president of the American Academy of Pediatrics.

''It's a crisis of conscience and it's a crisis of consciousness,'' adds Susan S. Aronson, clinical professor of pediatrics at the Medical College of Pennsylvania and Hahnemann University. ''We've lost our perspective as a society that we are responsible for children.''

Statistics tell the dismal story. Since 1991, the number of uninsured children has risen from 9.5 million to 11.1 million in 1993, according to an analysis by the Employee Benefit Research Institute. The percentage of uninsured children has also increased and of the additional 1.1 million Americans who have recently lost health coverage, more than 920,000 are children. This increase occurred despite expanded coverage of children under Medicaid.

What's more, private coverage of children has declined. The largest jump in uninsured children took place in families where the father was working for a small firm with fewer than 10 employees, researchers found.

Three basic options to cover all children and pregnant women have been circulating in the backwaters of the nation's capital for some years: provide subsidies for the uninsured to purchase health coverage, create a Medicare type program for children, and open up Medicaid to more families. While there is a general consensus that all children ought to have access to basic medical services, there is not a lot of agreement on how to get there. And right now there's very little apparent interest in Congress or the Clinton administration to do much of anything. As Harvey observes: ''It doesn't seem like a high priority—it doesn't seem like a priority at all.''

Suffer the children.●

RETIREMENT OF DEPUTY CHIEF JOHN F. MORIARTY

● Mr. LIEBERMAN. Mr. President, I rise today to honor Deputy Chief John F. Moriarty on his retirement from 50 years of service to the Stamford Police Department in Stamford, CT, where he was honored on April 29, 1995. Deputy Chief Moriarty was born and raised in Stamford, CT. Jack's career began as a special constable with the former town police department on June 15, 1944, and he served in this capacity until his appointment as a regular police officer 5 years later on November 17, 1949.

Jack Moriarty served during the consolidation of the city of Stamford and the town of Stamford Police Departments into what has now become the Stamford Police Department. During his long and honorable tenure, he served with 8 police chiefs, 13 mayors and 1 first selectman. His dedication, intelligence, and foresight to duty, all contributed to Jack's many promotions throughout the years, including sergeant, lieutenant, captain, and ultimately deputy chief in November 1981. His final assignment was as commanding officer, administration and support services, where he served with distinction until his retirement on December 30, 1994.

Jack continues to reside in Stamford, and is a life long member of Saint Mary's Roman Catholic Church where he is one of the two lay trustees and a member and past president of the church's Holy Name Society. He also has a membership to an assorted selection of groups including the Knights of Columbus, Saint Augustine Council No. 41, the board of directors of Saint Camillus Health Center, Stamford Police Association, Inc., and the Police Association of Connecticut. He and his beloved wife Jean, have four children and seven grandchildren, all with Irish first names. Jack's work and commitment to helping those in need has been an inspiration to those who know him. I salute Deputy Chief John Moriarty on his retirement for his never-ending energy and steadfast devotion to the Stamford Police Department.●

NATIONAL POLICE WEEK

● Mrs. BOXER. Mr. President, this week is National Police Week, 7 days we set aside to honor the men and women who put themselves in harm's way—every day—so that our neighborhoods and communities can be safer places to live.

National Police Week was proclaimed by President John F. Kennedy in 1963. On the first day of this important week, designated as Peace Officer Memorial Day, we pay tribute to the brave officers killed in the line of duty. At a special ceremony yesterday in our Nation's Capital, the names of those men and women who gave their lives in 1994 were engraved into a memorial and candles were lit in their honor. Our hearts go out to the families and loved ones of those who made the ultimate sacrifice to protect and preserve our way of life.

This year, in addition to offering our deep gratitude, we should give our police officers a helping hand. While we have won some important victories in the war on crime—through the passage last year of the crime bill and legislation to keep guns off the streets—we still have a long way to go.

We know that our streets will not be safe as long as our police officers are outgunned and outnumbered. Last year, 13 California police officers were killed in the line of duty. Seven California officers have died in the line of duty in the first 4½ months of 1995. They gave their lives to protect ours. Knowing they put themselves at such great risk every day, we cannot in good conscience send a single officer out on the street without doing everything possible to give them the tools they need to protect us.

I urge everyone take a stand for the safety of our Nation's peace officers. Call upon your legislators to continue to enact tough crime measures, and to oppose any weakening of the crime bill or the assault weapons ban. Do it to honor the brave men and women who help keep our streets safe, and do it for your community and those you love.

I ask that a list of the brave California peace officer killed in the line of duty in 1994 be printed at this point in the RECORD.

The list follows:

IN MEMORIUM

Officer Clarence W. Dean, Los Angeles Police Department.

Captain Michael W. Tracy, Palos Verdes Estates Police Department.

Sergeant Vernon T. Vanderpool, Palos Verdes Estates Police Department.

Officer Christy Lynne Hamilton, Los Angeles Police Department.

Group Supervisor Arnold C. Garcia, Los Angeles County Probation Department.

Reserve Officer Ted H. Brassinga, Palo Alto Police Department.

Officer William E. Lehn, Fresno Police Department.

Officer Miquel T. Soto, Oakland Police Department.

Officer Richard A. Maxwell, California Highway Patrol, Bakersfield.

Officer Charles D. Heim, Los Angeles Police Department.

Officer Michael A. Osornio, La Habra Police Department.

Officer James L. Guelff, San Francisco Police Department.

Officer Thomas B. Worley, Los Angeles County Safety Police.●

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I have a number of unanimous consent requests. These have been cleared with the leadership on the other side of the aisle.

UNANIMOUS-CONSENT AGREEMENT—WHITEWATER RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, May 17, the Senate turn to the consideration of a resolution to be offered by Senator D'AMATO establishing a special committee to conduct an investigation involving the Whitewater, and it be considered under the following time agreement: 2 hours, to be equally divided between the chairman and the ranking minority member of the Banking Committee; that no amendments or motions be in order; and that, following the conclusion or yielding back of time, the Senate proceed to vote on the resolution without any intervening action or debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate go into executive session and immediately proceed to the consideration of Executive Calendar Nos. 31, 113, 115, and 116, en bloc; I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's actions.

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

The nominations considered and agreed to en bloc are as follows:

INTERNATIONAL BANKS

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

INTER-AMERICAN DEVELOPMENT BANK

Lawrence Harrington, of Tennessee, to be United States Alternate Executive Director of the Inter-American Development Bank.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The following officer, NOAA, for appointment to the grade of Rear Admiral (0–8), while serving in a position of importance and responsibility as Director, Office of NOAA Corps Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 853u:

Rear Adm. William L. Stubblefield, NOAA

EXECUTIVE OFFICE OF THE PRESIDENT

Jeffrey M. Lang, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

TREATY WITH PANAMA ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS—TREATY DOCUMENT 102–15

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the following treaty on the Executive Calendar: Calendar No. 3, Treaty Document 102–15.

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

Mr. LOTT. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages up to and including the presentation of resolution of ratification; that the two committee provisos be considered and agreed to, and no other provisos, reservations, or understandings be in order; that any statements be printed in the CONGRESSIONAL RECORD as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following disposition of the treaty, the Senate return to legislative session.

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

Mr. LOTT. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. All those in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, on a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and

the Republic of Panama On Mutual Assistance in Criminal Matters, With Annexes and Appendices, signed at Panama on April 11, 1991. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this Treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in or facilitates the production or distribution of illegal drugs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MEASURE READ FOR THE FIRST TIME—H.R. 1045

Mr. LOTT. Mr. President, I inquire of the Chair if H.R. 1045 has arrived from the House of Representatives.

The PRESIDING OFFICER. The Senator will be advised it has.

Mr. LOTT. I, therefore, ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1045) to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading, and I object to that second reading.

The PRESIDING OFFICER. Objection is heard. The bill will have a second reading on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 17, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. on Wednesday, May 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, except for the following: Senator FAIRCLOTH for 15 minutes and Senator DORGAN for 30 minutes.

I further ask unanimous consent that at the hour of 10:30 a.m., the Senate begin consideration of the Senate resolution regarding Whitewater, under the provisions of the previous consent agreement.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the Whitewater resolution under a 2-hour time limitation. It may also be the intention of the majority leader to turn to the consideration of H.R. 483, the Medicare select bill. Senators should, therefore, be aware that rollcall votes can be expected throughout the day on Wednesday.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:25 p.m., recessed until 9:45 a.m., Wednesday, May 17, 1995.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1995:

INTERNATIONAL BANKS

ROBERT E. RUBIN, OF NEW YORK, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY M. LANG, OF MARYLAND, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

THE FOLLOWING OFFICER, NOAA, FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0–8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U:

REAR ADM. WILLIAM L. STUBBLEFIELD, NOAA.

EXTENSIONS OF REMARKS

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mrs. MORELLA. Mr. Speaker, I am pleased to join Congressman BILL RICHARDSON, Congresswoman SUSAN MOLINARI, Congressman DOUG BEREUTER, and Congressman JOE KENNEDY in introducing legislation today promoting public awareness of fetal alcohol syndrome, one of this country's leading causes of irreversible physical and mental retardation.

Although the lower limit of safe alcohol consumption has not been documented, it is clearly evident that even small amounts of alcohol adversely affects the developing fetus. The unfortunate fact is that this condition is 100 percent preventable. Fetal alcohol syndrome and the varying effects of this alcohol-related condition is a national problem that can impact any woman and child, despite their socioeconomic or racial status. According to CDC statistics, it is a problem that has increased sixfold since 1979.

In 1981, because of the Surgeon General's concern for the dangers of drinking during pregnancy, alcoholic beverages were required to carry warning labels. Yet in a 1991 CDC survey of pregnant women, 13.4 percent were found to have had at least 30 alcoholic drinks in the previous month. Recent surveys have also shown that one out of every five mothers will continue to drink during their next pregnancy. Because of social stigma, many women deny engaging in risky behavior, to their physician, thereby increasing the difficulty for physicians to identify and provide appropriate counseling. With greater effectiveness in identification of FAS, it is estimated that a more accurate estimate of alcohol ingestion in pregnant women is 20 to 35 percent.

Each year more than 50,000 children are born with some degree of physical or mental deformity that can be directly related to maternal alcohol ingestion. Nearly 1 out of every 750 children are born with some degree of fetal alcohol effects each year. FAS experts believe that one-third to one-half of all children in existing special education programs today have been affected by alcohol in some way. The cost of institutionalization and health provisions for these children approximates nearly $1.4 million over the lifetime of a single child.

Mr. Speaker, the Fetal Alcohol Syndrome Research, Education, and Prevention Act that we are proposing provides for the evaluation of the existing research and prevention efforts, and the development of an educational curriculum for health professionals and the development of professional health standards with regard to FAS identification and treatment.

In addition, we are proposing a public-private collaborative effort to develop and implement an education awareness campaign on the effects of alcohol during pregnancy. The human and societal costs of this devastating problem are enormous. Let us join together to increase the public's awareness of alcohol-related birth defects.

TRIBUTE TO FERNDALE ADULT AND COMMUNITY EDUCATION PROGRAM'S 50TH ANNIVERSARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. LEVIN. Mr. Speaker, I rise today to congratulate the Ferndale Adult and Community Education Program on the occasion of its 50th anniversary. At its inception in 1944, the program offered night classes at Lincoln High School in Ferndale, MI. Today the program has grown to include morning, afternoon, and evening classes at five centers and numerous other community sites.

The classes range from high school completion programs to teen parent programs, vocational training programs to preschool, latchkey and senior citizen programs. This wide variety of classes clearly involves the entire community, leaving no one out of continuing education.

In 1993–94 alone, the Ferndale Consortium served over 6,900 students in academic and vocational programs and an additional 3,500 in enrichment and community programs. The 414 members of the staff deserve our highest recognition, for without them this effort would not be possible.

The importance of community and adult education cannot go unrecognized. Without this cross-generational programming, our community would not be as strong as it is today.

My thanks and congratulations to the students, the staff, and the community of this milestone, with best wishes for continued success for the Ferndale Adult and Community Education programs.

HONORING TEMPLE BETH-EL OF CO-OP CITY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. ENGEL. Mr. Speaker, this year, one of the leading religious institutions in my district, Temple Beth-El of Co-Op City is celebrating its silver anniversary.

Temple Beth-El is one of the original religious institutions opened when Co-Op City was established over a quarter of a century ago. But, this temple takes its mission a step further. Its officers and members work not only on the religious needs of the community, but are active participants in the social and civic fabric of Co-Op City.

They are to be commended for their work. I join with all the residents of Co-Op City in wishing Temple Beth-El a very happy 25th birthday.

SALUTE TO INSPECTOR JOSEPH DUNNE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Ms. VELÁZQUEZ. Mr. Speaker, I rise to commend and congratulate Inspector Joseph Dunne. Joseph Dunne is a former inspector of the 75th Precinct, who recently was transferred to the Internal Affairs Division, because of the exemplary work that he demonstrated in his short time at the helm.

In his short tenure, Joseph Dunne has gained the confidence of the residents of the East New York community residents who once lost faith in those that were supposed to protect and defend them. Since his arrival at the 75th Precinct, Joseph Dunne has led the charge for better police and community relations. For 2 consecutive years, East New York led the entire New York City in homicide rates, but in his short time at the 75th, Joseph Dunne has successfully advocated for more police presence, which has contributed to the vast decline in the murder rates in East New York. This is great news, and while I am mentioning the decline of homicide in the East New York community let me add that all other crimes have also declined during Joseph Dunne's tenure.

Joseph Dunne has demonstrated his devotion and commitment to East New York and its residents. I congratulate him and wish him well in his endeavors. Joseph Dunne's accomplishments. though they have not made their way into the news media, have made their way into the hearts of my constituents.

Therefore, Mr. Speaker, it is with great pride that I come to the floor of the U.S. House of Representatives to speak of Joseph Dunne and his work for a better East New York.

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. PASTOR. Mr. Speaker, on Friday, May 12, I was granted a leave of absence to return to Arizona to attend the graduation of my daughter from Arizona State University. Consequently, I was absent for three rollcall votes on H.R. 961. Had I been present, I would have voted in the following manner: ''Nay'' on rollcall vote No. 327; ''Aye'' on rollcall vote No. 328; ''Nay'' on rollcall vote No. 329.

COAST GUARD REAUTHORIZATION ACT OF 1995

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. LATOURETTE. Mr. Speaker, when the House debated and passed the Coast Guard Reauthorization Act of 1995 on Tuesday of last week, the issue of Coast Guard inspection fees was raised by some of my colleagues on the Transportation and Infrastructure Committee. Although the amendment failed on a point of order, I wish to associate myself with the logical arguments made on the floor that day.

The Budget Reconciliation Act of 1990 requires that the Coast Guard impose user fees for some of its services. While I am in support of the concept, and recognize the importance of such an approach to assist in balancing the budget, the Coast Guard has gone off course with its fee schedule in terms of fairness and balance among different classes of boats.

The Coast Guard estimates it is charging $87 per hour for the inspection service. However, my colleague from Louisiana, Mr. TAUZIN, cited an example of a 1 hour inspection costing $545 under the current fee schedule. This is unacceptable. I believe in fee-for-service, but the fees must reflect the value of the services rendered. I fear that the burden of the current policy will fall disproportionately on small vessel owners and small businesses; those who can afford it the least. I am supportive of capping the inspection fees based on boat length to ensure fairness within the current system.

I also believe it is appropriate for the Coast Guard to consider a fee schedule that takes into account the seasonal nature of some commercial boating operations. For example, Rutherford's Cruise Line, which operates in my district from the Grand River on Lake Erie, only operates during summer months. Under the current system, Rutherford's would pay almost $2,400 to the Coast Guard to inspect three vessels. Small cruise line businesses on the Great Lakes have a limited season and short time in which to make their operation run in the black. The current annual fee requirement, which treats a vessel in Florida the same as one on the Great Lakes, is burdensome and economically unfair to boaters in the Great Lakes region.

I understand Mr. TAUZIN's amendment will be the subject of hearings before the Ways and Means Committee and the Transportation and Infrastructure Committee in the near future. I am supportive of finding a rational and fair approach to the inspection fee schedule that more closely approximates the true cost of the inspection process.

Recreational boating, including charter boat fishing, is an important part of the economy in my district. The 60 miles of Lake Erie shoreline I represent has seen a tremendous resurgence over the past 10 years due to a revitalized Great Lakes fishery. I am encouraged by the small businesses entrepreneurs, who are taking advantage of the opportunity to start new businesses and do not believe they should be punished with unreasonable inspection fees.

YVONNE AND ARVIS RICHARDSON CELEBRATE GOLDEN ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. SOLOMON. Mr. Speaker, as far as I'm concerned, there are two things which have made our Nation the greatest on Earth, our commitment to family and pride in country. It is my privilege today to pay tribute to a couple who together, have embodied these exceptional characteristics for 50 years now.

Upon the outbreak of World War II, these two young patriots lived far from one another. Yvonne grew up in Cohoes, NY, while Arvis was born in Salem, MO, and moved to St. Louis prior to the outbreak of war. Both of them responded to this impending national crisis like any great American would, they voluntarily enlisted in the military, Yvonne in the Navy Waves and Arvis in the U.S. Marine Corps. It was this love of Nation and service to country that brought the two of them together when their country needed them most.

Well, Mr. Speaker, we are all reminded of the fortunate ending of World War II, especially as we commemorate the 50th anniversaries of V–E and V–J days this year. However, there was another fortunate occurrence as a result of the end of this war. As he promised, Arvis returned when the fighting ceased to seek Yvonne's hand in marriage. On May 26, 1945, Arvis and Yvonne began their life together at Alameda Naval Base in California. Now 50 years later, as we commemorate the historic victory of democracy and freedom over tyranny and oppression, we can also rejoice in the happiness of the Richardson's whose marriage has stood the same test of time.

Yvonne and Arvis should be commended not only for their commitment to their Nation, but for their commitment to their family and one another. It is this commitment and understanding which laid the foundation for a solid family structure, pivotal to their success in raising their two children, Dennis and Peggy.

Mr. Speaker, I have always been one to judge people by their commitment to their family and children, and by what they return to their community. By this measure, Yvonne and Arvis are truly great Americans as evidenced by their clear devotion to family, and the American way of life. This May 28, family and friends will join them in commemorating their 50 years of happiness together. Mr. Speaker, I would ask that you and all Members join me now in paying tribute to two tremendous patriots and devoted family people, Yvonne Blair Richardson and Arvis Sanford Richardson of Waterford, NY.

KERNEL BLITZ AND PACMEDNET: MEDICAL TECHNOLOGY SUCCESS STORIES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. CUNNINGHAM. Mr. Speaker, I would like to commend the men and women of our Defense Department's medical corps for the fine job they performed during the Marine Corps' annual Kernel Blitz combat exercise, held last month at Camp Pendleton, California. This exercise showed how military medical care is on the cutting edge of the latest automation technology, and Kernel Blitz demonstrated the integral role that this technology plays in supporting the troops. Our fighting forces deserve nothing less than the very best.

Last year, Congress and the Defense Department proposed a demonstration project known as the Pacific Medical Network [PACMEDNET] which utilized investments already made in the Defense Department's Composite Health Care System [CHCS] and expanded these attributes for effective wartime deployment. This technology was successfully used in Kernel Blitz and will take the Defense Department into the 21st century in both its peacetime and wartime medical missions.

Mr. Speaker, I wanted to share the following article from Federal Computer Week on how this investment in technology is improving emergency medical care for the Defense Department. This successful usage of CHCS technology is a simulated wartime exercise demonstrates that PACMEDNET is the future of battlefield medical care.

[From the Federal Computer Week, Apr. 10, 1995]

HOSPITAL SYSTEM SURVIVES FIRST BATTLEFIELD TRIAL

(BY BRAD BASS)

The Defense Department's $1.1 billion Composite Health Care System (CHCS) went into battle last week, and early reports said the system came through with the colors flying.

The Marine Corps' annual Kernel Blitz combat exercise, held at Camp Pendleton, Calif., last week, featured deployable medical information systems for the first time. The training mission linked hospital based CHCS to battlefield medical systems composed of smart cards, ruggedized handheld and laptop computers, and wireless communications. The expansion of CHCS to the battlefield stems from lessons learned in Operation Desert Storm and other hot spots, where Defense forces suffered from inadequate medical technology, said officials with both DOD and with CHCS contractor Science Applications International Corp.

''The fleet hospitals in Saudi Arabia had no automation,'' said Cmdr. Mel Baxter, director of development in the DOD CHCS program office.

''Things could have gone a whole lot better if they had these tools,'' Baxter said. The Air Force has already decided to put a version of CHCS in its base at Guantanamo Bay, Cuba, next month, Baxter said.

SIMULATED CASUALTIES

The Kernel Blitz system connected two ships—the USNS Mercy, a medical ship, and the USS Peleliu, both off the coast of Camp Pendleton—to forward surgical companies near the beach.

After the Marines simulated a full-scale landing operation using helicopters, tanks and armored personnel carriers, troops moving inland suffered about 200 simulated casualties, according to Steve Hudock, SAIC's director of CHCS deployment. Each soldier carried a CHCS Multitechnology Automated Reader Card, a smart card equipped with a 2K chip, a bar code and a photograph. Manufactured by 3G Inc., Williamsburg, Va., the cards contained basic medical information on the ''injured'' troops.

Field medics used SAIC's ruggedized SE–1415 Agilpac, a 486SX-based handheld computer purchased from the Army's Common

Hardware/Software (CHS) contract, to translate data from smart cards into a format compatible with CHCS.

The Agilpacs then downloaded CHCS data onto the cards so that medical personnel at other locations would be aware of each patient's condition, medication or other essential information. The casualties were transported to the forward surgical companies, where smart card data was transferred to ruggedized laptops via SAIC's Tactical Communications Interface Module, a controller/signal processor designed for combat applications.

This module is also available on the CHS contract. Throughout the exercise, Marines used SAIC V2A1 LC Lightweight Computer Units, 23-pound, ruggedized laptops based on 32-bit, 486DX processors. These machines were purchased from the Army's LCU contract, held by SAIC.

Medical personnel were able to use the LCUs to check the CHCS database for further information on each patient. The laptops connected to CHCS nodes located on the Mercy and the Peleliu via portable satellite dishes or radio.

When patients were evacuated, the forward surgical companies transmitted patients' records to medical staff at the Peleliu and the Mercy to alert them that casualties were on the way and to provide information on the type of injuries and what caused them.

''The doctor has a more complete picture of his patient as opposed to being surprised when the helicopter arrives,'' Hudock said.

NO GLITCHES

Baxter said people involved in the exercise reported no glitches.

''The summary information rolled from one medical treatment facility to another,'' he said. ''I think people were skeptical at first, but everybody said it is working great.''

Baxter said the exercise represents a new phase in the CHCS program and battlefield medical automation in general. CHCS was initially designed as a system for pharmacists, lab technicians, radiologists, and other hospital-based clinicians. DOD officials, however, decided to expand the system into the battlefield rather than develop a separate system for tactical users.

HONORING TOM BOLACK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. RICHARDSON. Mr. Speaker, each of us is blessed with the responsibility of representing thousands of hard working Americans back in our districts. Of course, some of our constituents distinguish themselves by excelling in a particular field whether it is business, public service, athletics, or a whole host of other specialties.

One of my most distinguishable constituents is celebrating his 77th birthday. Tom Bolack, whose life has been one giant success story, is still going strong. Over the years, he has excelled in politics, business, and ranching.

In 1942, this Kansas native had a vision of rich oil deposits in the San Juan Basin of New Mexico. His hunch was based on some self-taught geology basics. Experts called his dream a fool's dream. As Tom Bolack says, he followed his dream ''to a pool of oil and gas that would quench the thirst of even my harshest critic, the geologist who declared he would drink every drop of oil I found in the Basin!''

Tom Bolack's reward for perseverance is his cherished home, his ranch, the B-Square, just outside Farmington, NM. It is 12,500 acres of agriculture, livestock, wildlife, and conservation and of course oil and gas.

Tom Bolack's political career began in the 1950's with his election to mayor of the city of Farmington. After serving as mayor, he pushed for construction of the Upper Colorado River Project. He helped secure Federal funding for one of the Southwest's greatest water engineering accomplishments, the Navajo Dam and Reservoir on the San Juan River.

After his lobbying days, Mayor Bolack ran for and was elected to the New Mexico State Legislature. In 1961, he became the first Republican Lieutenant Governor in 35 years. The following year, he was sworn into office as Governor and served out the remainder of Ed Mechem's term.

Governor Bolack retired from career politics after his 1962 service as Governor. But he has remained active in Republican circles over the last 30 years.

Governor Bolack has distinguished himself as an outstanding citizen who had a dream, pursued it and excelled in business, ranching, and politics. I urge my colleagues to join me in honoring former New Mexico Governor Tom Bolack as he celebrates his 77th birthday.

THE 50TH ANNIVERSARY OF THE POLISH AMERICAN CONGRESS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. BORSKI. Mr. Speaker, I rise today to recognize the Polish American Congress, eastern Pennsylvania district, as it celebrates its 50th anniversary in Philadelphia this month.

Since its formation, the Polish American Congress has been an outstanding organization in southeastern Pennsylvania and continues to be a leading force in the unity of Pennsylvania and the fostering of Polish traditions and culture.

Over the last 50 years, the officers and members of the eastern Pennsylvania district have worked closely with the national organization in supporting its objectives. Members have proudly watched Poland gain her freedom from Communist Russia, and Polish Americans of all ages have supported cultural and educational events to demonstrate the pride in Polish heritage which will last for generations.

There have been many joyous moments in the 50-year history of the eastern Pennsylvania district. The organization has been instrumental in commemorating Pulaski Day and Polish Constitution Day in the Philadelphia region and has played an integral role in establishing the Thaddeus Kosciuszko House as a national historical memorial, so that tourists worldwide can appreciate the unique role this Polish patriot played in our Nation's history.

The Polish American Congress can also take special pride in sponsoring the Polish American Weekend at Penn's Landing, the largest ethnic event held along the riverfront in Philadelphia.

Mr. Speaker, as a Polish American and Congressman of the Pennsylvania's Third District, I am proud to represent the many dedicated people who have given so much of their time to keep the Polish spirit alive in the Philadelphia region.

THE NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Ms. NORTON. Mr. Speaker, in this time of budget rescissions and cutting of social programs, I am reintroducing a bill that would aid us in refocusing the debate on funding priorities. The Nuclear Disarmament and Economic Conversion Act, which is designed to take effect when all foreign countries possessing nuclear weapons enact and execute similar legal requirements, requires the United States to disable and dismantle its nuclear weapons and to refrain from replacing them with weapons of mass destruction. In addition, the bill proposes refocusing resources that are currently being used for nuclear programs to address human needs such as housing, health care, education, agriculture, and environmental restoration.

The Nuclear Disarmament and Economic Conversion Act is consistent with current U.S. policy and moves us to the next logical level by redirecting resources to essential domestic needs. The disarmament contemplated by this legislation is not unilateral on the part of the United States but requires multilateral cooperation to rid the world of nuclear weapons.

During the first 100 days of this Congress, many crucial programs were put on the chopping block—money for summer jobs for youth and future levels of funding for school lunches for our children. Yet, with the end of the cold war already making it into our children's text books, we have not yet refocused our priorities, nor reallocated our precious resources toward our most precious resource of all—our children. This act is a step toward that end.

TRIBUTE TO SENATOR JOHN S. STENNIS

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. WICKER. Mr. Speaker, it is my honor and pleasure to pay tribute to the life and service of Senator John C. Stennis, who passed away April 23, 1995.

Senator Stennis' life is the story of 20th century America. In 1901, he was born the son of farmers in the red clay hills of east Mississippi. He graduated from Mississippi A&M College, and received a law degree from the University of Virginia, earning the honor of Phi Betta Kappa.

He kept the promise of his youth and moved back to his hometown of DeKalb, MS, where he began an extraordinary 62-year career in public service which was unblemished by scandal, untainted by personal gain, and unquestioned in statesmanship. He served as a district attorney, State representative, and circuit judge.

Then, in 1947, he ran for the U.S. Senate to fill the unexpired term of Theodore Bilbo. In today's era of contracts and 100 and 500 day timetables, I often think of John Stennis' campaign promise from his first Senate campaign. He pledged to ''plow a straight furrow right down to the end of my row.'' Senator Stennis kept that simple promise with the people of Mississippi and plowed a straight furrow in the U.S. Senate for 42 years.

He served during a time when many politicians grabbed headlines by fanning the flames of prejudice and preying on the fears of the vulnerable. However, Senator Stennis always took the high road with integrity and courage. He was the first Senate Democrat to stand up to the fear of McCarthyism and was crucial in bridging our country's racial divide in the 1960's.

He began his service in the Senate by working each day until the Senate recessed and then studying at the Library of Congress until it closed. He rose to serve as chairman of the Armed Services Committee for 12 years, becoming one of the most influential voices in our Nation's military affairs during the Vietnam war and for much of the cold war. Every weapons system used in the 1991 Desert Storm offensive was authorized and appropriated under the leadership of Senator Stennis.

He also served as chairman of the Appropriations Committee as well as the first chairman of the Senate's Select Committee on Standards and Conduct.

Widely respected for his integrity, diligence, and judgment he was called upon time and again to investigate sensitive political matters. It became routine to refer to him as the ''Conscience of the Senate.'' To illustrate the bipartisan respect he engendered, President Nixon looked to John Stennis' reputation and integrity during the height of Watergate. When President Nixon refused to turn over Watergate tapes to a special prosecutor, he offered to have Senator Stennis listen to their content and verify President Nixon's summary.

Mississippians knew they had no greater friend in Washington. Senator Stennis brought economic development to my home of north Mississippi through the Tennessee-Tombigbee Waterway. In south Mississippi, he secured the State's largest employer, Ingall's shipyard, and brought about NASA's testing facility for rocket motors, the John C. Stennis Space Center.

Senator Stennis retired from the Senate in 1989, having served eight Presidents from President Truman to Reagan in a career in which he would rise to President pro tempore of the body he so revered. Upon his retirement, President Reagan announced that the Nation's newest nuclear powered aircraft carrier would be named the U.S.S. *John C. Stennis*. The U.S.S. *John C. Stennis* will join the ranks in December of the U.S.S. *Nimitz, Vinson, Eisenhower, Washington, Roosevelt,* and *Lincoln.*

After his retirement, Senator Stennis moved to the Mississippi State University campus from which he graduated in Starkville, the home of the John C. Stennis Institute of Government and the John C. Stennis Center of Public Service, created by Congress to train young leaders.

When asked in the twilight of his career how he would like to be remembered, with his characteristic humility he responded, ''I haven't thought about that a whole lot. You couldn't give me a finer compliment than just to say 'He did his best.' '' Senator Stennis' unyielding devotion to principle, character, and humility produced one of the greatest statesman of the 20th century. Senator Stennis did his best and for that my State of Mississippi and America will always be grateful.

LOW-INCOME SCHOOL CHOICE EDUCATION BILL

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. WELDON of Florida. Mr. Speaker, today I am introducing, with my good friend FRANK RIGGS, the Low-Income School Choice Demonstration Act of 1995.

Mr. Speaker, in some parts of this great country, the state of education continues to decay—despite throwing more money at the problem. The liberal solution is more money, more bureaucracy, more regulation, and greater Federal intrusion into our schools.

I, and my colleagues joining me on this bill, feel differently. We should focus on parental choices, deregulation of classrooms, the acquisition of essential skills and knowledge; and good, objective tests that tell us how our children are doing.

Education is subject to a great many debates and ideas. One of the those ideas is allowing parents to choose the school their children attend. Some may say we shouldn't allow the parents to decide what school might best prepare their child for the world outside. But, I believe it is essential that we allow our parents to determine what is best for their children.

In an article from the Washington Post this past weekend, a high school student was very surprised to find out she had scored perfectly on her SAT test. This was despite knowing she had incorrectly answered at least two questions. How could this happen? Well, currently the College Board, the organization that administers the SAT, is recentering the scores to bring the average back up to 500 points. It is a sad commentary on the state of our Nation's educational system when we have to lower the standards of education in order for our students to score well on their college entrance tests. This must stop. We must better educate our children.

Breaking down old, outdated barriers and confronting the new paradigm of change and innovation has been the hallmark of this Congress. The first 100 days of this Congress brought a tremendous amount of change. The primary thrust of all the ideas that have been circulating is to reduce the role of Government and empower the American people to make their own decision about their lives. The Weldon-Riggs Low-Income School Choice Demonstration Act of 1995 is an innovative and creative way of changing the status quo in the debate about education reform and education choice for all Americans.

This demonstration project is a tiny step, but a step nonetheless, toward change and a better educational future for our most valuable asset, our children.

A good education is a key ingredient in ending the cycle of poverty that entraps so many of our Nation's children. This bill will liberate the parents of low-income children to choose a school that meets the educational needs of their children.

Improved education is essential for our Nation's economic vitality. Our increasingly competitive global economy demands a well-educated work force, and this bill will serve as a catalyst for improved education.

In 1986, almost 94 percent of high school seniors were unable to solve multistep mathematical problems or use basic algebra. In fact, a 1994 survey by the Carnegie Foundation found that few college professors feel U.S. undergraduates are prepared for higher education: only 20 percent of professors believe undergraduates have adequate written and oral communications skills and only 15 percent feel undergraduates are sufficiently skilled in math and qualitative reasoning.

As for literacy, most young Americans are functioning at rudimentary levels: enough to get through the day perhaps, but not enough to sustain a strong democracy, a competitive economy, and a vibrant culture. According to the U.S. Chamber of Commerce, functional illiteracy costs U.S. businesses $300 billion in lost productivity annually.

Our children need the opportunity to pursue a good education. If this educational opportunity is outside their school district, they should have the chance to take advantage of it and find their American dream through quality education.

Last November, the American people sent me and many others to Congress to change the way the Government works. School choice is one step toward changing the attitudes of the Federal Government regarding education.

Under the Weldon-Riggs education bill, the Secretary of Education would review applications from school districts around the Nation and select 10 to 20 school districts to participate in the school choice demonstration project. Children who are eligible for the Federal School Lunch Program could participate, and their parents would receive certificates to use at any public, private, or charter school in the area.

Two $5 million grants would be available to the most needy districts. They would be targeted to those communities with highest number of low-income children. The remaining grants would be in varying amounts up to $3 million.

Parents could use the money to send their children to public, including charter schools, or private, including sectarian, schools of their choice. The money could be used to pay reasonable transportation costs and would be limited to the average per child expenditure in the local public school.

The Weldon-Riggs school choice demonstration bill would cover 3 years, with an initial cost of just $30 million. Each participating school district must submit evaluation information to the Comptroller General for review. Data from the demonstration project would be studied after the 3-year period and a report would be submitted to Congress.

Earlier this year, Secretary Henry Cisneros of HUD said, ''Low- and moderate-income families should have greater power to make decisions about their lives, and government should support their quest for self-sufficiency.'' This same principal should apply to education. These low-income families should have greater power to make decisions about their lives, that's what this bill does.

Mr. Speaker, I urge more of my colleagues to sign on in support of this demonstration project and put a little hope and innovation into our education system.

TRIBUTE TO JIM GRANT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. LEVIN. Mr. Speaker, on May 17 the Overseas Development Council will honor James P. Grant. It will do so at a dinner in Washington to commemorate its 25th anniversary and will present awards to several who have chaired ODC. Jim Grant will be honored in memoriam.

If any word could characterize Jim Grant's distinguished career, and none adequately can, it might be dedication. Jim cared passionately about all the world's people and devoted his life to his dream of everyone on Earth having a real chance to enjoy its bounty.

Whether one knew Jim Grant during his early years in beginning to help others, his work in the U.S. Government trying to develop American assistance that would really matter to people in Third World nations, his days providing leadership as head of the ODC, or his glorious tenure as executive director of UNICEF, the conclusion was the same for so, so many of us. There was no one else quite like Jim—in his combination of imagination, enthusiasm, drive, perseverance, intelligence, and interpersonal skills.

He simply would never give up.

Jim Grant would understand the impetus in our Nation to focus on improving the opportunity for the millions of our citizens who have seen their standard of living stagnate over the last decade, and in many cases decline. At the same time he would not believe that, in doing so, our Nation would want to turn its back on the plight of millions elsewhere. He believed too much in the basic decency of the people of this country, and in this sense he was in all of his bones and in his fundamental attitude very much an archetypical American.

Literally, there are hundreds of thousands, if not millions, of children alive today because Jim Grant lived. Could anyone ask for more of his or her life?

Jim met more of the people he cared about than do most, but most of them he never met. But he could envisage them vividly, as if part of his own family, to whom he was so close and from whom sprang much of his humanity.

I had the privilege of working with Jim, also of seeing him preside over many a meeting. There was no one who could better stimulate a diverse group to work, sometimes struggle to a constructive conclusion—not infrequently the very one he had in mind from the very beginning. As the ODC notes his untimely death by commemorating his life, many who know him well join in and innumerable others who did not know him directly but benefited from his work would do so, if they could.

HONORING THE NEW YORK PUBLIC LIBRARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. ENGEL. Mr. Speaker, the New York Public Library, one of the Nation's most treasured cultural institutions, and the only library in the world combining a preeminent research collection and a comprehensive system of neighborhood branch libraries, is celebrating its 100th birthday.

For 100 years, the New York Public Library has been a cornerstone of equal opportunity by providing free and open access to information without distinction based upon income, religion, nationality, or other human condition. The only criterion for admission is curiosity.

Through the 82 branch libraries and 4 research centers, the Library serves more than 10 million people each year. The research libraries, which include the Center for the Humanities, the Schomberg Center for Research in Black Culture, the Library for the Performing Arts, and the soon-to-be-opened Science, Industry, and Business Library, contain vast treasures which provide researchers, scholars, and students access to the accumulated wisdom of the world.

However, it is the neighborhood branches that are the cornerstone of many New York City neighborhoods. They provide a safe and inviting gathering place for the young, the elderly, and, in fact, for everyone to learn and enrich their lives. The branch libraries reach far beyond the traditional lending role usually associated with neighborhood libraries. The many branch libraries that are located in my congressional district play an extremely important role in the education and socialization of the residents of Bronx County.

I join with my constituents in recognizing the New York Public Library on the 100th anniversary of its founding.

TRIBUTE TO PETER CLENDENIN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. BLILEY. Mr. Speaker, I rise today to commend and pay tribute to a good friend and servant to the people of the Commonwealth of Virginia, Mr. Peter Clendenin. On June 30 of this year, Peter will end more than 12 years of service as president of the Virginia Health Care Association, a nonprofit association that represents assisted living, nursing facility, and subacute care providers throughout the State of Virginia.

For the 3 years preceding his tenure at the Virginia Health Care Association, Peter served the Commonwealth as assistant secretary of human resources where he oversaw the development of the budgets for 15 State agencies responsible for implementing security, manpower development, mental health services, and rehabilitation services for the people of Virginia.

Peter began his service to the Commonwealth in 1975 as a senior legislative analyst with the Virginia Joint Legislative Audit and Review Commission where he worked for 4 years as project director of program evaluations.

Mr. Speaker, it gives me great pleasure to share with my colleagues the many contributions Peter Clendenin has made to the people and government of Virginia, and to wish him well on his future endeavors.

CONGRATULATORY REMARKS FOR MISS CHELSI SMITH, MISS UNIVERSE 1995

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to recognize Miss Chelsi Smith who was crowned Miss Universe on May 12, 1995, in Namibia, South Africa. Miss Smith has become an inspirational figure to young people across the world.

Chelsi Smith represented the State of Texas at the Miss USA competition in 1995. Upon her award, she continued her duties in South Africa where she represented the United States of America in the Miss Universe competition. Of the 82 contestants Chelsi Smith, of Deer Park, TX, has become the sixth Miss USA to be honored with the title of Miss Universe.

Miss Smith, a 21-year-old woman, was raised in Deer Park, TX, were she graduated from Deer Park High School in 1991. She is a sophomore at San Jacinto Community College, were she intends to complete her studies in early childhood education after fulfilling her reign as Miss Universe.

Chelsi has worked to raise the awareness of racial issues and has served as a motivational spokesperson to the youth of America.

I congratulate Miss Chelsi Smith on her award of Miss Universe. I wish her well as she continues to represent the United States of America and the State of Texas. I am very proud that a fellow Texan has so well represented our Nation. It is with great pride that I extend my congratulations to Miss Smith for her important victory.

MARGARET MONTERO-LEADERSHIP IN THE PORTUGUESE-AMERICAN COMMUNITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Mrs. Margaret Montero, the supreme president of the Associacao Protectora Uniao Madeirence do Estado da California [APUMEC] a fraternal organization in California's 13th Congressional District. On June 20, 1995, she will finish her term in office.

The APUMEC is a fraternal benefit society which was started in Oakland, CA, in 1913, by several men from the island of Madeira, Portugal. The purpose of the society is to assist any member who might be ill or in need. If a member passes away, the society provides assistance to the member's family. Since 1913, the society has grown in membership to

nearly 2,000 members in several States. The APUMEC continues to provide these services and has expanded to provide others, such as the scholarship program which awards scholarships each year to qualified students.

Margaret Montero is currently the 70th supreme president of the APUMEC. She joined APUMEC Council No. 4 ''Progresso'' on February 4, 1967, and has served as an officer since 1970. She is the third member of her family to hold the office of supreme president. Margaret's late brother-in-law, José (Joe) J. Montero was supreme president from 1930 to 1932. Her daughter, Jackie Montero Flynn, served as supreme president from 1973 to 1974. She and her daughter are the first mother and daughter supreme presidents of the APUMEC.

Ms. Montero was born on May 28, 1915, in Honolulu, HA. She has been a resident of the bay area for over 60 years. She owned a business with her now deceased husband, Mr. Joaquim (Harry) Montero, to whom she was married for 45 years, and she still resides in the city of San Leandro, CA. She has one daughter, Jackie Montero Flynn, one stepson, John Lewis Montero; three grandson; and two great grandchildren.

Ms. Montero has also served as a member of many other community organizations, including the IDES, ISMM, SES, SPRSI, UPPEC, UPEC, the Brotherhood of St. Anthony, the Cabrillo Civic Clubs of California, and the ICDES. She is also a representative to the Portuguese Fraternal Benefit Societies of California.

Ms. Montero will finish her term on June 20, 1995. During her tenure as supreme president, she brought in a total of $575,000 in policies and over 85 new members to the society. This is a significant contribution to the organization. But perhaps even more significant is the tireless dedication she has brought to the APUMEC for the 28 years that she has participated in the organization.

Today, I want to congratulate Margaret Montero on her successful term as supreme president and recognize her for her commitment to the APUMEC and to the entire Portuguese community, I wish her much happiness in the years to come.

REAUTHORIZATION OF THE CLEAN WATER ACT

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to express my disappointment with provisions added at the last minute to H.R. 961, the Clean Water Amendments of 1995. The bill made an honest effort to correct some of the problems with the current Act. However, while I supported some of the strong elements of the bill, including the wetlands and the private property provisions, I could not, with good conscience, support the final amended bill.

During consideration of H.R. 961, the House approved an amendment that altered the allocation formula under the State Revolving Fund [SRF]. Under this new formula, the less industrialized States, like Arkansas, received significantly less money than they currently receive. The base bill contained a more equitable approach in its treatment of the allocation formula, but the amendment adopted by the House gutted the original agreement reached by the committee.

Last year Arkansas received nearly $15 million under the SRF allocation. Under the amended bill, Arkansas would receive $8 million—a 42 percent reduction.

Arkansas has a well run SRF program, leveraging two times the amount of its SRF funding. Last year, Arkansas leveraged nearly $30 million from its $15 million allocation. The severe reduction in the amended bill not only reflects a $7 million reduction of federal obligated dollars, but it also adversely affects Arkansas' ability to leverage more funds. The bill's cut in fact represents a $14 million total loss in funds that could be used to finance much needed wastewater treatment plants and infrastructure needs throughout the State. With the many Federal requirements imposed on our communities, they need the capital to comply with these national mandates.

Again, there were many provisions in the bill that I support, including relief for farmers under the wetlands and nonpoint source sections and small system hardship loans. However, when this bill pits Arkansas against other States in fighting for essential funds, I could not abandon Arkansas' needs in developing its clean water infrastructure.

I hope that the chairman and other Members involved in the negotiations with the Senate will press on in their obligation to consider this equity issue during the conference and resolve this unacceptable situation for Arkansas and 28 other States that lost SRF funding under the new allocation scheme. I would like to have a bill that I could support on behalf of my farmers and my rural constituents.

IN MEMORY OF EDWARD V. ROBERTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. DELLUMS. Mr. Speaker, it is with profound sadness that I rise to remember the late Edward V. Roberts, the father of the independent living movement and cofounder of the World Institute on Disability. Mr. Roberts passed from this life on March 14, 1995, at his home in Berkeley, CA, at the age of 56.

Mr. Roberts undeniably exemplified the epitome of what people with disabilities can accomplish with the right attitude, individual empowerment, and mutual support. The undefeatable Mr. Roberts laid the groundwork for disabled rights as he pursued his dream of liberation and education. His lifelong battle for the rights of the disabled began in high school when he vigorously challenged his school principal who balked at granting Roberts a diploma because the teenager had not completed the required physical education courses. Polio left Roberts a quadriplegic at age 14. Roberts, unable to move below the neck and dependent on an iron lung to breathe, was deemed ''severely disabled'' and ''unemployable,'' according to a counselor at the California State Department of Rehabilitation. Convinced that he could defeat the odds, Roberts never accepted the idea that disabled people could not when the rest of society could. He pursued his educational objectives with this idea in mind. After winning the battle to obtain his high school diploma, Roberts went on to earn a bachelor's degree and a master's degree. He was the first severely disabled student to attend and be housed on campus at the University of California, Berkeley. While there, Mr. Roberts helped fellow students organize into a self-help group whose services included free counseling, off-campus housing referrals, and a repair crew whose expertise was wheelchairs. He also led the lobbying effort for dorm housing for the disabled and eventually secured Federal money to establish the first ever Physically Disabled Students Program at the university. This was just the beginning of Mr. Robert's legacy to people with disabilities.

Committed to increasing the freedom of people with disabilities to live and work like other people and in response to increased demands for the services provided under the auspices of the Disabled Student's Program, in 1972, Mr. Roberts helped found the Center for Independent Living in Berkeley. The program was the first of its kind to be designed, developed, organized and managed by and for the disabled to achieve the best quality life possible. It became a national model for people with disabilities because it documented and resolved some of the basic problems of people with disabilities attempting to live independently with such essentials as personal care, modified living space, transportation, and wheelchair-accessible ramps and curbs. While at the center, Roberts successfully campaigned for the removal of Federal laws that were designed to keep the disabled out of school and work environments. His ideas were turned into law in the Rehabilitation Act of 1973. There are now some 400 independent living centers throughout the United States based on the Berkeley model demonstrating independent living with accommodations. Once again, Mr. Roberts scored a permanent mark for the disabled, transforming the way everyone thinks and acts toward the disabled and paving the way for the integration of the disabled into all forms of society.

Mr. Robert's longtime efforts and visions received affirmation when Governor Jerry Brown appointed Roberts to head the California Department of Rehabilitation in 1975. Roberts was the first California State director of rehabilitation with a physical disability. His presence alone at the agency, the same agency that sided with the University of California in denying Roberts admittance to Berkeley because the school had never had a whellchair-confined student who required a respirator and iron lung, helped many understand the needs of the disabled seeking independence. With a staff of more than 2,500 and budget of $140 million, Roberts implemented the independent living programs on the State level and established a national network of independent living centers. The independent living movement soon went national. Roberts' efforts to change disabled rights dramatically influenced policies that are in place today. Mr. Roberts was determined to change the whole system and move away from old ideas about the capabilities of the disabled.

In 1984, Mr. Roberts received a $225,000 MacArthur Foundation award. Using this grant, he cofounded the Oakland-based World Institute on Disability [WID], to carry the philosophy of independent living into the national

arena. This organization, an influential think tank on disabled policy and research issues, is dedicated to eliminating handicappism through equity of opportunity, institutionalizing the full participation of the disabled within our society and ensuring economic parity for the disabled. Under Roberts, the organization conducted research and training on major policy issues, formulated new approaches to disabilities that are based on real-life emergencies and needs, began a disabled youth summer jobs and internship project, encouraged small businesses to identify barriers faced by the disabled and lobbied for small business loans for the disabled. His lobbying efforts gave rise to the Americans with Disabilities Act of 1990, section 504, and other important access laws for the disabled. Carrying his message of independent living, Mr. Roberts traveled worldwide pushing his message for disabled rights in Africa, Australia, Russia, El Salvador, and Japan, just to name a few.

Edward V. Roberts positively changed the perceptions of a whole society and revolutionized society's idea of what persons with disabilities could be. As a role model and leader with a vision, Roberts was committed to building an environment that supports the independence of people with disabilities. Roberts plotted his course early and never veered from his chartered path. He inaugurated a civil rights movement that changed the life of every disabled person and the structure of nearly every street and building in this Nation. Though there are no monuments to the man who launched the disabilities rights movement, we must recognize Mr. Roberts as the man who tried to build a dream that we all could share, now and in all generations to come. We will all morn this loss.

ALDRICH AMES SPY CASE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. COMBEST. Mr. Speaker, on November 30, 1994, the Permanent Select Committee on Intelligence issued its report on the Aldrich Ames espionage case. Among the findings of that report was the fact that ''the CIA failed to keep the oversight committees fully and currently informed'' about the case ''despite several instances of pointed questioning by Committee members. The lack of notification extended to the end: Neither the CIA nor the FBI advised the oversight committees of the investigation until shortly before Ames' arrest.''

This chilling finding left unanswered the question as to why the oversight committees had not been kept informed, as the law requires: Was it a witting coverup or inadvertent? Although neither answer would be comforting, the Permanent Select Committee on Intelligence deemed it necessary to close out this unanswered question with regard to the Ames case.

Despite the heavy press of business the committee's staff and Members made this a priority at the outset of this Congress. After extensive work by the staff and a review by the committee, the committee voted unanimously on May 11, 1995, to release the following statement:

CONGRESSIONAL OVERSIGHT OF THE ALDRICH AMES SPY CASE

On February 21, 1994, Aldrich Ames was arrested and charged with violating U.S. espionage laws and spying for the former Government of the Soviet Union and the Government of Russia. Since that date, the Committee has conducted an aggressive inquiry to determine what went wrong in the Ames case and how to fix it. In November 1994, we issued an exhaustive report that had specific recommendations for remedial action. The Intelligence Community and the FBI have taken significant steps to address problems we highlighted in our report. The remedial actions have had a positive effect on counterintelligence issues.

One issue, in particular, surfaced during our inquiry that necessitated additional follow-up: that is, whether the CIA violated Section 502 of the National Security Act of 1947 and whether that violation was intentional. Section 502 requires that the Congress be informed of ''all intelligence activities . . . including . . . any significant intelligence failure.'' At a full committee hearing on February 7, 1995, and in correspondence with this committee, Acting Director of Central Intelligence Admiral Studeman has stated that the CIA failed to meet this statutory obligation.

The CIA's admission of its violation of Section 502 led us to the next question, whether this failure was intentional. The Committee has interviewed a wide range of current and former CIA officials involved in the Ames case. We also reviewed the voluminous reporting that we have received on the Ames case. This examination produced no evidence that any former Director of Central Intelligence, Deputy Director of Central Intelligence, or Deputy Director for Operations made a decision to withhold information about the loss of Soviet assets in 1985 and 1986 and the resulting investigation from this Committee.

At lower levels of the CIA, where the counterintelligence investigation was being conducted, it appears that no one ever thought to bring this matter to the Committee's attention. Five Members of this Committee asked precisely the right questions about espionage problems at CIA during the CIA's own investigation: former Chairman Anthony Beilenson; two ranking Members, Representatives Henry Hyde and Bud Shuster; and two Committee members, Representative Dick Cheney and Larry Combest. At a minimum, what is clear is that, at certain levels, CIA officials did not understand the requirements of the law. The CIA is taking steps to ensure that all employees are aware of Section 502. Moreover, it is important to note that it is not the responsibility of the Committee ''to ask the right questions.'' The onus lies with the Intelligence Community to be forthcoming vis-a-vis its oversight responsibilities.

The Committee is taking the following additional actions:

We have prepared a letter for the new DCI, John Deutch, drawing his attention to Section 502 and the transcript of the February 7, 1995 hearing. We are confident that the new DCI will be vigilant in ensuring that the mandates of Section 502 are followed. Notification is not merely a matter of law, but is also a matter of common sense. Senior CIA officials must bring matters to the attention of the Congress when there is any ''significant intelligence failure.'' This raises the corollary issue of ensuring that all officers of the CIA understand that they will be held accountable for the management of their operations, as Admiral Studeman has already informed personnel of the CIA. The new DCI has also pledged to make accountability a focus of his management policies.

The Committee has a continuing interest in the Ames case. A full briefing on the results of the Intelligence Community's damage assessment will be received later this year. Following that briefing, the Committee will determine if there is additional legislative or other remedial action that is required.

The Committee will also continue to monitor the counterintelligence reforms that have been put in place by the CIA, the Intelligence Community and the FBI to ensure that there is no backsliding on this matter.

MEDICARE DEPENDENT HOSPITAL RELIEF ACT OF 1995

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday May 16, 1995

Mr. SHAW. Mr. Speaker, I rise today to introduce timely legislation that will allow Medicare dependent hospitals, defined as hospitals with Medicare patient loads of 60 percent or more, to be reimbursed more fairly under the Prospective Payment System [PPS]. These hospitals, both rural and urban, have significantly higher Medicare losses and lower overall Medicare margins than other hospitals. This disparity threatens the viability of these hospitals and the access to, and the quality of, care for Medicare beneficiaries.

This legislation, which I am introducing in conjunction with my good friend from Florida, Senator BOB GRAHAM, is titled the Medicare Dependent Hospital Relief Act of 1995. To remedy the problem facing Medicare dependent hospitals, this bill includes three main provisions. First, Medicare dependent hospitals will be statutorily defined as hospitals with Medicare patients loads representing 60 percent or more of total patient days. Second, each year the Prospective Payment Assessment Commission [ProPAC] will compute, and the Health Care Financing Administration [HCFA] will implement, separate PPS updates for Medicare dependent hospitals and other hospitals. The update for Medicare dependent hospitals will have to make the average Medicare loss for those hospitals equal to the average Medicare loss for all hospitals. The computation and implementation will be budget neutral, thus this bill will not create additional costs. Third, ProPAC's annual report to Congress will include recommendations to ensure that beneficiaries served by Medicare dependent hospitals retain the same access and quality of care as Medicare hospital patients nationwide.

The need for this legislation is simple. Between 1983 and 1988, Medicare phased in the PPS to replace cost-based reimbursements with prospective, or pre-determined, payments to contain costs and encourage efficiency. Various PPS adjustments have produced wide variations in hospital profits and losses from Medicare. Medicare dependent hospitals, as a group, have been at a distinct disadvantage. While hospitals on average lose 2.73 percent on their Medicare business, Medicare dependent hospitals lose much more: on average, those Medicare dependent hospitals with 60–64 percent Medicare loads lose 4.57 percent, while those with 65 percent or greater Medicare loads lose 5.45 percent. Medicare dependent hospitals have less ability to offset

Medicare losses with payments from other payors because of their high Medicare patient loads. With such low margins, Medicare dependent hospitals are faced with only two choices: either close or reduce services. In either case, the ultimate losers will be the Medicare beneficiaries these hospitals serve.

I urge my colleagues to support this legislation and ask that this bill and these remarks be inserted into the RECORD.

H.R.—

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Dependent Hospital Relief Act of 1995''.

SEC. 2. DEVELOPMENT OF SEPARATE APPLICABLE PERCENTAGE INCREASES FOR MEDICARE DEPENDENT HOSPITALS AND OTHER HOSPITALS BY THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION.

(a) DEVELOPMENT OF SEPARATE APPLICABLE PERCENTAGE INCREASES.—

(1) IN GENERAL.—The Prospective Payment Assessment Commission established under section 1886(e)(2) of the Social Security Act (42 U.S.C. 139ww(e)(2)) (in this section referred to as the ''Commission'') shall, in accordance with paragraph (2), develop for fiscal year 1997 and each fiscal year thereafter separate applicable percentage increases described in section 1886(b)(3)(B) of such Act (42 U.S.C. 1395ww(b)(3)(B)) for medicare dependent hospitals and subsection (d) hospitals which are not medicare dependent hospitals.

(2) EQUALIZATION OF MEDICARE MARGINS.—The Commission shall develop separate applicable percentage increases under paragraph (1) such that, if such factors were in effect, the estimated average annual medicare margins of all medicare dependent hospitals in furnishing inpatient hospital services to medicare beneficiaries in such fiscal year would be equal to the average annual medicare margins of all subsection (d) hospitals which are not medicare dependent hospitals in furnishing inpatient hospital services to medicare beneficiaries in such fiscal year.

BUDGET NEUTRALITY.—The Commission shall provide that the separate applicable percentage increases developed under paragraph (1) would, if in effect, not result in aggregate payments under section 1886 of the Social Security Act (42 U.S.C. 1395ww) to medicare dependent hospitals and subsection (d) hospitals which are not medicare dependent hospitals for the furnishing of inpatient hospital services in a fiscal year in excess of the aggregate payments under such section to such hospitals in such fiscal year if such factors were not in effect.

(b) REPORTS.—

(1) IN GENERAL.—Beginning in March 1996, the Commission shall, in each of the Commission's March reports to the Congress required under section 1886(e)(3) of the Social Security Act (42 U.S.C. 1395ww(e)(3)) include—

(A) the separate applicable percentage increases developed by the Commission under subsection (a)(1) for the upcoming fiscal year; and

(B) recommendations on methods to ensure that medicare beneficiaries who receive services furnished by medicare dependent hospitals have the same access and quality of care as medicare beneficiaries who are furnished services by subsection (d) hospitals which are not medicare dependent hospitals.

(2) ANNUAL REVIEW OF MEDICARE MARGINS.—The Commission shall develop the recommended methods under paragraph (1)(B) after annually reviewing the average medicare margins in medicare dependent hospitals and the impact of such medicare margins on the medicare dependent hospitals' overall profit margins.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) MEDICARE BENEFICIARY.—The term ''medicare beneficiary'' means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(2) MEDICARE DEPENDENT HOSPITAL.—The term ''medicare dependent hospital'' means any subsection (d) hospital—

(A) that is not classified as a sole community hospital under section 1886(d)(5)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)); and

(B) for which not less than 60 percent of its inpatient days were attributable to medicare beneficiaries during 2 of the last 3 preceding fiscal years for which data is available.

(3) MEDICARE MARGIN.—

(A) IN GENERAL.—The term ''medicare margin'' means for a fiscal year the ratio expressed as a percentage equal to—

(i) the difference between all medicare revenues paid to a hospital for the operating costs of inpatient hospital services in a fiscal year and all medicare program eligible expenses for such operating costs for such fiscal year (as shown by each hospital's HCFA 2552 report submitted annually to the Health Care Financing Administration); divided by

(ii) all medicare revenues paid to the hospital for the operating costs of inpatient hospital services for such fiscal year.

(B) OPERATING COSTS OF INPATIENT HOSPITAL SERVICES.—The term ''operating costs of inpatient hospital services'' has the meaning given such term in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)).

(4) SUBSECTION (d) HOSPITAL.—The term ''subsection (d) hospital'' has the meaning given such term in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)).

IN RECOGNITION OF THE SUCCESSFUL PARTNERSHIP BETWEEN ANCHORAGE NEIGHBORHOOD HOUSING SERVICES AND THE NATIONAL BANK OF ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I would like to congratulate both the Anchorage Neighborhood Housing Services and the National Bank of Alaska for being nationally recognized by the Social Compact in its 1995 Outstanding Community Investment Awards program for their partnership achievement: the rehabilitation of a historic downtown property into a mixed-use rental and retail development. ANHS and NBA were selected from over 160 applicants from across the country for their highly effective and innovative community investment strategies.

The project, known as the Loussac-Sogn Limited Partnership, marked a series of firsts in Anchorage: National Bank of Alaska [NBA] was the first financial institution in Alaska to purchase historic and low-income housing tax credits, Loussac-Sogn was the first housing built downtown since 1980, and it was the first limited partnership between a nonprofit and financial institution to provide for the housing needs of low-income individuals.

The shortage of affordable housing in Anchorage is critical. Significant increases in number of low- and moderate-income residents and a concurrent loss of almost 1,000 substandard housing units between 1988 and 1990 created the severe shortage. A decline in per capita income caused by a shift in the economy from oil-based jobs to service jobs also contributed to the problem. The affordable housing available in the Loussac-Sogn Single Rental Occupancy [SRO] building is helping alleviate the situation.

Located in Anchorage's downtown business district, this historically significant, 42,000 square foot art moderne structure was rehabilitated and preserved according to national historic standards. The building will be placed on the National Historic Register in 1996. It includes retail businesses on the ground floor and 52 renovated and furnished single room occupancy housing units on the upper floors. Residents, very-low income adults, will stay at Loussac-Sogn as the first step in a continuum of housing provided by Anchorage Neighborhood Housing Services [ANHS]. Support services, provided through a case management system, will also help the residents more successfully bridge a transitional period before finding permanent, independent housing.

The project could not have been completed without NBA's leadership and participation throughout the process. They assisted with the complex acquisition of the land and building. The bank convinced the landowner that the creation of low-income housing would be within its purpose as a charitable organization, and then they negotiated with the building's owners to settle litigation so that it could sell the property to ANHS at a reasonable price. NBA also provided funds in acquisition and renovation equity and a construction loan with $1.55 million in financing through the Alaska Housing Finance Corporation. The additional financing needed to complete Loussac-Sogn was obtained through taxable bond financing and grants from the local historic preservation nonprofit, the Neighborhood Reinvestment Corporation, and the Federal Home Loan Bank of Seattle. NBA also stepped in with needed support when ANHS assumed the role of general contractor in order to address unexpected hazardous materials abatement requirements.

The Loussac-Sogn SRO is an asset and enhancement of downtown Anchorage. The residents take an active part in the community and focus on particular problems such as crime prevention. Thanks to Loussac-Sogn, businesses have learned about the positive effects of low-income housing.

TRIBUTE TO JESS DAMESWORTH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. LEVIN. Mr. Speaker, it has become widely accepted in our Nation that when people become unemployed through no fault of their own, there should be a bridge for them and their family until a return to remunerative work.

It took considerable effort to weave that principle into America's economic fabric and it has taken constant effort to maintain it.

Jess Damesworth has been in the center of that endeavor. As unemployment compensation director for the United Automobile Workers for over a decade, he has devoted his

high energy and substantial talents to his work. Thousands and thousands, inside and outside of the UAW, owe a debt of gratitude to Jess' dedication. He has worked with industry to make the system work more effectively.

On Thursday, May 18, a retirement dinner will be held to honor Jess' years of service. There will be words of praise from leadership and rank an file. Both will have witnessed the good efforts of Jess Damesworth. As someone who has been privileged to work with Jess over the last decade, I heartily join in the accolades to him.

CONGRATULATIONS TO DRUG-FREE SCHOOLS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. FIELDS of Texas. Mr. Speaker, I was pleased to learn that four schools located in my congressional district are recipients of this year's Drug Free Schools Award, presented annually by the U.S. Department of Education.

The four schools—Ehrhardt Elementary School, Strack Intermediate School, Dueitt Middle School, and Tomball Intermediate School—were among just 98 schools nationwide to be so recognized. Winning this award attests to the hard work and concern of the students, faculty and administrators of these four schools, as well as to the hard work and concern of the parents of the students attending those four schools.

In particular, I would like to congratulate Heather Maedgen, principal of Ehrhardt Elementary School in Klein; Gary Jones, principal of Strack Elementary School in Klein; Rosalind Keck, principal of Dueitt Middle School in Spring; and Dr. Lee Weeditz, principal of Tomball Intermediate School. Their leadership in eliminating drugs and alcohol from their schools, and in creating a positive learning environment, has inspired educators and students alike to work together for the common good.

America's Goals 2000—a series of educational goals to which President Bush committed our nation—includes a commitment that ''by the year 2000 every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.''

Mr. Speaker, the four schools located in my congressional district that have received the Drug Free Schools Award are well on their way to achieving that goal of a drug-free, alcohol-free and nonviolent environment in which teachers can teach and students can learn. Again, I congratulate everyone associated with those schools—students, administrators, faculty members and parents—on this tremendous, and well-deserved honor.

Thank you, Mr. Speaker.

LET'S TALK ABOUT THE FACTS

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. METCALF. Mr. Speaker, while discussing the massive Federal debt and annual budget deficits of over $200 billion at a recent town hall meeting in Oak Harbor, WA, I used a Member of the other body as an example of the old guard in Washington, DC. I criticized him for his opposition to the Balanced Budget Amendment, his reputation for securing questionable spending projects for West Virginia, and his unwillingness to cut wasteful Federal spending.

I then said in a light-hearted vein at the town hall meeting that because of this, the Member should be tarred and feathered. Historically, since the late 1800's, tarred and feathered has been a humorous reference, meaning community outrage at a person who violates the general good of the community. I have never, nor would I ever, seriously advocate mob violence toward anyone.

A more important note, in my mind, however, is the misinformation regarding a remark, made from the audience, that the Member should be shot. At the time of the comment I was speaking and thus did not hear nor was I aware of what had been said. Had I heard the statement at the time, I would have condemned it on the spot.

Political rhetoric is one thing, but threatening violence is quite another. I have always condemned senseless acts of violence and have worked to enact laws ensuring swift and sure punishment for those who break the law.

My comments were intended to illustrate the abuses of the old, outdated political process, certainly not to support the use of violence.

IN APPRECIATION OF THE COMMITMENT OF WILLIAM REES HARRIS TO THE SALISBURY VOLUNTEER AMBULANCE SERVICE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to commend Rees Harris, a lifelong resident of Salisbury, CT, for his generosity and leadership in forming the Salisbury Volunteer Ambulance Service in 1971.

Rees is known throughout the northwest corner of Connecticut for his vision of community life and his commitment to and support of programs that support the needs of the residents of the small towns, like Salisbury, that comprise the northwest corner. In 1971, through Rees' personal generosity, the Salisbury Volunteer Ambulance Service was established. Today, Rees will be honored by the board of trustees of the service in recognition of his dedication and compassion for his neighbors and for contributing to the quality of life they all enjoy.

In a small, tight-knit community such as Salisbury, many good deeds are accomplished, as neighbor helps neighbor in a quiet fashion. Rees is a humble man, a gentleman who has earned the respect of his peers for his unending concern for all those who call home the very special community of Salisbury, CT.

I know Rees finds deep, personal satisfaction through helping others, and on behalf of my Salisbury constituents, I express appreciation for his contributions to the lives of many and for strengthening the services and institutions on which the community relies.

TRIBUTE TO GILBERT MURRAY

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. RIGGS. Mr. Speaker, I rise today to pay homage to a very special person, who was recently taken away from us by a cowardly and desperate act. Gilbert Murray, president of the California Forestry Association, was killed on April 24, 1995, by a mail bomb at his office in Sacramento, CA.

Gil touched many lives, both professionally and personally. He dedicated his life to protecting the forests, which he learned to love as a child. He continued to explore and enjoy the outdoor world as an adult. He taught his family to love and appreciate nature in all its majestic forms—exploring mountain peaks, churning rivers, tropical reefs, snowclad hillsides, glaciers, and deep blue lakes.

Born on June 18, 1947, Gil spent most of his childhood in Southern California. After serving in the U.S. Marine Corps from 1967–70 in Vietnam, he returned to the United States to marry his childhood sweetheart, Connie.

Gil spent most of his professional life devoted to forestry issues. After graduating from the University of California at Berkeley in 1975 with a degree in forestry, he went to work as a dirt forester for Collins Pine Co. in Chester, CA. Through the years he worked in several organizations involved in forestry, eventually rising to the presidency of the California Forestry Association.

What is unique and special about Gil is the incredible amount of love and affection that his friends and family have for him. Devoted to his job, he never lost sight of the people around him. His family was always his first priority. Perhaps his young niece stated it best, ''He was just the best person in the world.''

Mr. Speaker, I hope all Members will join me in saluting Gilbert Murray and condemning his assassination. Gil was indeed a special person, and we can all best respect his life by advancing his ideals now that he is gone.

GOP SAVES MEDICARE

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. BUYER. Mr. Speaker, Medicare is in dire need of improvements. Medicare part A will go bankrupt by 2002; in just 7 years. Medicare part B, has already begun to lose money. Medicare is our forth largest Federal budget item, consuming 12 percent of the budget.

If the Medicare system is not reformed now, we may not have a program to reform in the very near future. Since 1992, Medicare has been paying out more money in claims than it has received in payroll taxes. These services must be run in a more responsible and fiscally prudent manner while maintaining Medicare's quality.

Medicare part A, the hospitalization insurance program, draws its revenue from a trust fund that currently contains $135 billion. This trust fund will begin losing money next year and will be insolvent by 2002. We must provide security to our seniors that there will be a safety net for their use if needed in 7 years.

Enrollees in Medicare part B, the program that finances outpatient medical treatment, will pay a premium of $46.10 a month and a deductible of $100 this year. In return they will receive benefits averaging nearly $2,400 per enrollee, with taxpayers subsidizing $1,800 per beneficiary. By 2002, that subsidy will reach $3,900 per individual. This subsidy will cost taxpayers $1.5 trillion over the next 20 years if the current course continues. The average one-earner Medicare couple will receive $126,700 more in benefits than they contributed over their working life.

In April, I completed another round of town meetings in the Fifth District of Indiana. The solvency of Medicare was a top concern. I heard a similar message from young and old alike from Kokomo to Winamac and from Logansport to Plymouth. Hoosiers don't want a quick fix that doesn't work. They don't want accounting gimmicks. They don't want political posturing. They want Congress to reform the system to ensure security for years to come. The solvency of Medicare is very real to Hoosier families and seniors.

House Republicans have proposed a budget plan that balances the Federal budget by 2002, without touching Social Security or raising taxes. This means that for the first time since 1969, our deficit by 2002 will be zero. Medicare spending is projected to increase from $178 billion in 1995 to $258 billion in 2002. That's a 45 percent increase over the next 7 years. What does this mean for the average Medicare recipient? In 1995, the average Medicare beneficiary will receive $4,684 in benefits which increase to $6,293 in 2002. Again, benefits increase—not decrease.

The Board of Trustees for the Medicare Trust Fund, appointed by President Clinton, have issued a report saying Medicare's short-term fiscal health requires either an immediate increase in payroll taxes of 44 percent or an immediate decrease in Medicare spending of 30 percent. Yet both of their proposals would only ensure solvency for 25 years. I support a less draconian approach such as reducing the growth of Medicare by just 5 percent a year. No tax increase nor enormous cuts. A 5 percent reduction in growth will provide for long term security of the Medicare program.

Because a centralized Government monopoly is inherently inefficient, wasteful, and too slow to adapt to new ideas and new solutions, we must transform Medicare. Every senior citizen should have more choices in health care and more control over their own lives, thus providing more security. a transformed Medicare system will provide better health care at lower cost with greater choice. Failure to transform Medicare will lead to cuts in services and financial crisis.

The President should be a leader, not a follower. The President's own Cabinet members, as trustees of the Medicare Trust Fund, have issued a report clearly stating that Medicare is in dire need of reform. President Clinton has been absent from this debate. Frankly, I am very disappointed that it will take Congressional legislation to bring the President into this discussion. I hope the President will take a seat at the table and help the Congress address this important issue. If not, the Congress clearly has the determination to do so without him. I support H.R. 1590.

Finally, the imminent crisis in Medicare funding is real and unavoidable. Responsible reform of Medicare is a top priority of this Congress. It should be everyone's purpose to reform and improve Medicare to provide the best possible service to its beneficiaries. I look forward to working with my constituents, my colleagues, and hopefully the President to find real solutions to improve these programs.

THE FEDERAL AVIATION ADMINISTRATION REFORM ACT OF 1995

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. OBERSTAR. Mr. Speaker, I am pleased to cosponsor H.R. 1392, the Federal Aviation Administration Reform Act of 1995, introduced by our colleague, JIM LIGHTFOOT. Congressman LIGHTFOOT'S bill makes important reforms which will enhance FAA's ability to carry out its responsibilities, while preserving FAA's basic structure which has enabled the agency to become the world's finest. Although I have reservations about some provisions in the Lightfoot bill, overall it is a major contribution to our effort to reform the FAA.

I strongly support the provisions in H.R. 1392 which would take FAA out of the Department of Transportation and make FAA an independent agency. This reform has been supported by 10 of the 11 living former Administrators of FAA. The strong support of the former Administrators should be given great weight, in view of their distinguished careers in the military and private sector, and the fact that they served our a period of more than 30 years, under Presidents of both parties, from John F. Kennedy to George Bush.

As the former Administrators have pointed out, FAA's responsibilities to develop the aviation infrastructure and to ensure aviation safety and security are basically technical in nature. FAA's skilled professionals are well equipped to carry out these responsibilities, without second guessing from political appointees at the Department of Transportation.

I have observed DOT's oversight of FAA for many years. DOT's review often does little more than delay important decisions. In some instances, DOT overrules sound FAA decisions, on ideological grounds, or to gain short term public relations advantages.

I would also emphasize that all 11 of the living former Administrators strongly opposed a reform which is not in the Lightfoot bill, but has been proposed by the Department of Transportation; to split FAA into a quasi-public corporation, like the Postal Service, for air traffic control and a rump FAA to regulate the corporation and carry out FAA's other responsibilities. In hearings before the Aviation Subcommittee, Najeeb Halaby, FAA Administrators from 1961 to 1965, testified that: ''Corporatizing part of the FAA could disintegrate the present comprehensive system of safety which has served the nation so well. It would result in potential serious conflict between the new corporation, the NTSB and the DOT/FAA. Since the proposed corporation would be a monopoly, it would not achieve the savings of free competition. Since it would be a federal corporation, the public would not consider that federal employees really had been reduced or true savings achieved. . .''

Administrator Halaby's statement was specifically endorsed by all 11 former Administrators.

The Lightfoot bill makes important reforms in the laws and regulations governing FAA's procurement of equipment and FAA's relationship with its skilled work force. FAA is now governed by burdensome procurement laws and regulations which have slowed FAA's program to modernize the air traffic control system. Equally burdensome laws and regulations on personnel have limited FAA's ability to recruit scientific and engineering professionals and to fully staff air traffic control facilities in high cost of living areas. The Lightfoot bill adopts a balanced approach to these problems by giving FAA flexibility to develop its own procurement and personnel systems, while retaining an opportunity for Congress to review these programs before they are implemented. Congress would also review the new personnel and procurement programs in the year 2002 when they would need to be reauthorized. The personnel and procurement reform programs developed under the Lightfoot bill would not only benefit FAA, but would also provide important data for reforming these processes for other Government agencies.

I am also supportive of the provision in the Lightfoot bill which gives the FAA Administrator a 7-year term in office. In recent years, Administrators have often served for 2 years or less. This is not enough time to ensure that needed reforms are implemented. The turnover in Administrators has caused reform to proceed by fits and starts, and prevented a sustained, consistent approach. Last year we passed legislation giving the Administrator a 5-year term in office. A 7-year term would be even better.

I have reservations about the provision in the Lightfoot bill to establish a panel to consider innovative financing mechanisms to ensure adequate funding for aviation infrastructure needs. We do not need a panel to discover that the basic problem is that the more than $5 billion a year generated by excise taxes on aviation system users, such as the 10 percent tax on airline passengers, is not being fully spent to develop the aviation infrastructure. The failure to fully spend these revenues is a breach of faith with aviation users. The taxes were imposed in 1970 for the purpose of financing the airport and airway trust fund which supports development of the air traffic control system and airports. In recent years, the user contributions have not been fully spent, but have been used to reduce the deficit in the general budget. The cumulative amount of taxes which has not been spent now totals more than $3 billion. A critical step in overcoming this problem is to pass H.R. 842, which would take the trust fund out of the budget process and permit all funds contributed by users to be spent for the intended purpose of developing our Nation's airports and air traffic control system.

Overall, I believe that the Lightfoot bill makes a major contribution to FAA Reform. I look forward to working with Congressman LIGHTFOOT and my colleagues on the Committee on Transportation and Infrastructure to develop an FAA reform bill which will ensure that

we will continue to have the world's finest aviation system.

TRIBUTE TO MARGARET STANFILL MOORE ORIGINALLY OF HAYTI, MISSOURI

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to Margaret Stanfill Moore, whose outstanding service as a nurse in World War II provided an invaluable role in several key battles, including the liberation of Europe.

Margaret Stanfill Moore holds the distinct honor of being the first woman to set foot upon the beaches of Normandy on D–Day, June 6, 1944. She followed the first wave of Allied troops ashore and immediately began ministering to wounded soldiers and paratroopers. Her work was crucial to saving the lives of Americans and our Allied friends.

Not only did Lieutenant Stanfill heroically rush to the shores of Normandy, but she was also one of the first nurses on the scene in the North Africa campaign. After North Africa, she followed Allied troops into Sicily. Margaret bravely risked her life in some of the most important battles of World War II to save the lives of American and Allied troops.

I am proud to boast that lieutenant Stanfill is from Hayti in the Eighth District of Missouri. The daughter of Mrs. Ola Stanfill, Margaret Stanfill Moore is a graduate of Hayti High School, Class of 1930, where she was captain of the girls' basketball team and the county high school tennis singles champion. Following high school, Margaret entered Nurses Training at the Baptist Hospital in Memphis, TN. After spending a year in private practice, she joined the U.S. Army Nursing Corps.

It is with honor that I recognize Margaret Stanfill Moore for her invaluable and outstanding service to our country. There is no more honorable an occupation than saving the lives of wounded American soldiers. The veterans of World War II thank her, I thank her, and America thanks her.

END THE CUBAN EMBARGO

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. MOAKLEY. Mr. Speaker, I recently wrote to President Clinton urging him to immediately begin negotiations with the Government of Cuba aimed at lifting the economic embargo and normalizing relations.

For over three decades, we have tried to force Fidel Castro from power by maintaining a tight economic embargo on Cuba. But, that embargo has failed to hasten Mr. Castro's departure and has failed to fuel the type of internal pressures to advance the democratic reforms that so many of us want to see.

Instead, the embargo has encouraged and strengthened the sentiments of nationalism in Cuba, provoked an increase in immigration to the United States—and it has provided Mr. Castro with a perfect excuse to justify the failures of his system.

It is my hope that the Clinton administration will recognize the obvious failures of our current policy and change course.

I would like to call my colleagues' attention to a recent article written for the Boston Globe by Elizabeth Shannon entitled, ''United States Should End Its Embargo Against Cuba.'' Ms. Shannon, who is a writer and administrator at Boston University, makes a compelling case for changing our policy.

[From the Boston Globe, May 4, 1995]

UNITED STATES SHOULD END ITS EMBARGO AGAINST CUBA

(By Elizabeth Shannon)

President Clinton's reversal of our Cuban refugee situation may be the administration's first step toward changing a policy which has been ill-advised and self-defeating throughout this century. To insist on continuing and expanding the harsh and illogical embargo against Cuba when an accord favorable to both countries could be reached is inconsistent with American self-interest. What good is it to have 11 million people near starvation or to create political chaos on a small island just 90 miles off our shores?

Whatever Fidel Castro is—guerrilla fighter, oppressive dictator, unrelenting windbag, nouveau capitalist—he is well aware of the failure of the Revolution and is groping for a way out, peering through the doors of private enterprise that are opening up to him and liking what he sees.

Through his own mismanagement and the loss of the $5 million annual subsidy from the Soviet Union, the infrastructure of Cuba is in shambles. The Spanish colonial mansions in Havana's suburbs are in bleak disrepair. Black smoke from oil wells pollutes the air. The few cars one sees are vintage American models, making the streets of Havana look like a set for a Bogart film. Engines rust on unused rail tracks, and buses have been replaced by ancient flatbed trucks with benches nailed to the floor to serve as public transportation.

Children beg on the streets of Havana. The only miracle left, hard to fathom, is the good nature and indomitable spirit of the Cuban people and their faith, slightly frayed, in ''El Comandante.''

Cuba is trying to deal with its economic crisis by participating in joint private enterprise projects, mainly with Canada, Mexico and Europe. It is also pouring money into tourism, which is growing at the rate of 20 percent annually.

There is still no free press, radio or television and one wonders about the literacy level when there are so few books to read. There are no young, would-be Fidels in the university; dissenters who still fear a knock on the door at night.

Nevertheless, there is an easing of some of the harsh, repressive social policies of the past two decades. The availability of educational opportunities and day care centers have made it possible for women to achieve goals not available to them in the pre-Castro days. Churches are open again after more than two decades. The repulsive policy of informing—on one's neighbors, friends, family—is becoming discredited.

The farmers' markets that are now allowed in the cities have eased the harsh deprivation of food supplies. Pork and fowl, beans, rice and vegetables are plentiful. The markets are crammed with shoppers, trading in dollars, the favored currency, instead of Cuban pesos.

But the Cuban people, adoring as many are toward their ''Maximum Leader,'' are restive and eager for a better life.

A respected journalist who has lived in Cuba through the Revolution said to me recently: ''Castro will change. He is, above all, a pragmatist and is keenly interested in how history will judge him. Of course, he must save face. Let him devise the words he will use to roll with the change. Democracy? People here aren't too interested in democracy. They are most interested in getting food on the table without having to stand in line for hours, in having things work, in good gasoline, new cars, a transportation system, electricity that doesn't work on whim.''

Cubans want to talk business. And, ironically, it may be American businessmen rather than politicians and diplomats who change our Cuban policy. They are flocking to the island.

It would seem that these moves toward capitalism would make America happy and might even make Sen. Jesse Helms smile. But our reaction has been to tighten the embargo and punish those countries—our allies and friends—who do trade with Cuba, creating more ill-will.

What guides our current policy toward Cuba? It is a combination of inertia and our indefatigible desire to punish Castro, to bring him down, that feeds the inflammatory rhetoric of Helms and the implacable hatred toward Castro of members of the exile community, who are now threatening to shut down businesses in Miami in protest of Clinton's new policy. It does nothing to create a viable climate in which to bolster Cuba's waning economy into a stable, thriving and eventually capitalistic society.

If there is one lesson to be learned from the story of Vietnam, so sorely reopened by Robert McNamara's memoirs, it is to recognize the fatal miscalculation of foreign policy-makers who, so sure of their direction, don't read the road signs. Policies conceived in honest hope grow old and out-dated and, eventually, fatal. The theory that to make democracy work in Cuba we must ''defeat Castro'' and punish the Cuban people is flawed.

A European diplomat said to me in Havana: ''Castro could probably defend Cuba against 100,000 American Marines. There is no way he could defend it against 100,000 American tourists!'' This moment in Cuba's history is an opportunity for President Clinton to begin the process of negotiation. Perhaps Jimmy Carter could make a stopover in Havana when he is in the area.

ABOLISHING THE SUBMARINE PATENT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1995

Mr. MOORHEAD. Mr. Speaker, recently, advertisements appeared in most of the newspapers in my 27th Congressional District, including the entire back page of the L.A. Times. These advertisements were purchased by a newly created group calling themselves Intellectual Property Creators. The adds were supporting the passage of H.R. 359, a bill introduced by my friend and colleague from California [Mr. ROHRABACHER] . The purpose of this type of lobbying is to bring pressure on me and the subcommittee I chair, to process this bill immediately. The bill, H.R. 359, is very controversial and of dubious merit. However, I have indicated that the subcommittee will hold a hearing on this issue next year.

The issue is the change in the U.S. patent law that occurred last year with the enactment of the GATT implementing legislation which

will change current patent law by adopting a 20-year patent term measured from the application filing date to replace the current term of 17 years measured from the date of the issuance of the patent.

That commitment was made in substance in the GATT Uruguay round TRIPs agreement, as well as in 1994 bilateral executive agreement with Japan. A 20-year term has been an agreed-upon point in GATT for at least the past 4 years through Republican and Democratic administrations alike. This is common knowledge. The idea of the 20-year term is not new. A 20-year proposal almost identical to the present law was recommended for the United States by President Lyndon Johnson's Commission on the Patent System in 1966 and Secretary of Commerce Mosbacher's Commission on Patent Law Reform in 1992.

I did not vote in favor of the GATT implementing legislation for a number of reasons, none of which concerned the intellectual property provisions of GATT. To the contrary, I do know that the copyright and patent provisions of GATT are good for the United States and supported by every major national copyright, patent, and bar association that takes an interest in patent and copyright law, as well as the National Association of Manufacturers and the Pharmaceutical Research and Manufacturers of America.

Present law provides 17 years of protection for a patent upon the issuance of that patent. The new law provides 20 years of protection for a patent upon filing of a patent application. The average time to examine and issue a patent by the U.S. Patent Office in 1993 was 19.5 months. This is expected to be reduced further in 1995 to 18.9 months. As of this past September the time to dispose of a biotechnology application is 20.5 months. GATT will add an additional 36 months to cover this examination period.

The American Intellectual Property Law Association and the Intellectual Property Owners, both watchdogs over the U.S. Patent Office, agree with the Patent Office that the vast numbers of patent applicants will gain 1 to 1½ years under GATT.

The Judiciary Committee Subcommittee on Intellectual Property on which I have served for 18 years, has jurisdiction over the patent law and the Patent Office. Has the Judiciary Committee been asleep at the switch so that Japan and certain multinational companies could damage the U.S. patent system through the GATT Uruguay round agreement? The exact opposite is true. We have closely monitored the intellectual property negotiations contained in GATT since 1987. This past January, the Japanese Patent Commissioner agreed to make substantive changes in their law to benefit United States inventors in exchange for the Patent and Trademark Office recommending the 20-year term from filing—a change the United States wanted to make anyway.

The features of the Japanese patent system that create problems for United States businesses are:

One, they do not permit filing applications in the English-language;

Two, the time it takes to obtain a patent is much too long—5 to 7 years;

Three, they permit competitors to oppose the issuance of a patent before the patent grant. Thus, delaying the rights of U.S. businesses;

Four, they permit competitors who develop minor improvements to obtain compulsory licenses for basic technologies developed by U.S. businesses.

These are the Japanese practices that they have agreed to change to make it easier and more economical for United States investors to file in that country.

To further protect patent applicants the new law legislation would extend the 20-year term of a patent for up to 5 additional years to compensate when an applicant is involved in a proceeding to determine who is the first to invent or an appeal of an examiner's decision in a court proceeding. This protection will further ensure that the applicant will not suffer any loss of term.

In addition to these protections the new law adds an additional year for what is called a provisional patent application. This adds an additional year during which the applicant can develop claims and potentially seek investment for development of the invention. During this provisional year the inventor retains his right to an early filing date, but the 20-year terms doesn't start to run until the application is filed, which amounts to 21 years of effective patent term.

Our present term of 17 years measured from patent grant is being abused by a few inventors and is interfering with the patent system's objective of stimulating progress in technology. By filing successive continuing applications on the same invention, the original applications remain submerged in the Patent and Trademark Office in secrecy year after year. It's a legal means of intentional delays perpetrated by the inventor, until a company has grown up around or an existing company begins using the inventor's original idea. Once the patent is granted, sometimes as much as 20 years after filing, the inventor can demand significant licensing fees for continued use of the now patented process. This usually comes as a brutal surprise to companies who manufacturer in the United States both foreign and domestic. This is the practice that H.R. 359 would protect.

The longer an applicant can delay, the further into the future the patent monopoly will extend because the United States measures the term from date of grant rather than date of filing. All foreign countries have the safeguard of measuring the term from filing date.

The most extreme and successful abuse of our current patent system terms involves a fairly well-known U.S. inventor who may have helped pay for full page advertisements in leading U.S. newspapers in recent months opposing changes in U.S. patent law particularly the 20-year patent term in order to try and preserve this abusive practice. In other words, he supports the passage of H.R. 359.

The American Lawyer, May 1993, contained an article which explains how this inventor made millions of dollars by the use of a submarine patent. This is how it works:

In December 1956, the inventor files a patent application on a machine vision device.

Through a series of continuations he keeps his 1956 patent application, now divided into a number of separate applications, pending in secret in the Patent Office for decades.

Bar code scanning technology is developed throughout the world by many different inventors between 1956 and 1989. The uses of the technology run the gamut from supermarket checkout counters to automated automobile assembly lines.

As the technology is developed by others, he can amend his machine vision patent applications to bring them up-to-date with bar code scanning.

In 1989, his patents begin to issue. To the amazement of whole industries, these newly issued patents cover bar code scanning in widespread use throughout the United States. His patents will last into the next century.

In 1992, he collected $450 million in royalties from the Japanese and European automobile industries and in return he allows them to continue to operate their factories.

In 1992, Ford, general Motors, and Chrysler refuse to pay him a royalty so that their assembly lines can remain open. The Big three U.S. auto-makers have used bar code scanners extensively since 1960. The inventor has filed a patent infringement suit against all three companies.

The U.S. patent system is designed to cause inventors to disclose inventions to, as the U.S. Constitution says, ''promote science and the useful arts.'' in return, patents provide inventors with a 17-year monopoly.

Submarien patent abusers do not disclose anything. Just the opposite. They deliberately keep their inventions secret. Then, after decades of delay, they cause the patients to issue so that can collect royalties from existing businesses. These submarine patents are intended to be a weapon against legitimate businesses.

In 1966 President Johnson's Commission on the Patent System recommended the 20-year patent term. Judge Simon Rifkind was the cochairman of that Commission and in 1967 he testified in the Senate in favor of the 20-year term and said:

> By this simple change, all of the motivations which today are organized in the direction of delay are redirected toward speed * * *. The harm that comes from our present system is very great. As long as that patent application lies in the Patent Office in secret it fails to make its contribution to the body of technological information that our society ought to have.

That criticism of our patent system was made over 25 years ago, it is still valid today. The 20-year term measured from filing would end this abuse.

The 20-year term in the GATT implementing legislation could reduce patent protection in a very small number of cases but in the vast majority of cases patent would be lengthened and in some cases as much as 2 years beyond the 17 years. The term for the rest of the cases would be around 17 years. The advantage of the 20-year term will be a longer patent term for most inventors, the abolition of the submarine patent, U.S. compliance with GATT and improvement of U.S. inventor rights in over 100 member countries.

The Subcommittee on Courts and Intellectual Property is faced with other pressing proposals that offer more promise for improving American patent, trademark and copyright laws to protect creativity and the genius of the American people. The patent term law taking effect on June 8, 1995 does not apply to any patents that have been granted in the past. Patent applications filed under the new law for the most part will not expire before the year 2015. So we have time to correct by legislation any injustice that may occur under the new law. The new law was promptly enacted by the Congress and signed by the President.

I did not vote for it but I believe it should be given a chance to take effect.

When the subcommittee reaches H.R. 359 for a hearing next year, we will investigate whether anyone besides deliberate abusers of the patent system is likely to obtain shorter patent life under the new law. If any inventors are losing patent life through no fault of their own, we will consider appropriate corrective action.

Daily Digest

HIGHLIGHTS

Senate passed Solid Waste Disposal Act and Alaska Power Administration Sale Act.

House passed Clean Water Act Amendments.

Senate

Chamber Action

Routine Proceedings, pages S6703–S6765

Measures Introduced: Four bills were introduced, as follows: S. 806–809. **Pages S6749–50**

Measures Reported: Reports were made as follows:

Reported on Monday, May 15, 1995, after the recess of the Senate:

S. Con. Res. 13, setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002. (S. Rept. No. 104–82) **Page S6687**

S. 454, to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, with an amendment in the nature of a substitute. (S. Rept. No. 104–83) **Page S6749**

Measures Passed:

Solid Waste Disposal Act: By 94 yeas to 6 nays (Vote No. 169), Senate passed S. 534, to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, after agreeing to a committee amendment in the nature of a substitute, and taking action on amendments proposed thereto, as follows: **Pages S6703–09, S6712, S6714–28**

Adopted:

(1) Chafee (for Kempthorne) Amendment No. 1083, of a technical nature. **Page S6709**

(2) Domenici Amendment No. 1092, to revise guidelines and criteria for the Resource Conservation and Recovery Act. **Pages S6714–15**

Rejected:

Murray/Gorton Amendment No. 1079, to permit a political subdivision of a state to exercise flow control authority for municipal solid waste, and for voluntarily relinquished recyclable material that is generated within its jurisdiction prior to January 1, 1990. (By 54 yeas to 45 nays (Vote No. 168), Senate tabled the amendment.) **Pages S6703–09**

Alaska Power Administration Sale Act: By 74 yeas to 25 nays (Vote No. 170), Senate passed S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and to authorize the export of Alaska North Slope crude oil, after taking action on amendments proposed thereto, as follows: **Pages S6728, S6730–35, S6736–42**

Adopted:

(1) Johnston/Murkowski/Breaux Amendment No. 1101, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico. **Pages S6730–32**

(2) Murkowski Amendment No. 1102, to authorize the sale of the Alaska Power Administration (APA). **Pages S6732–34**

(3) Johnston (for Daschle) Amendment No. 1103 (to Amendment No. 1102), to make clear that the authorization of sale of hydroelectric projects under section 102 has no relevance to any proposal to sell any other hydroelectric project or the power marketing administrations. **Pages S6733–34**

(4) Murkowski Amendment No. 1104, to allow exports of Alaskan North Slope oil as long as the oil is transported by vessels documented under the laws of the United States. **Pages S6734–39**

(5) Murkowski Amendment No. 1105 (to Amendment No. 1104), to provide for retirement of certain costs incurred for the construction of non-Federal publicly owned shipyards. **Page S6735**

Subsequently, the amendment was modified. **Page S6742**

(6) Murray Amendment No. 1106 (to Amendment No. 1104), to establish procedures for towing

vessels to be able to provide assistance to certain vessels operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca. **Page S6737**

(7) Murray Amendment No. 1107 (to Amendment No. 1104), to include licensing requirements and conditions in the issuance of rules necessary for implementation of the President's national interest determination, to give authority to the President to take certain actions relative to anticompetitive activity, including revocation. **Page S6737**

Withdrawn:

Murkowski Amendment No. 1078, to authorize exports of Alaskan North Slope crude oil.

Pages S6728, S6730

Whitewater Investigation—Agreement: A unanimous-consent time agreement was reached providing for the consideration of a proposed resolution relating to the Whitewater investigation, on Wednesday, May 17, 1995. **Page S6764**

Treaty Approved: The following treaty having passed through the various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification, with two provisos, was agreed to: Treaty with Panama on Mutual Assistance in Criminal Matters. (Treaty Doc. 102–15)

Page S6764

Nominations Confirmed: Senate confirmed the following nominations:

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

Lawrence Harrington, of Tennessee, to be United States Alternate Executive Director of the Inter-American Development Bank.

Jeffrey M. Lang, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

A routine list in the National Oceanic and Atmospheric Administration. **Pages S6764–65**

Messages From the House: **Page S6749**

Measures Referred: **Page S6749**

Measures Read First Time: **Page S6749**

Statements on Introduced Bills: **Pages S6750–52**

Additional Cosponsors: **Page S6752**

Amendments Submitted: **Pages S6752–61**

Notices of Hearings: **Page S6761**

Authority for Committees: **Page S6762**

Additional Statements: **Pages S6762–64**

Record Votes: Three record votes were taken today. (Total—170) **Pages S6709, S6722, S6742**

Recess: Senate convened at 9:30 a.m., and recessed at 6:25 p.m., until 9:45 a.m., on Wednesday, May 17, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S6765.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on the nominations of Karl N. Stauber, of Minnesota, to be Under Secretary of Agriculture for Research, Education, and Economics, and Eugene Branstool, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, after the nominees testified and answered questions in their own behalf. Mr. Stauber was introduced by Senator Wellstone.

1995 FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee resumed hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on rural development and farm credit programs, including S. 805, to improve Federal rural electrification and rural development programs administered by the Department of Agriculture, receiving testimony from Senator Simpson; Daniel R. Glickman, Secretary of Agriculture; Bill McQuillan, City National Bank, Greeley, Nebraska, on behalf of the Independent Bankers Association of America; C.T. Fredrickson, AgriBank, FCB, St. Paul, Minnesota; David Freshwater, University of Kentucky, Lexington; Enrique Irizarry, Jr., GAM Service Corporation, San Juan, Puerto Rico; Bill Christison, Missouri Rural Crisis Center, Chillicothe, on behalf of the National Family Farm Coalition; Michael H. Core, Indiana Statewide Association of Rural Electric Cooperatives, Inc., Indianapolis; Joe Palmer, Georgia Rural Water Association, Albany, on behalf of the National Rural Water Association; Aaron J. Harp, University of Idaho, Moscow; Dwight L. Casey, National Alliance for Fair Competition, Alexandria,

Virginia; L. Roger Johnson, North Dakota Agricultural Mediation Service, Bismarck; and Ron Phillips, Coastal Enterprises, Inc., Wiscasset, Maine.

Committee will meet again on Tuesday, May 23.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness resumed hearings on S. 727, authorizing funds for fiscal year 1996 for military activities of the Department of Defense and the future years defense program, focusing on Department of Defense financial management, receiving testimony from Charles A. Bowsher, Comptroller General of the United States, David M. Connor, Director for Defense Audit Issues, Accounting and Information Management Division, Jack L. Brock, Jr., Director for IRM-NSIAD Issues, Accounting and Information Management Division, and David E. Cooper, Director for Acquisition Policy, Technology and Competitiveness Issues, National Security and International Affairs Division, all of the General Accounting Office; and John J. Hamre, Comptroller and Chief Financial Officer, and Richard F. Kervey, Director, Defense Finance and Accounting Service, both of the Department of Defense.

Subcommittee recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on SeaPower resumed hearings on S. 727, authorizing funds for fiscal year 1996 for military activities of the Department of Defense and the future years defense program, focusing on the requirements for continued production of nuclear submarines, submarine industrial base issues, procurement strategy, and associated funding, receiving testimony from Nora Slatkin, Assistant Secretary of the Navy for Research, Development and Acquisition; Vice Adm. T. Joseph Lopez, Deputy Chief of Naval Operations, Warfare Requirements and Assessments; Adm. Bruce DeMars, Director, Naval Nuclear Propulsion; Richard Davis, Director, National Security Analysis, National Security and International Affairs Division, General Accounting Office; Ronald O'Rourke, Specialist in National Defense, Congressional Research Service; Cindy Williams, Assistant Director, National Security Division, Congressional Budget Office; William Fricks, Newport News Shipbuilding and Drydock, Newport News, Virginia; and James E. Turner, Jr., General Dynamics Corporation, Groton, Connecticut.

Subcommittee will meet again on Thursday, May 18.

NASA SPACE SHUTTLE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine the status of the National Aeronautics and Space Administration's space shuttle and reusable launch vehicle programs, after receiving testimony from Representative Rohrabacher; J. Wayne Littles, Associate Administrator for Office of Space Flight, John Mansfield, Associate Administrator for Space Access and Technology, and Paul Johnstone, Deputy Chairman, Aerospace Safety Advisory Panel, all of the National Aeronautics and Space Administration; and Jerry Grey, American Institute of Aeronautics and Astronautics, and John Logsdon, George Washington University, both of Washington, D.C.

NRC LICENSING

Committee on Energy and Natural Resources: Committee concluded hearings to review Nuclear Regulatory Commission licensing activities with regard to the Department of Energy's civilian nuclear waste disposal program and other related matters within the jurisdiction of the Nuclear Regulatory Commission, after receiving testimony from Ivan Selin, Chairman, Nuclear Regulatory Commission.

MEDICARE

Committee on Finance: Committee resumed hearings on the fiscal solvency of Medicare and the status of the program's delivery of health care services, focusing on methods to preserve and improve the Medicare program, receiving testimony from Stuart M. Butler, Heritage Foundation, Roland King, Ernst & Young, and Robert D. Reischauer, Brookings Institution, all of Washington, D.C.; and John W. Rowe, Mount Sinai Hospital School of Medicine, New York, New York.

Hearings continue tomorrow.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Committee on Labor and Human Resources: Subcommittee on Disability Policy resumed hearings on proposed legislation authorizing funds for programs of the Individuals with Disabilities Education Act, receiving testimony from G. Reid Lyon, Director, Human Learning and Behavior Branch, Center for Research for Mothers and Children, National Institutes of Health, Department of Health and Human Services; Stevan A. Kukic, Utah State Office of Education, Salt Lake City; Hal Hayden, Kentucky Department of Education, Frankfort; James E. Ysseldyke, University of Minnesota, Minneapolis; Charlene Green, Chicago Public Schools, Chicago, Illinois; Brian A. McNulty, Colorado Department of Education, Denver; Laurie Collins, Winston Salem, North Carolina, on behalf of the Interagency Coordinating Council in North Carolina; and Gen Nochta, Lexington, Kentucky.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: Thirteen public bills, H.R. 1641–1653; and one resolution, H. Res. 150 were introduced. **Page H5071**

Reports Filed: Reports were filed as follows:

H. Res. 147, providing for the consideration of S. 4, to grant the power to the President to reduce budget authority (H. Rept. 104–121);

H. Res. 148, providing for the consideration of S. 219, to improve the economy and efficiency of Federal Government Operations by establishing a moratorium on regulatory rulemaking action (H. Rept. 104–122);

H.R. 1175, to amend Public Law 89–454 to provide for the reauthorization of appropriations, amended (H. Rept. 104–123);

Conference report on H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995 (H. Rept. 104–124); and

H. Res. 149, providing for the consideration of H. Con. Res. 67 setting forth the Congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 (H. Rept. 104–125). **Page H5071**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Radanovich as Speaker pro tempore for today. **Page H4959**

Recess: House recessed at 9:42 a.m. and reconvened at 10 a.m. **Page H4963**

Medicare Trust Funds Report: By a yea-and-nay vote of 247 yeas to 170 nays, Roll No. 330 (two-thirds of those present not voting in the affirmative), the House failed to suspend the rules and pass H.R. 1590, to require the Trustees of the medicare trust funds to report recommendations on resolving projected financial imbalance in medicare trust funds. **Pages H4968–74**

Committees To Sit: By a yea-and-nay vote of 235 yeas to 181 nays, Roll No. 331, agreed to the Armey motion that all standing committees and their subcommittees be permitted to sit today and the balance of the week during the proceedings of the House under the 5-minute rule. **Pages H4974–77**

Clean Water Act Amendments: By a yea-and-nay vote of 240 yeas to 185 nays, Roll No. 337, the House passed H.R. 961, to amend the Federal Water Pollution Control Act. **Pages H4977–H5013, H5053–54**

Rejected the Bonior motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House adding provisions including standards for the discharge of industrial pollution into water; additional water pollution and control protections for public water supplies which are used for drinking; and a report by the Congressional Budget Office on the implications of this bill with regards to the Unfunded Mandates Reform Act (rejected by a recorded vote of 169 ayes to 256 noes, Roll No. 336). **Pages H5011–13**

Agreed to the committee amendment in the nature of a substitute. **Page H5006**

Agreed To:

The Gilchrest amendment that strikes language prohibiting property from being categorized solely as a wetland based solely on the fact that migratory birds use or might use it; **Pages H4987–88**

The Minge amendment that requires any mitigation of agricultural lands to be developed in consultation with the Secretary of Agriculture; **Pages H4993–94**

The Riggs Amendment that adds certain municipal waste water reuse operations to the list of activities which are exempt from permit requirements under the comprehensive wetlands program; **Page H4994**

The Taylor of Mississippi amendment that requires the Army Corps of Engineers implementing regulations to include standards and procedures that, to the maximum extent practicable, require the creation of artificial wetlands and other beneficial uses of material from navigational dredging; **Pages H4995–96**

The Franks of New Jersey amendment that clarifies that the ocean dumping provisions apply only to the ocean dumping of dredged material, and not to the dumping of sewage sludge or other materials; and **Pages H5000–01**

The Petri amendment that adds additional provisions regarding coastal nonpoint pollution control. Earlier, a similar amendment was offered but subsequently withdrawn. **Pages H5001–06**

Rejected:

The Boehlert amendment that sought to define ''wetland'' more broadly as any area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to a prevalence of vegetation adapted to such conditions; require EPA to initiate a national wetland restoration strategy in cooperation with other Federal agencies, State, and local governments, and the private sector; direct EPA to establish a Wetlands Coordinating Committee made up of Federal, State, and local government officials and associations to integrate conservation efforts among different levels of government and help develop national wetland strategy and policy implementation and advise EPA and the Army Secretary in adopting a regulatory program; direct EPA or the Corps of Engineers, as appropriate, to provide technical assistance and training to State and local governments in the development and implementation of wetlands protection; authorize $15 million annually for fiscal year 1996 to 2000 for EPA to establish direct grants to States and tribes for implementation and development of wetlands strategies, assistance to regional and local governments to pursue the same objectives, provide financing of State permits in support of Federal wetlands projects with no State receiving more than $300 of each type of grant nor more than $500,000 overall and with recipients sharing at least 25 percent of the costs of projects undertaken (rejected by a recorded vote of 185 ayes to 242 noes, Roll No. 332); **Pages H4978–87**

The Gilchrest amendment that sought to strike language that establishes a new definition of what constitutes a wetland as well as its detailed wetlands classification system (rejected by a recorded vote of 180 ayes to 247 noes, Roll No. 333); **Pages H4988–93**

The Pallone en bloc amendment that sought to strike provisions which reassign certain regulatory authority over ocean dumping and navigational dredging permits from EPA to the Army Corps of Engineers; **Pages H4994–95**

The Frelinghuysen amendment that sought to allow States that are administering their own federally approved wetlands permit programs as of the date of enactment to continue administering their own programs rather than the new program established in the bill (rejected by a recorded vote of 181 ayes to 243 noes, Roll No. 334); and **Pages H4996–98**

The Wyden amendment that sought to provide that the Federal Government would not have to pay compensation for losses in property value caused by wetlands regulation in cases where failure to enforce such regulations is likely to reduce the fair market value of one or more private homes by $10,000 or more (rejected by a recorded vote of 158 ayes to 270 noes, Roll No. 335). **Pages H4998–H5000**

The Clerk was authorized to make corrections in section numbers, punctuation, and cross-references and to make other technical and conforming changes. **Page H5013**

United States Naval Academy: The Speaker appointed Representatives Skeen, Gilchrest, Hoyer, and Mfume as members of the Board of Visitors to the United States Naval Academy on the part of the House. **Page H5053**

United States Military Academy: The Speaker appointed Representatives Kelly, Taylor of North Caroline, Hefner, and Laughlin as members of the Board of Visitors to the United States Military Academy on the part of the House. **Page H5053**

American Indian and Alaska Native Culture: The Speaker appointed Representatives Young of Alaska and Kildee to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development on the part of the House. **Page H5053**

Truman Scholarship Foundation: The Speaker appointed Representatives Emerson and Skelton as members of the Board of Trustees of the Harry S Truman Scholarship Foundation on the part of the House. **Page H5053**

Amendments Ordered Printed. Amendments ordered printed pursuant to the rule appear on pages H5072–84.

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H4974, H4977, H4986–87, H4992–93, H4997–98, H4999–H5000, H5012–13, and H5013. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 9 p.m.

Committee Meetings

FIFRA AMENDMENTS

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing on H.R. 1627, to amend the Federal Insecticide, Fungicide, and Rodenticide Act. Testimony was heard from Lynn Goldman, Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, EPA; Rebecca Doyle, Director, Department of Agriculture, State of Illinois; and public witnesses.

URUGUAY ROUND IMPLEMENTATION

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing on federally-sanctioned programs for dairy product promotion, research, and nutrition education, as well as the relationship of those programs to export policy following the implementation of the Uruguay Round. Testimony was heard from Lon S. Hatamiya, Administrator, Agricultural Marketing Service, USDA; and public witnesses.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security continued appropriation hearings. Testimony was heard from public witnesses.

OVERSIGHT RTC

Committee on Banking and Financial Services: Subcommittee on General Oversight and Investigations held an oversight hearing on the RTC. Testimony was heard from Gaston Gianni, Associate Director, GAO; the following officials of the Thrift Depositor Protection Oversight Board: Robert Rubin, Secretary; and Jonathan Fiechter, Acting Director, Office of Thrift Supervision, both with the Department of the Treasury; Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Ricki Tigert Helfer, Chairman, FDIC; Jack Ryan, Acting CEO, Resolution Trust Corporation; and Robert Larson, member.

COMMITTEE BUSINESS

Committee on Commerce: Met and approved pending Committee business.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Energy and Power approved for full Committee action the following bills: H.R. 1323, amended, Pipeline Safety Act of 1995; and H.R. 558, Low-Level Radioactive Waste Disposal Compact Consent Act.

OVERSIGHT

Committee on Commerce: Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a joint oversight hearing on Waste, Fraud, and Abuse in the Medicare Program. Testimony was heard from Michael Mangano, Principle Deputy Inspector General, Department of Health and Human Services; Sarah Jagger, Director, Health, Financing, and Policy Issues, Health, Education and Human Services Division, GAO; Tom Kubic, Agent, FBI, Department of Justice; and public witnesses.

CONSOLIDATED AND REFORMED EDUCATION, EMPLOYMENT, AND REHABILITATION SYSTEMS

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families approved for full Committee action amended Title 4 (Adult Education, Family Literacy and Library Technology Consolidated Grant) of H.R. 1617, Consolidated and Reformed Education, Employment, and Rehabilitation Systems.

CONSOLIDATING FEDERAL PROGRAMS AND ORGANIZATIONS

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on Consolidating Federal Programs and Organizations. Testimony was heard from Hazel O'Leary, Secretary of Energy.

Hearings continue May 23.

CONSOLIDATING AND RESTRUCTURING THE EXECUTIVE BRANCH

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on Consolidating and Restructuring the Executive Branch. Testimony was heard from Representatives Walker, Brownback, Chrysler, and Tiahrt; Robert A. Mosbacher, former Secretary of Commerce; and public witnesses.

LEGAL SERVICES CORPORATION REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the reauthorization of the Legal Services Corporation. Testimony was heard from Representatives McCollum, Stenholm, Spratt, and Wyden; Abner J. Mikva, Counsel to the President; Jamie Gorelick, Deputy Attorney General, Department of Justice; John Carey, General Counsel, FEMA; and the following officials of the Legal Services Corporation: Alexander D. Forger, President; Douglas F. Eakeley, Chairman of the Board; and Thomas F. Smegal, Jr., and Ernestine P. Watlington, both members of the Board.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property approved for full Committee action the following bills: H.R. 587, to amend title 35, United States Code, with respect to patents on biotechnological processes; H.R. 1443, Court Arbitration Authorization Act of 1995; H.R. 1170, amended, to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court; H.R. 1445, to

amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions; S. 464, to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts; and S. 532, to clarify the rules governing venue.

ROYALTY RELIEF ACT

Committee on Resources: Subcommittee on Energy and mineral Resources held a hearing on H.R. 699, Royalty Relief Act of 1995. Testimony was heard from W. Hord Tipton, Assistant Director, Energy and Minerals Resources, Bureau of Land Management, Department of the Interior; Reginal Spiller, Deputy Assistant Secretary, Gas, and Petroleum Technologies, Department of Energy; and public witnesses.

TRANSFER MANAGEMENT—TISHOMINGO NATIONAL WILDLIFE REFUGE

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 1112, to transfer management of the Tishomingo National Wildlife Refuge to the State of Oklahoma. Testimony was heard from Representatives Brewster and Geren of Texas; Mollie Beattie, Director, U.S. Fish and Wildlife Service, Department of the Interior; Greg D. Duffy, Director, Department of Wildlife Conservation, State of Oklahoma; and public witnesses.

ADMINISTRATION OF CERTAIN PRESIDIO PROPERTIES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on H.R. 1296, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. Testimony was heard from Senators Boxer and Feinstein; Representative Pelosi; Roger Kennedy, Director, National park Service, Department of the Interior; Frank Jordan, Mayor, San Francisco, California; and public witnesses.

LINE ITEM VETO

Committee on Rules: Granted, by voice vote, a rule providing for a motion, any rule of the House to the contrary notwithstanding, to take from the Speaker's table S. 4, Line Item Veto, for consideration in the House, to strike all after the enacting clause, and to insert the text of H.R. 2 as passed by the House. The rule provides 1 hour of debate, equally divided between the Committees on Government Reform and Oversight and Rules. Finally, the rule provides one motion to commit.

REGULATORY TRANSITION ACT

Committee on Rules: Granted, by a voice vote, a rule providing for a motion, any rule of the House to the contrary notwithstanding, to take from the Speaker's table S. 219, Regulatory Transition Act of 1995, for consideration in the House, to strike all after the enacting clause, and to insert the text of H.R. 450 as passed by the House. The rule provides 1 hour of debate, equally divided between the Committees on Government Reform and Oversight and Judiciary. Finally, the rule provides one motion to commit.

FAA RESEARCH AND ACQUISITION MANAGEMENT

Committee on Science: Subcommittee on Technology held a hearing on FAA Research and Acquisition Management. Testimony was heard from the following officials of the GAO: Gerald L. Dillingham, Associate Director, Transportation Issues; Matthew E. Hampton, Evaluator, Aviation Safety and Security; and Robert E. Levin, Assistant Director, Transportation Issues; the following officials of the OTA: Kevin P. Dopart, Senior Analyst, Energy, Transportation, and Infrastructure Program; and Kelley A. Scott, Analyst; and the following officials of the FAA, Department of Transportation: George L. Donahue, Associate Administrator, Research and Acquisition; Andres Zellweger, Director, Office of Aviation Research; and Clyde Miller, Program Director, Research Office of Aviation.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

EXPLORE INCREASING AND IMPROVING OPTIONS FOR MEDICARE BENEFICIARIES

Committee on Ways and Means: Subcommittee on Health held a hearing to explore increasing and improving options for Medicare beneficiaries, with emphasis on Experience in Controlling Costs and Improving Quality in Employer-Based Plans. Testimony was heard from public witnesses.

Hearings continue May 24.

FEDERAL UNEMPLOYMENT COMPENSATION SYSTEM AND CONSOLIDATION OF JOB TRAINING PROGRAMS

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Federal Unemployment Compensation system and Consolidation of Job Training Programs. Testimony was heard from Representatives Crapo and McKeon; Raymond Uhalde, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor; and public witnesses.

IMPOSITION OF SANCTIONS WHEN NECESSARY TO PROTECT INTELLIGENCE SOURCES AND METHODS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on legislation to permit the President to defer imposition of sanctions when necessary to protect intelligence sources and methods. Testimony was heard from departmental witnesses.

BUDGET RESOLUTION FOR FISCAL YEAR 1996

Committee on Rules: Granted a modified closed rule providing for six hours of general debate on H. Con. Res. 67, the concurrent resolution on the budget for fiscal years 1996–2002. The rule waives all points of order against the resolution and against its consideration. The rule provides for the adoption in the House and Committee of the Whole of the amendment printed in this report. It then makes in order only the amendments in nature of a substitute designated in section 2 of the rule to be offered only in the order specified, only by the Member designated, debatable for one hour each, and not subject to amendment, as follows: (1) by Representative Gephardt of Missouri printed in the May 16 RECORD, if achieving a balanced budget by the fiscal year 2002; (2) by Representatives Neumann of Wisconsin or Solomon of New York, consisting of the text of H. Con. Res. 66; (3) by Representatives Payne of New Jersey or Owens of New York, printed in the May 16 RECORD; and (4) by the minority leader if printed by him in the RECORD not later than May 17, consisting of a revised budget submitted by the President to the Congress that achieves a balanced budget by the fiscal year 2002. The rule waives all points of order against the amendments except that if an amendment in the nature of a substitute is adopted, it is not in order to consider further substitutes. Following disposition of the amendments, the rule provides a final period of debate of ten minutes equally divided between the chairman and ranking minority member of the Budget Committee. The rule permits the Budget Committee chairman to offer amendments in the House to achieve mathematical consistency pursuant to section 305(a)(5) of Budget Act. Finally, the rule suspends the application of House Rule XLIX, which provides for the automatic adoption of a debt limit identical to the level contained in the conference report on the budget resolution, with respect to the conference report on the fiscal 1996–2002 budget resolution. Testimony was heard from Chairman Kasich and Representatives Shays, Smith of Michigan, Shuster, Solomon, Neumann, Smith of Washington, Sabo, Stenholm, Orton, Browder, Dingell, Owens, Payne of New Jersey, Visclosky, and Peterson of Minnesota.

Joint Meetings

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 17, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine the National Academy of Public Administration's study on the Environmental Protection Agency, 9 a.m., SD–G50.

Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior, 9:30 a.m., SD–192.

Subcommittee on Commerce, Justice, State, and Judiciary, to hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation, 10:30 a.m., SD–116.

Committee on Armed Services, to hold hearings on the national security implications of U.S. ratification of the Strategic Arms Reduction Treaty (START II), 9:30 a.m., SR–222.

Subcommittee on Acquisition and Technology, to resume hearings on S. 727, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal year 1996, focusing on dual-use technology programs, 2 p.m., SR–232A.

Committee on Finance, to continue hearings on the fiscal solvency of Medicare and the status of the program's delivery of health care services, focusing on methods to preserve and improve the Medicare program, 9:30 a.m., SD–215.

Committee on Foreign Relations, business meeting, to mark up proposed legislation to authorize funds for and to reorganize the State Department, 10 a.m., SD–419.

Committee on Governmental Affairs, to hold hearings to examine proposals to reorganization of the Executive Branch, 10 a.m., SD–342.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on National Security, on Bomber Modernization, 10 a.m., and 1:30 p.m., H–140 Capitol.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, hearing on H.R. 1487, Federal Home Loan Bank System Modernization Act of 1995, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Telecommunications and Finance, to mark up H.R. 1555, Communications Act of 1995, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Postsecondary Education, Training and Life-Long Learning, to mark up H.R. 1617, Consolidated and Reformed Education, Employment, and Rehabilitation Systems, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on Buyouts: Boon or Boondoggle, 10 a.m., 311 Cannon.

Committee on International Relations, Subcommittee on Africa, to mark up H. Con. Res. 40, concerning the movement toward democracy in the Federal Republic of Nigeria, 10 a.m., 2255 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Chinese Population Control, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on authorization and oversight of the Office of Government Ethics, 10 a.m., 2226 Rayburn.

Subcommittee on Crime, hearing on law enforcement technologies, 9:30 a.m., 2154 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on legal immigration reform proposals, 9:30 a.m., 2141 Rayburn.

Committee on National Security, Subcommittee on Military Installations and Facilities, to mark up H.R. 1530, National Defense Authorization for fiscal year 1996, 3 p.m., 2212 Rayburn.

Special Oversight Panel on the Merchant Marine, to mark up the following bills: H.R. 1347, Maritime Administration Authorization Act for fiscal year 1996; H.R. 1349, Panama Canal Commission Authorization for fiscal year 1996; and H.R. 1350, Maritime Security Act of 1995, 10 a.m., 2212 Rayburn.

Special Oversight Panel on Morale, Welfare, and Recreation, to mark up H.R. 1530, National Defense Authorization for fiscal year 1996, 1 p.m., 2212 Rayburn.

Committee on Resources, to consider the following bills: H.R. 1077, to authorize the Bureau of Land Management; H.R. 260, National Park System Reform Act of 1995; H.R. 1091, to improve the National Park System in the Commonwealth of Virginia; H.R. 70, to permit export of certain domestically produced crude oil; H.R. 1122, Alaska Power Administration Sale Act; and H.R. 1332, Rongelap Recovery and Community Self-Reliance Act, 11 a.m., 1324 Longworth.

Task Force on Private Property, oversight hearing on Private Property Rights, 2 p.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Procurement, Exports, and Business Opportunities, to continue hearings on the appropriate role and the effectiveness of various Federal Government programs in helping small businesses find export opportunities around the world, focusing on agriculture, 10:30 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 4 p.m., HT–2M Capitol.

Committee on Ways and Means, Subcommittee on Trade and the Subcommittee on Rules and Organization of the House of the Committee on Rules, to continue joint hearings on Extension of Fast Track trade negotiating authority, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the flat tax and its potential for economic growth, 10 a.m., SD–106.

Next Meeting of the SENATE

9:45 a.m., Wednesday, May 17

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of a proposed resolution relating to the Whitewater investigation.

Senate may also consider H.R. 483, Extended Use of Medicare Selected Policies.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 17

House Chamber

Program for Wednesday: Consideration of H. Con. Res. 67, setting forth the Congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 (modified rule, six hours of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E1045
Bliley, Thomas J., Jr., Va., E1045
Borski, Robert A., Pa., E1043
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Emerson, Bill, Mo., E1051
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Lincoln, Blanche Lambert, Ariz., E1046
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Moakley, John Joseph, Mass., E1051
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Weldon, Dave, Fla., E1044
Wicker, Roger F., Miss., E1043
Young, Don, Alaska, E1048

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