United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, JULY 20, 1995 No. 118

Senate

(Legislative day of Monday, July 10, 1995)

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

The PRESIDENT pro tempore. We have a guest Chaplain this morning. When I first came to the Senate he was my press officer. Later my legislative assistant, later my administrative assistant. One of the finest men I have ever known. He is now a lay preacher, author of many books, and an outstanding citizen.

We are honored to have him with us, Harry Dent, of Columbia, SC.

PRAYER

The guest Chaplain, Harry Shuler Dent, Sr., of Columbia, SC, offered the following prayer:

Let us pray:

Our Father, who art in Heaven, hallowed be Your name. May Your will be done on Earth as it is in Heaven. May all Americans, and especially the membership of this august body of distinguished lawmakers, be a part of Your solution to the evils, the moral meltdown, and the hurts that plague our country and people across the world. May we be Your guiding star of moral and spiritual righteousness for all Americans and all the people of the world.

Please take us as a nation and change us individually and collectively where we need to be transformed so we may be guardians and purveyors of Your great commission and the great commandment as presented to us by Jesus. Use us to turn America and the world to Your will, for Your glory and for the good of all mankind. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, this morning leader time has been reserved. There will be a period for morning business until the hour of 10 a.m.

Following morning business, it will be our intention to go to the legislative branch appropriations bill. I hope we can get permission or clearance to do that. There will be rollcall votes, I understand, on that. It is also my hope that we can bring up the military construction appropriations bill. That would need the consent of our colleagues.

We need to do six appropriations bills before the August recess—whenever that starts. This will be very helpful. We will at least complete action on two of those this week. We still have the matter of the rescissions package, which I am not going to worry about anymore, for the next few days. I had it up to my eyeballs with the rescissions package.

Then we have also S. 343. There could be a vote on cloture today on regulatory reform. It seems to me we have just about reached—we have been negotiating, I think, in good faith.

We have had people on both sides. I think we are prepared to make some additional changes if that will be helpful. But I do not see much movement on the other side, as far as votes are concerned. It seems to me that that vote could come today. I will be visiting with the distinguished Democratic leader, Senator DASCHLE, and will make a judgment, whether that be today, tomorrow, or next week.

I did indicate to the President that I was inclined to accede to his request for Bosnia, but I want to talk to some of my colleagues on both sides of the aisle who are cosponsors. I certainly want to cooperate with the President where possible. I have indicated to the Democratic leader if we could work out some agreement on a vote on that early next week, that we certainly would try to accommodate the President's request.

Beyond that, depending on what happens today, we could be on the Ryan White measure tomorrow. On Monday, we will be considering gift and lobbying reform. On Tuesday, we hope to go to foreign ops and the State Department authorization bill. That will probably take at least 2 or 3 days.

I advise my colleagues, as far as we know at this point, there will be votes throughout today. There will be votes tomorrow. If there should be any change, I will certainly come to the floor and make the announcements so my colleagues on both sides of the aisle will have notice.

I reserve the balance of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein not to exceed 5 minutes each.

RESCISSIONS

Mr. WELLSTONE. Mr. President, I will manage the minority leader's time. Mr. President, I want to respond to the majority leader in a very positive, and by no means personal, way.

Mr. President, first of all, I thank the majority leader. He is quite right. There have been negotiations that have gone on for some time. I believe that we would be ready very soon to go forward on the rescissions package.

There were several issues. The majority leader has now been working with us. We have agreed to have debate on a number of amendments—one dealing with the low-income energy assistance,

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

Printed on recycled paper.

and the second one, which I really want to talk about and hope that there will be some change and restore some of the funding for this program. The other has to do with the job training and education programs.

Mr. President, the only disagreement—and I believe it will be worked out—has to do with a counseling program which, I say to my colleague from Missouri, I would like to talk about for a long time. I will not, because other colleagues want to speak, and I will get a chance to speak later.

This is an interesting program, Mr. President. The ratio, Members will like this, of paid staff to beneficiaries is 1 to 2,000. It is not topped down. It is out in the States. This is a program that is extremely important. It is what we are all about. It is basically a few paid staff that in turn nurture a lot of volunteers that in turn provide seniors with just basic information about their health care coverage. People sometimes find that bewildering, and sometimes there is unfortunately some ripoff when it comes to supplementary Medicare coverage. It is extremely successful.

The majority leader said last night, and he is quite correct, that he has now been working with us and actually is helping me to restore the funding to this program. It does not require a lot of resources. We are talking about restoring $5 million. It was a $10 million program. By the way, Mr. President, sometimes these numbers seem small to Members but this program makes a huge and positive impact in the lives of a good many very vulnerable citizens.

The only confusion and disagreement was that I was waiting for the reprogramming of this. I thank the White House for their help. I certainly would like to thank the minority leader. What I wanted to be careful about, and this just simply had not been worked out yet, is that the reprogramming was not a ''rob Peter to pay Paul.'' I did not want to take this money from another program that was extremely helpful, for example, to seniors.

So, Mr. President, the only delay, and I think it is a very slight delay, and I see no reason why we cannot go forward, is to make sure we have a reprogramming done. I also wanted to make sure that my colleagues had some understanding on appropriations. I mean, both the majority chair of the committee, Senator HATFIELD, and the minority chair, Senator BYRD, I wanted to make sure that they were fully apprised of where we were going on the reprogramming. That just did not happen last night. That is the one missing piece. It all goes together. There would not be a need for a third amendment if we work that out. I think we will.

Mr. President, I will just say what I have said all along, which is—I am speaking for myself; I think Senator MOSELEY-BRAUN would say the same thing—we really believed that it was important that the bill not just go through here without some debate and discussion. We wanted an opportunity to have some amendments. We have agreed to a limited time. We are ready to go forward, and I think we can.

Again, I say to the majority leader and I say to colleagues, at this point in time we have one piece to work out. I believe that will happen this morning. I see there is no reason why we cannot get the reprogramming part taken care of—that will be the piece that the majority leader and I are now working together on, which is of course always the best way to proceed, if you can—and then we will have a limit, time limit on two amendments that will deal with the two other areas. Then we will have a vote.

Mr. President, I say this morning because I am quite confident that we can move forward and I will be ready to do so when the majority leader is ready to do so. We will just wait to work this out on the reprogramming part, and then we should be ready to go. That is what we have been aiming for all along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE RESCISSIONS BILL

Mr. BOND. Mr. President, I am encouraged that we could have some movement on the rescissions bill. There are many important issues that are facing this body right now. I happen to think that regulatory reform is extremely important, not only for small businesses, for farmers, but for the growth of our American economy.

But, as we look at these long-range programs, we have a very severe short-term problem. I have the distinction of chairing the Veterans Administration, HUD, and Independent Agencies Appropriations Subcommittee. This so-called rescissions bill is actually an emergency and rescissions bill. It is the supplemental emergency bill because the Federal Emergency Management Agency is getting very close to running out of money. We have had disasters, such as the California earthquakes and fires and floods, we have had the bombing in Oklahoma City, we have had floods in the Midwest, and the money available for FEMA is about at its end. Nobody expects a disaster to occur and the Feds to say, ''Sorry, we cannot come. We do not have any money.'' But we are about at that point.

That is why this bill, the emergency supplemental and emergency rescissions bill, is vitally important. That is No. 1.

Second, we have had our defense budget drawn down because of police actions, responding to needs in various parts of the country. The distinguished chairman of the Defense Appropriations Subcommittee will tell you, if we do not get this bill through, in September we are going to have to shut down operations for ships, for airplanes. That means that American pilots, who have to maintain their currency, will not be getting that currency. It will be dangerous to them.

These are the needs for the emergency supplemental. But let me tell you first hand, as one who worries every day about funding the vitally important functions of assisted housing, of medical care for veterans, of EPA, NASA, and others, what is going to happen if we do not pass the rescissions bill. This is not a question of reprogramming and we are going to fine tune things here and there. We have taken a rescission hit. We have, in this rescissions bill, given up $8 billion in budget authority. That is money appropriated for the current year but which will not be spent until future years.

The reason we had to do that is because HUD, primarily, has been spending out of control. And, in HUD, when you appropriate money 1 year, you get the budget authority out there but it starts spending out in future years. So 60 percent of the dollars that will be spent next year in the subcommittee that I chair are spent as a result of previous years' appropriations. And our limit, what we can spend in that year, is determined by the actual outlays.

We have, in all, over $6 billion of budget authority rescinded in HUD under this bill. We have worked with Housing and Urban Development, we have worked with our colleagues on the other side, and while nobody likes to cut budget authority, they have agreed that this is the least harmful.

Let me tell you what happens if that rescissions bill does not go through. If that rescissions bill does not go through, we have another billion dollars of outlays in the Department of Housing and Urban Development that we cannot control. And that is likely to mean that we will not have the money to continue to provide public housing in federally assisted housing for all of the 4.8 million families that depend upon HUD funding for their housing during the coming fiscal year of 1996. We are going to be hard pressed to fund that housing and other vitally important programs like CDBG, and HOME, and the work of the Veterans Administration and NASA, as it is. I think we can do it if this rescissions bill passes.

If this rescissions bill continues to languish as people try to work out reprogramming for the last 2½ months of this fiscal year, if we do not get the rescissions bill, those who hold up the rescissions bill will have to go home and explain why some people are going to be thrown out, thrown out of federally assisted housing they now occupy.

The subcommittee on Labor and HHS has $1.3 billion in outlays that depend upon this bill. This rescissions bill is vitally important. I urge my colleagues to move it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, this has been a very interesting year in Congress with the change in control in both the House and the Senate; in some ways refreshing, in some ways very disappointing. This is the year of reform and change. Many of the changes and reforms are useful and interesting. Many others are just downright nutty. I will give you an example of some.

The notion that when the Soviet Union is now gone we should start to build star wars with money we do not have at a time when this project clearly is not necessary. In my judgment, that's a nutty idea.

We stick $9 billion into defense that the Department of Defense says it does not want or does not need. That makes no sense to me. That is not reform or change.

Maybe, as one had suggested, charge admission to tour the U.S. Capitol. In other words, charge the American citizens admission to take tours in the U.S. Capitol in order to raise money to reduce the deficit? It seems to me that qualifies as a nutty idea.

Provide laptop computers for poor kids at a time when you are cutting school lunches? Another nutty idea.

I have said there are a lot of goofy ideas. There are some good ideas, some of which I have supported, one of which is the line-item veto. I want to ask some questions about that this morning.

On February 6 of this year, this Senate passed a bipartisan proposal on the line-item veto. I happen to think, and have thought for a long while, it makes sense for a President to have a line-item veto. Most Governors have it. The President ought to have it.

We passed a line-item veto here in the Senate on March 23. The House passed it on February 6. It is now over 120 days, and the question is, where is the line-item veto?

Today we are going to start on our first appropriations bill. Soon those appropriations bills will go to the White House. My guess is that those who wrote the Contract With America and included the line-item veto in the contract, those who were so urgent about the need for a line-item veto as they spoke on the floor of the Senate and the House, are now less interested in really having a line-item veto if it means that a Democratic President in the White House has a line-item veto to get rid of Republican pork in appropriations bills.

I noticed yesterday, in a newspaper, ''Gingrich Gets $200 Million in New Pork,'' it says in the headline. I do not know what this is about. It is just ''pork'' in an appropriations bill—''Gingrich Gets $200 Million in New Pork,'' in an appropriations bill.

I am going to go to a markup in 10 minutes, in which I know there are about five or six provisions in this authorization bill that represent special little projects in someone's State.

So what happens to the line-item veto? Why do we not have a line-item veto moving so that the President might sign the bill and have the authority to remove this pork with a line-item veto in appropriations bills this Congress is going to pass?

I think I know what has happened to it. The House of Representatives 120 days later has not even appointed conferees to go to a conference with the Senate on the line-item veto. Why have they not appointed conferees? Because I do not think they really want a line-item veto. I do. I voted for it. I voted for it many times in Congress. And I felt in March of this year when the Senate passed it, and the month before when the House passed it, that maybe those who said it was an urgent priority on the other side of the aisle were serious. It now appears they were not serious at all. It now appears to me they were much more interested in producing pork than producing a line-item veto bill.

If there is a lost and found department in the Congress, I hope someone will call and ask, where is the line-item veto bill?

One of our colleagues has treated us to a big yellow sign every day which says, ''Where is Bill?''—which is not in my judgment a very respectful reference to the President. But ''Where is Bill?''—asking, ''Where is the President's budget?''

I guess, if I were inclined with that sort of approach, I could bring a chart here that says, ''Where is the bill?''—and hang up ''120 days'' on the chart to ask the question, ''Where is the line-item veto bill?''

We passed it. The House passed it. And there is no conference because the House has not even appointed conferees. Is the reason they have not appointed conferees because they want to lard up the appropriations bills with pork, $200 million in pork by the Speaker of the House and they do not want a Democratic President to veto the pork out of these bills? If that is the reason, they are wallflowers when it comes to fighting the deficit.

Let us decide to cast this line-item veto bill, get it through conference, and get the President to sign it. Let us have a bite at these appropriation bills right now with this deficit. If you care about public policy and about the line-item veto, if you voted for it in the Senate, as I did, if you voted for it in the House, as the majority did, I hope they would start asking the question, ''Where is the line-item veto?'' Why do we not expect the Speaker to appoint conferees? Why do we not have a conference report, bring it from the House, have the Senate pass it, and get it back to the President so that he can exercise the line-item veto on these bills?

THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT

Mr. DORGAN. Mr. President, I would like to go to one other subject today briefly. It is one that almost no one knows anything about, including the Presiding Officer. It is called the Organization of Economic Cooperation and Development or OECD. It is an international organization that we pay 25 percent of the total cost. I do not think anybody in here really knows much about it. There are a lot of international organizations.

This year the United States will contribute about $62 million to fund the OECD. We are a member of the OECD. I am told that they meet in the finest places in the world and are headquartered in Paris. When they hold a meeting, they hold a meeting in a fine, great hotel in one of the great cities of the world. Folks come from all over the world to attend OECD meetings, the Organization of Economic Cooperation and Development.

One of the things they did recently is approve a report, a document statement, in which this country participated and signed, that talked about how you apportion the tax burden of international corporations among the countries in which they do business.

This little document said the OECD, with the United States signing the document, rejects something called global formulary apportionment. It does not mean much to anybody. But what it means to me is this country signs on a dotted line, along with the other member countries of the OECD, saying the United States is willing to give up or forgive about $15 billion a year in taxes that ought to be paid to America that will not be paid.

Seventy-three percent of the foreign-based corporations doing business in the United States pays zero in Federal income taxes, despite the fact they earn hundreds of billions of dollars here. There are companies that sell cars, VCR's, television sets, and other products—whose names you would recognize instantly—that do business here every day earning billions of dollars and pay zero in U.S. income taxes. Not pay a little bit—pay nothing in Federal income taxes.

Why is that? It is because the IRS is stuck with an outdated tax enforcement system which the foreign corporations love, and which foreign governments love as well. It is called the arm's-length method, which is used to evaluate transfer pricing that exists between related corporations. Tens of thousands of foreign corporations do business in the United States through U.S. subsidiaries that they own and control. These integrated companies sell things to themselves back and forth, and establish their own prices on those transactions. That is why we have examples of tractor tires being sold between corporations that are related for $7.50 for a tractor tire; a piano

for $50; a safety pin for $29; toothbrushes for $18. Why would corporations price tractor tires at $7.50? Because they are moving profits in or out of countries with corporations they control, and that is called transfer pricing.

We use a system in taxing called the arm's length methodology which is an archaic, buggy-whip system. It is like taking two plates of spaghetti and trying to attach the two ends together; taking different corporations and connecting them together to save in a market system. It is a system that is totally unworkable and unenforceable. The result is massive tax avoidance. This country is losing to the tune of $15 billion a year, in my judgment, because we have not replaced this flawed system with a simple formula approach, as the States have used successfully for decades. I might say with respect to domestic businesses operating in different States that there is a standard formula that is used to apportion profits between jurisdictions using the amount of payroll, property, and sales as a guide. But the IRS's continued use of the arm's length method means we are losing $15 billion every year from the biggest international corporations in the world which do not pay taxes, despite earning huge profits in this country.

Our U.S. representative at the OECD signs on to an agreement that says we reject the use of formulary apportionment.

So as a result of that, I wrote to the Secretary of the Treasury and the Secretary of State and said tell me about the OECD. Who is involved in these negotiations? Where were the meetings held? What corporations were involved to persuade them to do this? They said we cannot give you that information. It is confidential. You have no right to the working papers of the OECD. They are secret.

I said, Wait a second. I am part of a group that funds them; about $62 million this year from U.S. taxpayers' will go to the OECD. You are saying that we do not have a right to see the information?

I asked a series of detailed questions of both the Secretary of the Treasury and also of the Secretary of State to try to understand what is going on. The fact is you cannot get information. It is secret or otherwise unavailable, they say. If it is so secret, maybe they do not need our money. Maybe they do not need $62 million.

I want to share with my colleagues the money that goes to OECD. At a time when we are saying we do not have enough money to deal with problems in this country, including problems of families who are struggling very hard, a whole range of areas, nutrition, education, and so on, here is what has happened to OECD, the Organization of Economic Cooperation and Development.

In 1990, the American taxpayers contributed $36 million to the OECD. In 1995, $62 million—only 5 years later and our share nearly doubled. That is pretty interesting. In fact, from 1994 to 1995 the OECD, this little number in the State Department goes from a $50 million to a $62 million contribution.

We wrestle and debate on the floor of the Senate about why we have $5 million here or $10 million there. Mr. President, $62 million now goes to OECD, and it is on a steep increase; nearly doubling in the last 5 years.

They are off making deals with international corporations, and with other countries in a manner that will affect us by, in my judgment, shortchanging us probably $15 billion a year in taxes that we ought to get that we will not from foreign corporations that make profits here. Then they said to us you have no right to see the information.

Well, I would say to the Secretary of the Treasury, if you think that is going to stand, you are wrong. When the appropriations bill comes to the floor and you want more money, you had better be here with a lot of information. Otherwise, in my judgment, we are going to have a whole series of votes on the OECD, and you may lose a whole lot of money because you cannot say to us give us the money for these international organizations, but we do not have any interest in telling you about what these organizations are doing and what the policy implications are for this country.

So I would say to the Secretary of the Treasury and to the State Department, if they are listening, that they will not enjoy the debate we will have when the appropriations bill comes to the floor if they think we should spend $50 million or about $63 million as they have now requested in 1996 for OECD, and still take the position that we have no right to the information developed by this organization.

This is I know an arcane and difficult issue. And there are not many people that are even very interested in it. When I talk about the arm's-length method of tax enforcement versus a formulary method of tax enforcement, when you talk about transfer profits, transfer pricing, and enforcement methods, I understand why people's eyes fog over.

But I do not understand why a small business person who starts up a business and makes a profit and is required to pay taxes should have to watch as another large international business enters the American marketplace, has $5 billion worth of sales, make three-quarters of a billion dollars in net profit and pays zero in taxes to the U.S. Government.

It is not fair, and it ought to stop. We ought to expect those foreign corporations that do business in America to pay their contribution on their profits just as our Main Street businesses do every single day.

There is, I know, a web of complexity about all of this. I know that the State Department and the Treasury Department and others view this in some respects as a foreign policy issue and in some respects as an economic policy issue—only they understand and no one else is capable of understanding.

I might say the Senator who is presiding at the moment was recently a Governor of a State. The States faced this problem. They faced it because we have a lot of businesses that do business in every State in the Union, and the question was, how do we divide their profits? How do we know what part of their profits go to Indiana, Ohio, or North Dakota?

The States grappled with this and came up with a three-factor formula, and they said we are going to pass something called UDITPA, uniform division of income tax—payroll, property and sales. You make $10 million and 1 percent of your payroll, 1 percent of your property, and 1 percent of your sales were in that State, then 1 percent of that profit should be allocated as the tax base, and that is the way it worked.

The fact is the States have led on this issue for decades; they solved this problem. And you look at what the Federal Government is doing with international corporations with exactly the same problem, and they are using a buggy-whip approach that is losing billions of dollars.

More importantly than losing the money, we have created the situation where we say to foreign corporations, You come in here and do business and you will receive a major advantage. You can do business and play a game so that you do not have to pay any taxes, but the American businesses that stay here at home and do business only here at home must pay certain taxes on their profits.

What is the consequence? The consequence is that the American business is disadvantaged because the foreign competitor gets by tax free. And that is the problem here.

I have alerted by letter and received apparently one giant yawn from the bureaucracy of this problem, and I wanted to alert them that they are not going to have a very pleasant August and September with their appropriations bills if they think they can tell folks in the Congress that they want $63 million for an international organization which send its representatives to the finest hotels in the world to meet for a while and sign documents that, in my judgment, contravene this country's interests, and then say to us who appropriate the money, ''Take a hike'' when we ask them to show us the documents that were used and all of the information that was developed in the construct of this policy.

Mr. President, it was therapeutic, if nothing else, to be able to talk about this in the Chamber this morning, and we will have a lengthier discussion on this subject when their appropriations bills come forward.

LINE-ITEM VETO

Mr. President, let me make one final point. I will again be addressing the question of a line-item veto in the

coming days because it is time for the House to appoint conferees, time for a conference, time to have a line-item veto. I want to find out who is interested in producing a line-item veto versus who is interested in providing pork. If we are interested in the line-item veto, and I am—and I guess I voted for it 15 or 20 times in my career—I hoped when I voted for it in March we would not be debating in July whether or not we are going to have a line-item veto. Some apparently have decided to move into slow motion here while there is a Democrat in the White House. That is not the way the line-item veto works. And while we see headlines that say ''Gingrich Gets $200 Million in New Pork,'' I would ask, where is the line-item veto?

Pork is bipartisan and done on a bipartisan basis. I would like to have a line-item veto in the hands of Democrat or Republican Presidents to address it. If someone has some notion of where this bill is or what is holding it up, maybe we can find out if we can get a line-item veto in the hands of this President before these appropriations bills get to the White House.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. I thank the distinguished Presiding Officer.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I rise to continue a forum that we started here as the 11 freshman Republican Members of the 104th Congress to talk about the issues that were important to us during the campaign that are now coming to the floor of the Senate and give a perspective of those who are more freshly from the hustings to the Senate and to the people listening.

Today, the issue that we are going to discuss—and I know the Presiding Officer, the Senator from Missouri, has been an outstanding advocate in his short tenure in the Senate on this issue—is welfare reform. Senator ASHCROFT served as the Governor of Missouri for 8 years and instituted welfare reform and has been a tremendous advocate for really dramatic reform in the States.

Later today, Senator ASHCROFT, along with Senator GRAMM, Senator GRAMS, and others, is going to have a press conference to discuss a version that we are going to put forward which I believe, of all the bills that have been introduced to date, both in the House and the Senate, is probably the most dramatic, the most forward looking, the most flexible, and the most meaningful welfare reform package that has been put forward. When I say meaningful, I mean meaningful to the people who are in the welfare system or who may find themselves at some future time being caught in that net.

We believe this is a dramatic departure from business as usual, and it is something I am very excited about. I have worked on the welfare reform issue as a member of the House Ways and Means Committee and chaired the Republican task force last session of Congress to come up with a Republican welfare reform bill. We worked 9 or 10 months in extensive meetings and came up with a bill—it was included as part of the Contract With America—called the Personal Responsibility Act. That formed the basis of the bill that was eventually passed, H.R. 4, by the House, and what we have done really is take that product and taken it one step further and allowed more State flexibility, more local experimentation.

One of the provisions that is in the bill that I am very proud of that the Senator from Missouri was the author of is a provision that says that community organizations, local community organizations, nonprofits, churches could actually be the welfare agency in a local community, really get back to what we know works. And what we know works in dealing with the problems of poverty are people who are in the community, who care about the people that they are serving, not someone hired from the State capital to monitor caseload, but someone who lives next door, who goes to the same church as the person who is going through the difficult time in their life.

Those are the kinds of really dramatic reforms that are in the Gramm bill that we are going to be introducing today. And I am excited about it. I think it is a good mark. It shows where we want to be ultimately on the issue of welfare reform: Multiple block grants, some flexibility within those block grants to allow States to deal with emergencies or an increase in maybe the number of people who need nutritional assistance, so they can move from one fund to another maybe people—there is an increasing surge in day care requirements. The same thing allows that kind of flexibility for the State to be able to move funds around from account to account. I think that is an important change. Again, the Senator from Missouri was the one that put forward these ideas. So I am excited about that bill.

Let me say that I do not think that is where we are going to end up. That is where I would like to end up. So I am on the bill. That is where I would like to end up. That is where I would like to see somebody come down and say, this the way we should go, this is the dramatic step forward we should take.

But just like the House where there were bills that were introduced that were more dramatic than was passed, H.R. 4, I think we will have to come up with a more modest approach if we are going to get the 60 votes required to pass a welfare reform bill in this body. And I am confident we can do that.

I am, also, at the same time—having worked with Senator ASHCROFT, Senator GRAMM, and others, working with Senator PACKWOOD, Senator DOLE, and others—trying to come up with a bill that we can form that takes, hopefully, a lot from the Gramm bill, but reaches across to try to get Members who may have concern about providing too much State flexibility, too much local control and provide some sort of compromise that can get the required votes to pass this Chamber.

I think this issue and the opportunity to make dramatic changes is here. And this issue is too important for us to hold out for the perfect solution. I think we need it out there as a goal. But at the same time I think we have to be practical and understand that we have to get what we can today. And if we can, as will be in the Packwood bill, also in the Gramm bill, is a block grant of the AFDC Program to allow States the flexibility to put forward their own plan for welfare recipients, to give them the opportunity to get into jobs, to get into job training, and put stiff work requirements, put a time limitation—those kinds of things that we know work in getting people off the welfare dependency cycle back into the mainstream of American life. Those are the kinds of things that we need to say, ''States, do the innovation, do the work that is necessary for your individual States to be able to transition people off.'' We are going to give that flexibility, and in both bills.

That is only a small piece of the welfare pie, AFDC, what many people, certainly a lot on the other side, consider to be welfare. I think welfare is a much broader category. They say AFDC is the welfare program, Aid to Families With Dependent Children. If we can block grant that program, end the entitlement nature, end the dependency that results from someone being guaranteed money for doing things that, frankly, most people would say are not what we want them to do: have children out of wedlock, do not get a job, do not get job training, do not try to do anything to get yourself out. We will give you more money. I think that is a very perverse incentive. End that entitlement. Say that after a certain period of years, you cannot continue in this life. That we will help you but you must help yourself. It is a contract between those who want to help and those who are to be helped. That piece alone, if we can block grant that piece, send it to the States, give them the opportunity, with a string that says you have a 5-year limitation, you have to have a work requirement; if we can do that piece alone, I think we will make a major change in the lives of millions of Americans and give them the opportunity that they have not seen under this system, which is intended to be

compassionate but is nothing but destructive to millions of lives, families, and communities across America.

We have that opportunity today. I think we can get 60 or more votes for that provision. We should go as far as we can. We should try to do more. We should do food stamp reforms. I would like to see a block grant for food stamps. I do not know if we can get a block grant for the Food Stamp Program. If we can get major reforms that came out of the Agriculture Committee that require work for people who are on food stamps, that get rid of a lot of the waste and fraud that encourage electronic benefits transfer, which is being used just north of here in Maryland and other places, in isolated programs, for example, in Berks County in Pennsylvania, using the debit card as opposed to a food stamp. It cuts down tremendously on fraud. We need to encourage that for States to be able to do more of that, to reduce the amount of food stamp fraud, which I know is a very sensitive issue among millions of Americans who see the fraud every day at the grocery store.

Those are the kinds of things that we can and should debate here on this floor. And I am hopeful that we can bring a bill—I want to doff my cap to the majority leader for his courage in setting forth the last week of the session before the recess to do welfare reform so that we can come here and have a great debate before we get into the reconciliation process after we come back, but have a debate focused solely on the issue of welfare reform. Many have encouraged the majority leader to just fold welfare reform into reconciliation and consider it all one big package. I think that is a mistake. I do not think it gives welfare the kind of focus that it deserves in changing America.

So I appreciate the opportunity to come here and talk about this. I want to again congratulate the Presiding Officer for his tremendous work on this issue. And I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

WELFARE REFORM, NOT REFORMATORY

Mr. WELLSTONE. Mr. President, first of all, before my colleague leaves, we come here to speak on the floor and we have other engagements. Let me just say to him that I think we are totally in agreement on the need for a full discussion and debate. Hopefully, it will be one that is done with a considerable amount of substance and grace and dignity on welfare. I do think it would be a mistake to fold this into a reconciliation bill because I think whenever you are considering such a major departure from public policy—and this is a major departure of public policy—it is a mistake to fold it into the reconciliation bill where you really do not have the opportunity for the debate and discussion.

I say to my friend from Missouri that, if he is going to speak in morning business, I would really prefer to let him have the time, so I will just take 2 minutes rather than taking up the rest of the time for now. I do think there are a couple of things that concern me about what is called welfare reform.

First of all, I want to make sure it is not reformatory as opposed to reform. It seems to me real welfare reform enables a family—and in the main we are talking about women and children —to make the transition from welfare to workfare. Now, we have been talking about that for a long time. Actually, Franklin Delano Roosevelt talked about that in 1935 when what we now know as the AFDC Program was introduced as a part of the Social Security Act.

The problem is when we talk about moving to workfare as opposed to welfare, it is very difficult to have any welfare reform unless, in fact, there is affordable family child care. I mean, it is very difficult today for a single parent. Almost all of these single parents are women. In some ways I wish more were men. And I wish there were less single parents, period, No. 1; and, No. 2—and I think the Chair and I agree on this—men took more responsibility. But if we are going to say to a single parent, ''You need to work,'' there are a couple of critical ingredients to make sure this is real welfare reform and not reformatory. One is for especially smaller children, that there is affordable child care. That is not done on the cheap.

I know that in Minnesota, one of the problems that we have run into—and I think we are doing a really good job on welfare reform—is we have long waiting lists. As a result of that, many of the mothers that you talk to cannot make the transition to work because they simply cannot afford or find—not custodial—but developmental child care for their children.

A welfare family is not 1 mother and 10 children. We are usually talking about one mother and two children.

I will be done because I do not want to take the time away from my colleague from Missouri and we will have plenty of time for debate on this.

The second point is the one we talk about all the time, which is we have to somehow figure out where health care reform fits into this, because all too often what happens is a single parent goes back to school, a mother goes back to school, a community college, maybe then finishes up at the University of Minnesota, then tries to get a job. The Washington Post had a very, very good portrait about this. What happens is, you are no longer receiving Medicaid, you are paying child care, and if you look at the wages that are out there for jobs, you are behind. So we have to make sure that, in fact, families are able to make this transition without punishing families. So I think the health care reform piece is critically important.

Finally, I think this is a challenge for all of us. I think it goes well beyond welfare reform policy. We really need to look at the fundamental question of standard of living in this country and the squeeze on the vast middle class and what has been going on for the last 15 years, plus—I am not pointing the finger in any party direction—and I think the overwhelming challenge is to have an economy that produces good jobs that people can count on. I think that has to be part of welfare reform as well, so a mother has a job that pays a wage, has benefits on which she can support her children. I think we need to look at these much more carefully.

I could say more. I will not. My colleague is anxious to speak. I yield the floor.

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

RESTORE HOPE AND OPPORTUNITY

Mr. ASHCROFT. Mr. President, it is true that there is a broad consensus that people understand what we have attempted to do with our welfare system has been a failure. If you want to see what our current Washington-based, one-size-fits-all welfare program has done, to see how the perverse incentives of the welfare system have failed, I guess you could go just a couple blocks from here. There you can see a generation raised by welfare and fed through food stamps, but literally starved of nurture and hope. You will meet young teens in their third pregnancy. You will meet children who not only do not have a father, but they do not know any other child with a father. These are tragedies of the current system, and these are the realities against which reform must properly be judged.

There has been a great deal of reporting recently on divisions in our discussion on welfare. I would like to make something as clear as I possibly can. While it may have taken us some time to reconcile our differences in terms of the strategy that we have, we have never forgotten the horror of our current system, we have never disagreed on our fundamental values, and we have never wavered from our central commitment, and that is to end the system of welfare we have now, to strengthen States and communities, to restore hope and opportunity to the millions of Americans for whom such words now are tragically words without definition or words without meaning.

I might add that it is important for us to understand that as well meaning as we might be in Washington in seeking to find a single solution to all of the problems that relate to the needs of people that would move them from dependence to independence, it would be inappropriate for us to try and find

a solution because there are lots of solutions that are going to be necessary, and no one garment will fit all children and no one vehicle will carry all loads and no single system imposed from Washington on this great Nation will be productive in moving people from the web of dependency to the opportunity of independence.

We really need for the creative capacity of the States, the innovation and the energy of people who are working to develop their own systems and the commitment that that investment in their own systems brings, to be allowed in a new system which would give States the opportunity through block grants to develop the strategies which will elicit the response among the citizens of the communities that those States represent.

So as we work together, and I am pleased to have had the opportunity to work with so many people in this respect, through vigorous discussions and the discussions I have had have been no more vigorous with anyone than those discussions which I have had with the distinguished Senator from Pennsylvania who inhabits the chair at this moment. But it is that kind of discussion, it is that kind of exchange, it is that kind of a collusion of ideas that provides the opportunity for the truth to emerge and for the real progress to be made.

In the weeks ahead as we debate welfare, it is my hope that this debate will serve as a trial. It should be a trial that will indict the abuses, the horrors, the lies of our current Washington-knows-best, one-size-fits-all perverse, incentive-laden system of welfare. It is my intention in the weeks ahead to try and ensure that an understanding of the current system happens so that we can avoid making the mistakes of the past over again. Someone much wiser than I has said appropriately that those who ignore history are destined to repeat it. Let us not be destined to repeat the horror of our welfare system.

Today, I just want to begin by talking about an incident that probably all of us remember, because we cannot forget. In February of 1994 in the process of a routine drug raid in Chicago, police stumbled upon 19 young children, some handicapped, living on dirty mattresses in an unspeakably filthy six-bedroom apartment infested with roaches and soiled with animal dirt.

The Chicago Tribune reported it this way:

> The children of [six] mothers from [six] fractured families * * * [were found] vacantly watching TV * * * [and] fighting over the remains of a chicken bone that the family dog had eaten.

President Clinton said that the despair and wasted human potential within that one Chicago apartment was not merely a social problem from far off places like Calcutta, India, but the heart of a very domestic problem occurring in urban centers all around America.

Among the adults that lived in that apartment, more than $65,000—more than $65,000—per year was received annually in public assistance, aid that took the form of cash payments, food stamps, medical care. Somehow, some way that money was not having its intended effect.

A system designed with the best intentions, unfortunately is leading to the destination of the road paved with best intentions; a system designed with the best intentions is eliciting and encouraging the worst behavior; a system which built change of dependency rather than breaking shackles.

In that house, there were no fathers to be found, no hope to be found for anyone. This is a tragedy that happens all across America, and it is a tragedy of our current system.

So as I conclude, let me just say that as we consider welfare reform, let the true measure of our reform never be the dollars that we might save, or the bureaucracy that is cut, or the programs that are reduced. But let our measure of reform be found in the ability to move people from hopeless governmental dependence to hopeful economic and personal independence, from the grasp of a perverse system of Government programs to the embrace of the loving and caring communities and the limitless opportunities of America.

Mr. President, I thank you.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

WELFARE REFORM THE COUNTRY WANTS

Mr. INHOFE. Mr. President, I see morning business is about to be concluded. I want to make a couple comments about our subject of the day, the welfare reform the country so desperately wants.

The postelection survey showed that there are three major elements to the mandate of the election of 1994. They were: We want to do something to eliminate the deficits; we want to do something meaningful about regulatory reform; and we want real welfare reform.

Mr. President, I am very proud that we in this House, the Senate, and over in the other body, submitted and adopted a budget resolution that is going to end up eliminating the deficit by the year 2002. So the President could not veto it, or I am sure he would have. Nonetheless, I think we are on our way to fulfilling that mandate. Regulatory reform—we are working on that right now, and I think we will end up with a product by the end of the week in getting it out.

Welfare reform is more difficult, because it seems that everybody campaigns on it, until they get here, and then they do not want to do anything about it. The two most important points are the exploding welfare costs and the crisis of legitimacy. In 1935, when AFDC was enacted, 88 percent of the families who received State cash relief were needy because the fathers had died. Benefits were intended primarily to enable the widow to care for her children at home.

Today, AFDC serves divorced, deserted, and never-married mothers and their offspring. Since the beginning of the program in 1965, in the last 30 years, State and Federal Governments have spent $5.4 trillion on welfare, providing cash, food, housing, medical care, and social services. For the $5.4 trillion spent since 1965, you could buy the entire industrial infrastructure of the United States—every factory, machine, store, every hotel, television station, office building, and still have money left over.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair advises the Senator that his time has expired.

Mr. INHOFE. I understand that. I ask for 30 more seconds.

Mr. DOLE. I will be glad to yield some of my leader time.

Mr. INHOFE. I will just conclude by saying that we have an opportunity to do something about this—one of the three major mandates of the election in 1994. It is incumbent upon to us do this. We have introduced legislation that will give true welfare reform and take the profit out of illegitimacy, and the people of America are demanding that we do it.

Thank you, Mr. President.

MID-YEAR REPORT—1995

The mailing and filing date of the 1995 mid-year report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 1995. All principal campaign committees supporting Senate candidates for election must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THE PRESIDENT REQUESTS A DELAY ON BOSNIA VOTE

Mr. MCCAIN. Mr. President, I noted that Senator DOLE was asked to delay a vote on Bosnia until some time next week, as I understand it. I will support Senator DOLE in whatever decision he makes. I understand that when the President of the United States asks for action to be taken that concerns national security, that request must be given great credence, and if Senator DOLE decides to delay that vote, I am sure that every Member of this body will support that decision.

If Senator DOLE decides otherwise because of events that transpire in

Bosnia—and I will point out that the media reports are that Zepa has fallen, as well, and events are unraveling there; more U.N. forces are being threatened with being taken hostage again—then I would support that decision as well.

I gave a long speech yesterday on the issue of Bosnia. I also addressed the issue of airstrikes. I am deeply concerned about the prospect of ''aggressive airstrikes,'' exactly what that means, and what the rules of engagement are, and if those airstrikes fail, what do we do next? I am convinced that if the Bosnians are assured—as they are being assured—that there will never, under any circumstances, be any U.S. ground involvement, we will learn a lesson we have learned throughout this century: air power alone is not an ultimate determinant in the outcome of a conflict.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, July 19, stood at $4,932,430,021,919.50 or $18,723.59 for every man, woman, and child in America on a per capita basis.

DESIGNATING SENATOR SIMON TO SERVE ON THE SPECIAL COMMITTEE ON WHITEWATER

Mr. DASCHLE. Mr. President, I would like to advise the Senate that, pursuant to the authority granted in Senate Resolution 120, the Senator from Delaware [Mr. BIDEN] has designated the Senator from Illinois [Mr. SIMON] to serve as the Committee on the Judiciary's representative on the Special Committee on Whitewater.

CONCERNING LEGISLATION TO SUSPEND THE REACHBACK TAX

Mr. COCHRAN. Mr. President, today I am sending a ''Dear Colleague'' letter to all Senators with information concerning S. 878, a bill I introduced to amend the Coal Industry Retiree Health Benefit Act of 1992. Specifically, the legislation suspends the so-called reachback tax. My letter responds to issues raised about this legislation by my distinguished colleague from West Virginia, Senator ROCKEFELLER. I hope this information will be helpful to all Senators in considering the merits of the bill.

I ask unanimous consent that my letter and the enclosed fact sheet be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 19, 1995.

DEAR COLLEAGUE: In late May, I sent you a letter seeking your support for S. 878—a bill to provide equitable relief for the Reachback companies from the retroactive tax imposed by the Coal Industry Retiree Health Benefit Act of 1992 (Coal Act). You have since received a letter from Senator Rockefeller expressing alarm at S. 878 and concern about attempts to amend the Coal Act.

On Thursday, June 22, the House Ways and Means Subcommittee on Oversight held a hearing on the Coal Act. The hearing examined the inequities of the Coal Act, its impact on the Reachback companies, and the current and projected surplus in the Combined Benefit Fund. Last month, a federal district court ruled the Coal Act unconstitutional and enjoined its application to the Unity Real Estate Company.

Contrary to the fears expressed by proponents of the Coal Act, I have no intention of jeopardizing in any way the benefits promised to retired miners by the members of the Bituminous Coal Operators Association (BCOA). Nor will S. 878 do that. A fact sheet attached to this letter specifically responds to some of the concerns expressed in Senator Rockefeller's letter regarding S. 878.

I am optimistic that, based on the record established in the House hearing together with other information which has been developed, we can move forward to amend the Coal Act in a way which relieves its harsh impact on the Reachback companies, while at the same time insuring the benefits which were in fact promised to the retired miners by the BCOA.

Sincerely,

THAD COCHRAN,
U.S. Senator.

Enclosure.

REACHBACK TAX FACTS—A PRIMER ON THE COAL INDUSTRY RETIREE HEALTH BENEFITS ACT OF 1992

The Fiction: S. 878 would ''create a new tax break for certain companies. . .''

The Fact: Creating a new tax break is the last thing which S. 878 would do. S. 878 would relieve several hundred American companies unjustly subjected to a retroactive tax under the financing mechanism of the Coal Act.

The Fiction: S. 878 ''jeopardizes the health benefits of retired miners. . .''

The Fact: This is incorrect. Here is what S. 878 does:

Provides for any surplus in the United Mine Workers of America (UMWA) Combined Benefit Fund to be used as a premium credit for the Reachback companies unfairly and perhaps illegally taxed by the Coal Act;

If there is no surplus in the Combined Benefit Fund, Reachback companies would receive no premium credit;

If the fund falls within 10 percent of its operating expenses, Reachback companies would be required to immediately resume premium payments.

Trustees of the fund acknowledged, and the GAO confirmed, on October 1, 1994, that the fund had 96,237 beneficiaries receiving coverage for hospitals, physicians, vision, hearing, speech, ambulance, hospice, home health, psychotherapy and group therapy, pregnancy and medically-necessary abortion, drug and alcohol rehabilitation plus prescription drugs and life insurance.

Our best information suggests only 29 percent of those beneficiaries are retired bituminous coal miners. Some 85 percent of those covered by this fund already are eligible for Medicare. The fund covers retired miners and spouses, parents, children, grandchildren and other dependents in the home. Not one of those beneficiaries has ever had a claim rejected because the fund was insolvent—much less in jeopardy of insolvency.

The Fiction: The Coal Act ''has successfully ensured that the health benefits which were promised by these miners' employers continue.''

The Fact: Reachback companies never signed contracts promising to provide lifetime healthcare benefits to former employees, much less to their families. Many of the Reachbacks have been out of the bituminous coal business 10, 20, 30 and even 40 years. Others have been non-union operators for decades.

The unfortunate truth is the Congress should not have created a new tax against the class of companies now known as Reachbacks. Reachback companies had no legal or moral commitments or promises—and certainly no binding contracts—which obligated them to pay lifetime healthcare benefits and life insurance for former employees and their families. However, those companies which do have such obligations, should fulfill those obligations.

The Fiction: ''In the late 1980s and early 1990s, a number of large companies had stopped paying into the employer fund which financed the health benefits of their former workers. This placed the health benefits of the retirees at risk.''

The Fact: In truth, the crisis atmosphere was created by the UMWA and the Bituminous Coal Operators' Association (BCOA). The BCOA did not comply with the contract provisions for increased health care benefit contributions. The UMWA did not pursue the legal remedies to enforce the contract guarantee provisions which would have assured the financial health of the funds.

Furthermore, it was the BCOA and the UMWA who pooled their resources in 1991 to launch, promote and win passage of a new funding mechanism benefitting both the union and the BCOA. That solution was to reach back across the decades to impose retroactive Federal taxes on private businesses.

Under this ill-conceived policy, any company which had ever signed a National Bituminous Coal Wage Agreement (NBCWA) between 1950 and 1987 would have to pay $2,349.38 per year, per beneficiary assigned by the Social Security Administration. The annually-adjusted premiums run from 1993 through 2043. The Treasury Department and the Internal Revenue Service also must participate in this overreach of Federal tax authority to impose $100 per day, per beneficiary penalties on any Reachback company which does not pay promptly.

The Fiction: ''. . . Many of these companies (the Reachbacks) have been held liable for the lifetime health benefits of their

former employees in a slew of court decisions based on their contractual commitments.''

The Fact: This is inaccurate. This complex claim is traced to a clause inserted in the 1978 pension and benefit trust documents. In short, the clause said any employer which ever employed any participant covered by a UMWA benefit plan is obligated to the terms and conditions of the of the National Bituminous Coal Wage Agreement of 1978, as amended, and to any successor agreements.

The truth is there is nothing in the so-called ''evergreen'' litigation to suggest—much less to hold—that companies are liable to provide lifetime health benefits to their former employees. More importantly, a final decision on the ''evergreen'' theory has yet to be made, as the ''evergreen'' litigation remains pending before at least three different federal judges.

Since passage of the Coal Act, the facts have demonstrated that the Reachback companies never authorized or agreed to any obligation which would have perpetually bound them to contribute to UMWA funds, without regard to the terms of their contracts with the UMWA or whether their employees continued to be represented by the union.

Furthermore, there is absolutely nothing in the so-called ''evergreen'' clause which would apply to all of the Reachbacks. Consider these two glaring facts, then ask yourself how ''evergreen'' could possibly be linked to the Reachbacks:

First, the so-called ''evergreen'' clause did not even appear in any of the trust documents until 1978. Many of the Reachback companies did not sign or agree to the 1978 or later NBCWAs.

Second, even among those companies which did sign the 1978 or later agreement, the so-called ''evergreen'' clause could impose no liability on the majority of companies which left the bituminous coal industry. That's because the clause is based on the amount of bituminous coal produced and/or the number of UMWA coal miner hours worked. If there is no bituminous coal produced, there are no tons or miner hours to drop into an equation. Therefore, there is no math here on which to build a case of branding the Reachbacks as party to the retiree healthcare program, the Coal Act or the Combined Benefit Fund.

The Fiction: ''Holding Reachback coal companies liable for the healthcare benefits of their former employees was the best way to shore up the health benefits trust fund and simply means expecting that promises are kept.''

The Fact: The Reachbacks made no promises to provide lifetime healthcare benefits for industry retirees. These Reachbacks satisfied all of their obligations, including claims from the union, when they left the bituminous coal business or ended their association with the union. Far from ''dumping'' or ''orphaning'' former employees, as some would suggest, the Reachback companies were participating in a multi-employer retiree health benefits system.

Historically, as companies chose not to participate in subsequent bituminous coal wage agreements, the remaining signatory companies continued covering the costs of retirees who had worked for others. Companies entering the business which signed a bituminous coal wage agreement paid into the funds on the same basis as companies which had been in the business, although they may not have had any retirees. This approach was the core concept behind the multi-employer retiree health benefits system.

When Reachbacks ended their participation in bituminous coal wage agreements, they had contributed many millions of dollars to pay benefits for retired miners from other defunct companies or from companies which had elected not to sign future wage agreements.

The Fiction: ''The Cochran bill pretends that a surplus in the health fund exists. That phoney surplus is then used to give a tax break to this favored group of companies.''

The Fact: Trustees and managers of the fund itself have confirmed a huge surplus exists. The fund has reported these surpluses in each monthly statement. A telephone call today will confirm this. The General Accounting Office (GAO) estimated last June the surplus would be at $103 million at the end of the fund's first fiscal year, October 1, 1994. The GAO was off by 10 percent. The fund actually reported an almost $115 million surplus on October 1, 1994. Although the magnitude of the surplus was debated by three expert witnesses at the June 22 hearing, it was clear that the fund will continue to sustain a steady surplus into the next century.

The Fiction: Reachbacks are ''a favored group of companies.''

The Fact: This is incorrect. Congress harmed all of these Reachbacks, devastated many and ruined others. It certainly did not do them any favors. The tax has caused perhaps irreparable damage to many small and family-owned businesses. It has forced the cancellation or postponement of hard-earned raises for hundreds of thousands of innocent working men and women throughout the country.

The Fiction: ''Make no mistake about it, the deficit would be increased in order to pay for this tax break. . .''

The Fact: The deficit was increased by passage of the Reachback Tax. Repeal of the Reachback Tax would lower the deficit. The Reachback provision of the Coal Act increased the deficit because it immediately appropriated an additional $10 million to the Social Security Administration. Those funds were consumed long ago and Social Security still has a staggering backlog of Reachback appeals.

Passage of the Reachback Tax also has forced the Department of Health and Human Services, the Department of Treasury, the Internal Revenue Service, the Department of Justice and other Federal agencies to spend millions of dollars to administer, monitor, enforce and adjudicate the tax. The Reachback Tax also robbed the Treasury of millions in revenues because the tax was fully deductible to the corporations to pay it.

The Congressional Joint Tax Committee has indicated it is likely that Federal tax receipts will increase if the Reachback Tax is repealed. This gain to the Treasury will occur because the contributions to the fund are fully deductible from corporate taxable income.

Furthermore, the presence of a private union welfare plan in the budget is, in itself, improper Federal tax policy and budget policy.

The Fiction: The Finance Committee held Coal Act hearings.

The Fact: No such hearings occurred on the Coal Act. The Senate Finance Subcommittee on Medicare and Long Term Care did hold hearings on the Coal Commission Report on Health Benefits for Retired Coal Miners.

The Fiction: The GAO wrote Senator Cochran May 25 ''to inform him there is not a growing surplus in the health fund.''

The Fact: Several members of Congress, including me, have asked the GAO to update its audit of the fund. We are waiting for that report, which the GAO said it could not have ready for the June 22 House Ways and Means Subcommittee on Oversight hearing. The GAO has not reported to me that the fund's surplus is shrinking. What the GAO did report is that a private consulting firm, using medical cost trend rates well above accepted national and industry standards, produced a report per scenarios drawn by the union fund managers that showed the fund might show a deficit in the early years of the next century. However, the GAO and another highly-respected private accounting firm previously have suggested the fund will enjoy surpluses in the next century. Towers, Perrin actuaries forecast a $2.6 billion surplus when the fund runs its course in 2043.

The Fiction: ''The claimed growing surplus in the fund does not exist and has never existed.''

The Fact: This is inaccurate. The reality of a surplus is not subject to interpretation. Trustees and managers of the fund have confirmed to all interested parties that the fund is in surplus and has been in surplus the past two years. The annual and monthly reports published by the fund confirm this.

The Fiction: ''There are 341 companies that are currently responsible for paying for health benefits under the act.''

The Fact: In a June 8 letter from the fund, the acting executive director reported 473 companies are being billed for premiums. There was no accounting for the over 200 other companies which had signed NBCWA contracts between 1950 and 1987 and which were originally published as Reachbacks. That list included such notable American businesses as General Motors, which the fund said was obligated for 90 beneficiaries, or $2,114,442 this year alone.

The Fiction: ''Ernst and Young found that the fund is likely to run a $39 million deficit by the year 2003.''

The Fact: That's only one scenario Ernst and Young suggested in a set of projections commissioned by the fund. Ernst and Young also found a healthy surplus in the fund in another scenario. The scenarios which suggested a deficit used medical cost trend rate projections which are 3.0 to 4.4 percent higher than nationally accepted industry standards. Interestingly, Ernst and Young uses 5.5 percent medical trend rate calculations to provide retiree healthcare projections to clients who are Reachback companies. Ernst and Young agreed to use 8.1 percent to 9.9 percent medical cost trend rates to figure projections for the UMWA's combined benefit fund.

The Fiction: ''The Cochran Dear Colleague says that a court ruling on the constitutionality of the Coal Act is a year away.

The Fact: The Federal District Court in Pittsburgh ruled June 7 that the Coal Act was a violation of the Fifth Amendment of the Constitution. (*Unity Real Estate Co.* v. *Trustees of the United Mine Workers of America Combined Benefit Fund*) Numerous other suits and appeals are pending. It is likely that the Supreme Court will be the final arbiter of the constitutionality of the Coal Act.

The Fiction: ''The healthcare and security of many vulnerable people rest on the ability of the Senate to deal with the facts and reject myths being spread by companies looking to back away from their own promises.''

The Fact: The UMWA retirees' health benefit plan should not be the responsibility of the Senate. Rather, it is clearly in the hands of the individuals, their trade union and the companies which have signed and agreed to contracts promising such healthcare and security.

The Fiction: ''This issue is complex and that complexity can be confusing.''

The Fact: This is not a confusing issue. Far from it. Actually, it is quite clear cut and straight forward.

The Congress should never have been drawn into the collective bargaining process between the coal miner union and the coal mine owners.

The union and the owners became strange bedfellows in the coalition which lobbied for passage of the Coal Act and now is fighting any change in the Reachback Tax.

This legislation has cost American taxpayers tens of millions of dollars.

Reachback companies made no promises to provide lifetime healthcare benefits to members of the UMWA and should not be subjected to a retroactive, unfair, unjust and perhaps illegal federally-mandated tax and taxpayer-subsidized straightjacket to pay for those benefits.

Hundreds of innocent private businesses and hundreds of thousands of innocent Americans have wilted because of the poison sprayed on them by the ill-conceived Reachback Tax.

Even if we in the Congress were to enact remedial legislation this week, where would these companies, their employees, managers and shareholders go to recoup the tens of millions of dollars in premiums already dumped into their fund, as well as their lost incomes, lost wages and lost expenses?

M.I.T. PRESIDENT CHARLES M. VEST—IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL

Mr. KENNEDY. Mr. President, as the budget process continues, Congress is required to define priorities and make difficult choices about funding, particularly funding that will affect educational opportunities for our students, the strength of our research base, and the Nation's competitiveness in the global economy in the years ahead. In a recent address to the National Press Club, Charles M. Vest, president of Massachusetts Institute of Technology, described in compelling terms the need to maintain our strong, bipartisan commitment to funding university-based reseach. I believe that his address entitled, ''In search of Mediocrity: Is America Losing its Will to Excel?'' will be of interest to all of us in Congress concerned with these priorities, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the National Press Club, July 18, 1995]

IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL?

(By Charles M. Vest)

I appreciate the opportunity to talk with you this afternoon. I note that the company of speakers I join includes, among others, both movie actors and movie subjects. Next week, this Club will hear from Jim Lovell, the astronaut who commanded the Apollo 13 mission. The Apollo 13 drama reminds us that science and technology are an essential part of the human adventure.

But science and technology are not just activities for astronauts and academics.

Science and technology affect our lives every day and they create immense benefits and opportunities for all of us. Their progress over the past few decades has been as dramatic as the movie that Americans are flocking to see.

What are some of these benefits?

You would expect me, as a university president, to have a catechism to recite. But listen instead to what the CEOs of 16 major U.S. corporations said recently. In an unprecedented joint statement entitled A Moment of Truth for America, they said:

''Imagine life without polio vaccines and heart pacemakers. Or digital computers. Or municipal water purification systems. Or space-based weather forecasting. Or advanced cancer therapies. Or jet airlines. Or disease-resisting grains and vegetables. Or cardiopulmonary resuscitation.''

That . . . and much, much, more . . . is what science and technology—and our nation's universities—have made possible.

But today, rather than building upon this success, we are about to undermine it.

The Congressional budget resolution proposes to reduce the budget for civilian research and development by over 30 percent. The long-term outlook is no better in the Administration's new budget proposal.

Do we know what that will mean for the advancement of the knowledge that fuels the American economy and creates a better quality of life? Our budget choices would be simpler if we had such wisdom and foresight!

We live in an age in which knowledge holds the key to our security, welfare, and standard of living . . . an age in which technological leadership will determine who wins the next round of global competition . . . and the jobs and profits that come from it . . . an age in which events move so rapidly that almost 80 percent of the computer industry's revenues come from products that did not even exist just two years ago.

The cornerstone of our era—the information age—is education. Today, America's system of higher education and research is the best in the world. Period. But will it be the world's standard of excellence ten years from now? If the nation is to be preeminent a decade hence, if we are not only to compete but lead, then we must sustain these unique American institutions.

Why? What is so special about our research universities?

First, the weaving together of teaching and research in a single organization gives us excellent research, and it gives us superior education. Universities combine research and teaching to create vital learning communities—open communities of scholars that advance our understanding and introduce fresh and innovative young minds into the creation of knowledge * * * thereby educating the next generation of scientists and engineers.

And second, research universities are the foundation of our entire national research infrastructure. Supporting the advancement of scientific and technical knowledge is an investment. It is an investment in the future of our human capital—people and their ideas. It is an investment in the future quality of life, health, and welfare of the American people.

This two-part rationale was articulated 50 years ago this month in a report to President Truman entitled Science—The Endless Frontier. It presented the vision of Vannevar Bush, who had directed the nation's wartime science effort. That vision set a confident America on a search for excellence. And America has benefited beyond measure from this quest.

Under current budget scenarios, however, we are in danger of disinvesting in our future. The cost of doing so * * * and of drifting toward mediocrity in science, technology, and advanced education is simply too great to pay.

We must regain our vision, our confidence, and our will to excel.

The Federal government is rightly concerned about the budget deficit. It is making hard choices. We all have to make hard choices. But these decisions have to be based on a vision of the future and on an understanding of what hangs in the balance.

Is a one-third reduction in civilian research and development really a savings? Or is it a body blow to our national innovation system, our future competitiveness, and our leadership?

In the current debate, many seem unwilling or unable to retain, let alone enhance, our national excellence in science and advanced education. Instead of pursuing our endless opportunities, we are in danger of drifting toward mediocrity.

This need not be the case. It must not be the case.

It used to be that universities and the federal government—in the White House and on Capitol Hill—and the voting public—had a broadly shared sense of the benefits to be derived from investing in education and research . . . and a shared commitment to the future.

This commitment is rapidly fading. Although leaders in both parties and in both branches of government are struggling to retain it, it is fading.

Today, the future has no organized political constituency.

Since the 1980s, when I began my career as a senior university administrator, I have seen an unraveling of a once fruitful partnership between universities and the government. Its fabric has been frayed by a steady onslaught of policy and budget instability, rule changes, investigations, and deepening distrust.

Congressional hearings and media exposés on the reimbursement of the costs of federally sponsored research have tarnished the image of universities. Most of the real issues have long since been addressed, but a residue of misunderstanding and cynicism remains.

At the same time, the federal government has steadily asked the universities to take on added missions and requirements without providing the resources to meet them.

It is in this strained environment that the nation is now debating the future federal role and responsibility for university research and education in science and technology.

The issue before us transcends partisan politics. The issue is whether Washington budgeteers and decision-makers have the political will and the vision to serve society's long-term need for new knowledge, new technologies, and, above all, for superbly educated young men and women.

Sometimes the debate sounds strange to the ears of this academic. During an important recent mark-up session, for example, a Congressman actually commented: ''I don't give a damn about the science, but I sure love the politics!''

There are those of us who would like to see those sentiments reversed! And this includes the American public. Recent polls show that nearly 70 percent of the American public thinks it is very important for the government to support research, and nine out of ten want the country to maintain its position as a leader in medical research. In fact, 73 percent are willing to pay higher taxes to support more medical research.

What we need now is not a partisan political debate. What we need to come together again in the best interests of the next generation.

We are all facing pressures to cut costs and become more effective and efficient—in government, academia, and industry.

Industry is doing its part . . . by production better, more competitive products, improving processes, reducing cycle times, improving quality, and meeting environmental challenges. The same intense competitive pressures that stimulated these changes, however, have increasingly focused industrial R&D on short-term objectives. Appropriately so. But research of more general and

longer term value has been scaled back tremendously.

Industry's nearly total R&D focus on rapidly commercializing products, when combined with growing constraints on support of university research, could devastate our national innovation system. It could well leave us without a shared, evolving base of new scientific knowledge and new technology. It could destroy the primary source of tomorrow's products, jobs, and health.

Many Americans have long been concerned that we were mortgaging our children's future with ever-increasing federal budget deficits. Rightly so. We must not, however, foreclose on their future by failing to invest in their education . . . and in the research that will be the basis of their progress.

We must be wise enough to balance our priorities, with both the present and the future in mind. Such a balance clearly requires our research universities to transform with the times.

I certainly recognize this. Our unique qualities do not exempt us from change. We cannot expect a 1945 policy to be applied unchanged in 1995. Nor can we expect to be exempted from intense budgetary pressures. But there are enduring principles that must be sustained. We must strike the right balance between holding to fundamentals and reforming ourselves if we are to continue our journey toward that ''endless frontier.''

How are we to do this?

First, each member of the education and research partnership must learn how to be efficient, productive and excellent. Industry has learned how to add value, improve quality, and become more cost-effective—and is significantly more competitive as a result. Government is struggling to do the same. Research universities must follow suit.

At MIT, we have enlisted private-sector help to reengineer many of our administrative activities in order to improve our effectiveness and reduce our annual costs by $40 million. There will be a corresponding reduction in our staff. Similar efforts are taking place at universities around the country. We also are exploring exciting ways to use new information technologies, like the World Wide Web, to improve teaching and learning. And radical revisions in our engineering and management curricula to meet the needs of a new era are well underway.

Increasing effectiveness is one thing we can do. Specialization is another.

I believe that each college and university should focus on what it does best. There is not enough money for every institution to do everything. We need institutional differentiation. Each of us—from community colleges to research universities—must focus our attention on where we can make the greatest contribution. Across-the-board reductions may be politically palatable, but they are likely to produce mediocrity.

We need to make tough judgment calls and we need to support the most effective programs. This isn't easy. But government at all levels, and industry, must make the decision to support excellence . . . not to engage America's research universities in a war of attrition. Let's not do to our research universities what we've done to our K–12 school system.

Improving productivity and changing what needs to be changed are only partial answers to our problem. Even more important is adhering to the two basic principles that have guided us to success over the past half-century.

The first principle is understanding that research funding is an investment in our future.

A variety of studies put the return on this investment in the range of 25 to 50 percent. A more dramatic assessment is provided by my colleague Michael Dertouzos, who is the director of MIT's Laboratory for Computer Science. He points out that over the last three decades, the Department of Defense has funded university research in information technology to the tune of some $5 billion. These university programs created one-third to one-half of the major breakthroughs for the computer and communications industry. Today, these businesses account for $500 billion of U.S. Gross Domestic Product. That is a return on the investment of at least 3,000 percent.

Another measure of return on the investment in university research is jobs. A 1989 study by the Bank of Boston found that MIT graduates and faculty alone had founded over 600 companies in Massachusetts. These companies, with annual sales totaling $40 billion, created jobs for over 300,000 people in the region.

Similarly, the Chase Manhattan Bank identified 225 companies in the Silicon Valley founded by MIT students, alumni, and faculty. These companies recorded revenues in excess of $22 billion, accounting for over 150,000 jobs.

Similar stories can be told by public and private universities all across the country. Remember this return on investment when you hear talk about the cost of research and education in the national budget debate.

In the budget debate, it is important to remember a second principle that also has served us extremely well: federal dollars for university research do double duty. They support the conduct of research and they educate the next generation.

Here is how it works: Most graduate students in science and engineering are supported by federal grants and contracts that pay their tuition and enable them to attend the university. In return for this investment in their future, these students perform much of the actual research. And let me tell you, the lights in their laboratories burn late into the night. They are working to pay for their education.

Student involvement in research is not confined to the graduate level. At MIT, for example, nearly 80 percent of our undergraduates join faculty research teams. Their learning experience and their substantive contributions to research are simply astounding.

This blending of teaching and research is at the heart of America's research universities. For when you think about it, research is the ultimate form of teaching and learning. Fred Terman, a great leader of Stanford University, and a driver in the creation of Silicon Valley, was once asked whether he wanted his university to emphasize teaching or research. Terman's reply was: ''I want this to be a learning university.'' He captured the essence of our institutions.

Now, however, this integration of teaching and research is at risk. Why? Because government agencies are paying less and less of the actual costs of the research they sponsor. In order to make up the difference, universities are being forced to tap scarce resources that are not intended for this purpose. This creates enormous pressures to increase tuition—precisely what we do not want to do.

In addition, government regulations are increasing—in both magnitude and inflexibility. For example, the latest federal regulations have boosted the cost of our undergraduate research program so dramatically that this innovative educational experience is in jeopardy.

The linkage between education and research, the idea of research as an investment rather than as a cost—these are vital principles which we neglect at our peril.

There are several other principles as well, including accountability for results in research and education; a commitment to access and opportunity; the free and open competition of ideas; and a dedication to excellence.

Those young people with the talent to discover new sources of energy, to unlock the workings of the mind, or to find the cure for AIDS come from all strata of our society. Many require financial assistance. All deserve access to the best education we can provide. Because all of us will depend on their leadership and their innovation in the decades ahead.

Who are these young people who will lead us into the future? Let me introduce two of them from MIT.

First, meet Jennifer Mills. Jennifer is a physics undergraduate from Portland, Oregon. In the summer of her junior year, she wrote much of the computer code that was used to produce the remarkable images from the Hubble Space Telescope that we all saw on television when the Shoemaker/Levy comet collided with the planet Jupiter.

And meet James McLurkin, from Baldwin, New York. James graduated last month with an undergraduate degree in electrical engineering and a minor in mechanical engineering. As a senior, he created a tiny robot that may well revolutionize certain kids of surgery . . . enabling surgeons, for example, to operate inside the body without touching the patient directly.

These are the kinds of young men and women in whom we, through the Federal government, must invest if we are to embrace excellence rather than mediocrity.

Unfortunately, no organized political constituency protects the interests of our future. No interest groups fund telephone banks and direct mail operations to activate grass roots voters on behalf of investments in tomorrow. No political action committee invests in students like Jennifer or James.

But every citizen will suffer if we are short-sighted in the allocation of resources. If we do not invest in research and advanced education, we will not win the battles against polluted air and water, crumbling bridges and highways, infant mortality, Alzheimer's disease, or hunger in the world, to name just a few.

We all have the responsibility to become trustees and guardians of our future . . . and the future of our daughters and sons:

University faculty must continually enhance the learning process, and we must do a better job of explaining to the public what we do, why we do it, and how it relates to their values and needs.

Industry leaders need to explain the benefits to the economy of research and development . . . and their responsibilities to the entire national innovation system.

Public policy makers need to take the long view . . . and they will do that if we, the public, insist that they do.

And, yes, the media have a critical role to play . . . by discussing the importance of these issues and by elevating the national debate.

In many ways, it has been the end of the Cold War that has brought us to this point . . . a point of uncertainty and opportunity.

We now must have the foresight and wisdom to turn our intellectual powers to solving the problems of a new age. We must have the will to sustain our economic security, eradicate the scourge of disease, create the jobs of tomorrow, lift the shadow of ignorance, and heal the earth's environment.

Meeting these challenges will require vision, confidence, and the will to excel. And it will require us to continue exploring the frontiers of the unknown. For the key to a vibrant future lies more in what we do not know, than in what we do know. We must sustain excellence in research and advanced education.

Thank you very much.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DOLE. Mr. President, I am advised that this request has been cleared by the Democratic leader.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 1854, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1854

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

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,727,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $325,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $360,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,128,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $31,889,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,047,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $66,395,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $305,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,266,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $61,347,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,644,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $204,029,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, $1,000,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $11,000,000.

RESCISSION

Of the funds previously appropriated under the heading ''SENATE'', $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the ''Office of the Chaplain Expense Revolving Fund'' (hereafter referred to as the ''fund''). The fund shall consist of all moneys collected or received with respect to the Office of the Chaplain of the Senate.

(b) The fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate, not to exceed $10,000 in any fiscal year, for the payment of official expenses incurred by the Chaplain of the Senate. In addition, moneys in the fund may be used to purchase food or food related items. The fund shall not be available for the payment of salaries.

(c) All moneys (including donated moneys) received or collected with respect to the Office of the Chaplain of the Senate shall be deposited in the fund and shall be available for purposes of this section.

(d) Disbursements from the fund shall be made on vouchers approved by the Chaplain of the Senate.

SEC. 3. Funds appropriated under the heading, ''Settlements and Awards Reserve'' in Public Law 103–283 shall remain available until expended.

SEC. 4. Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b–6) is amended by striking the second sentence and inserting the following: ''The amounts so withheld shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b–7).''.

SEC. 5. (a) Any payment for local and long distance telecommunications service provided to any user by the Sergeant at Arms and Doorkeeper of the Senate shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice ends.

(b) As used in subsection (a), the term ''user'' means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. Section 4(b) of Public Law 103–283 is amended by inserting before ''collected'' the following: ''(including donated moneys)''.

SEC. 7. Section 1 of Public Law 101–520 (2 U.S.C. 61g–6a) is amended to read as follows:

''SECTION 1. (a)(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her

election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

''(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

''(b)(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

''(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

''(c) Any funds transferred under this section shall be—

''(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

''(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

''(d) The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.''.

(b) The amendment made by this section shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $671,561,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,271,000, including: Office of the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,470,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,480,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $928,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $918,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,083,000; Democratic Steering and Policy Committee, $1,181,000; Democratic Caucus, $566,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $360,503,000: *Provided*, That no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $78,629,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $83,733,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $13,807,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not to exceed $750 for official representation and reception expenses, $3,410,000; for salaries and expenses of the Office of the Chief Administrative Officer, $53,556,000, including salaries, expenses and temporary personal services of House Information Systems, $27,500,000, of which $16,000,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; for salaries and expenses of the Office of Compliance, $858,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,524,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $120,480,000, including: supplies, materials, administrative costs and Federal tort claims, $1,213,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursements, $68,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $658,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, establishing the Speaker's Office for Legislative Floor Activities; House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 9, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing amounts for the Republican Steering Committee and the Democratic Policy Committee; House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the transfer of two employee positions; and House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, providing for the transfer of certain employee positions shall each be the permanent law with respect thereto.

SEC. 104. (a) The five statutory positions specified in subsection (b), subsection (c), and subsection (d) are transferred from the House Republican Conference to the Republican Steering Committee.

(b) The first two of the five positions referred to in subsection (a) are—

(1) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a–3); and

(2) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, as enacted into permanent law by section 103 of this Act, and both of which positions were further transferred to the House Republican Conference by House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, as enacted into permanent law by section 103 of this Act.

(c) The second two of the five positions referred to in subsection (a) are the two positions established by section 103(a)(2) of the Legislative Branch Appropriations Act, 1986.

(d) The fifth of the five positions referred to in subsection (a) is the position for the House Republican Conference established by House Resolution 625, Eighty-ninth Congress, agreed to October 22, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

(e) The transfers under this section shall take effect on the date of the enactment of this Act.

SEC. 105. (a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws

or regulations of the House of Representatives or as promulgated from time to time by the Chairman of the Committee on Appropriations of the House of Representatives.

(b) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply to travel performed on or after that date.

SEC. 106. (a) Notwithstanding the paragraph under the heading ''GENERAL PROVISION'' in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) or any other provision of law, effective on the date of the enactment of this section, unexpended balances in accounts described in subsection (b) are withdrawn, with unpaid obligations to be liquidated in the manner provided in the second sentence of that paragraph.

(b) The accounts referred to in subsection (a) are the House of Representatives legislative service organization revolving accounts under section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a).

SEC. 107. (a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriation Acts.

(b) The funds and accounts referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading ''HOUSE BARBER SHOPS REVOLVING FUND'' in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93–554; 88 Stat. 1776);

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading ''HOUSE BEAUTY SHOP'' in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91–145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note); and

(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 107A. For fiscal year 1996, subject to the direction of the Committee on House Oversight of the House of Representatives, of the total amount deposited in the account referred to in section 107(b)(3) of this Act from vending operations of the House of Representatives Restaurant System, the cost of goods sold shall be available to pay the cost of inventory for such operations.

SEC. 108. The House Employees Position Classification Act (2 U.S.C. 291, et seq.) is amended—

(1) in section 3(1), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General'';

(2) in the first sentence of section 4(b), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General'';

(3) in section 5(b)(1), by striking out ''Doorkeeper, and the Postmaster'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General''; and

(4) in the first sentence of section 5(c), by striking out ''Doorkeeper, and the Postmaster,'' and inserting in lieu thereof ''Chief Administrative Officer, and the Inspector General''.

SEC. 109. (a) Upon the approval of the appropriate employing authority, an employee of the House of Representatives who is separated from employment, may be paid a lump sum for the accrued annual leave of the employee. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term ''employee of the House of Representatives'' means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, the allowances for office personnel and equipment for certain Members of the House of Representatives, as adjusted through the day before the date of the enactment of this Act, are further adjusted as specified in paragraph (2).

(2) The further adjustments referred to in paragraph (1) are as follows:

(A) The allowance for the majority leader is increased by $167,532.

(B) The allowance for the majority whip is decreased by $167,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives allowances referred to in paragraph (2), as adjusted through the day before the date of the enactment of this Act, are further adjusted, or are established, as the case may be, as specified in paragraph (2).

(2) The further adjustments and the establishment referred to in paragraph (1) are as follows:

(A) The allowance for the Republican Conference is increased by $134,491.

(B) The allowance for the Republican Steering Committee is established at $66,995.

(C) The allowance for the Democratic Steering and Policy Committee is increased by $201,430.

(D) The allowance for the Democratic Caucus is increased by $56.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

[(TRANSFER OF FUNDS)

[For duties formerly carried out by the Joint Committee on Printing, $750,000, to be divided into equal amounts and transferred to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. For the purpose of carrying out the functions of the Joint Committee on Printing for the remainder of the One Hundred Fourth Congress only, the rules and structure of the committee will apply.]

For salaries and expenses of the Joint Committee on Printing, $1,164,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, [$6,019,000] *$5,116,000*, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $852,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,260,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$70,132,000] *$69,825,000*, of which [$34,213,000] *$33,906,000* is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, [$2,560,000] *$2,190,000*, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center

for fiscal year 1996 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 111. Amounts appropriated for fiscal year 1996 for the Capitol Police Board under the heading ''CAPITOL POLICE'' may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'', upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

ADMINISTRATIVE PROVISION

SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

''(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.''.

(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

[ADMINISTRATIVE PROVISION

[SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

[''(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.''.

[(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

[(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.]

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of that agency (including Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), with the exception of realty and furniture, are hereby transferred to the jurisdiction and control of the Library of Congress, Congressional Research Service, to be used and employed in connection with its functions.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$23,188,000] *$25,788,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of [219] *244* full-time equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

[In addition, for salaries and expenses of the Congressional Budget Office necessary to carry out the provisions of title I of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), as authorized by section 109 of such Act, $1,100,000.]

ADMINISTRATIVE PROVISION

SEC. [113] *115*. Section 8402(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) The Director of the Congressional Budget Office may exclude from the operation of this chapter an employee under the Congressional Budget Office whose employment is temporary or intermittent.''.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, [$8,569,000] *$8,876,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$22,832,000] *$23,132,000*, of which [$3,000,000] *$2,950,000* shall remain available until expended*: Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury to the credit of this appropriation.*

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,143,000, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $41,757,000, of which $4,850,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $33,001,000, of which $5,261,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall

be deposited into the Treasury to the credit of this appropriation, [$32,578,000] *$31,518,000*: *Provided*, That not to exceed $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1996.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$75,083,000] *$60,084,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$88,281,000] *$85,500,000*: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual [Senators,] Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the ''Congressional Operations Appropriations Act, 1996''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,053,000.

[CONSERVATORY RENOVATION

[For renovation of the Conservatory of the Botanic Garden, $7,000,000, to be available to the Architect of the Capitol without fiscal year limitation: *Provided*, That the total amount appropriated for such renovation for this fiscal year and later fiscal years may not exceed $21,000,000.]

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking out ''$6,000,000'' each place it appears and inserting in lieu thereof ''$10,000,000''.

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out ''plans'' and inserting in lieu thereof ''plants''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$195,076,000 (less $1,165,000)] *$213,164,000*, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $30,818,000, of which not more than $16,840,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under 17 U.S.C. 708(c), and not more than $2,990,000 shall be derived from collections during fiscal year 1996 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $19,830,000: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,951,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000, of which $943,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. Under the heading ''Library of Congress'' obligational authority shall be available, in an amount not to exceed [$86,912,000] *$99,412,000* for reimbursable and revolving fund activities, and [$5,667,000] *$7,295,000* for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act, obligational authority under the heading ''Library of Congress'' for activities *funded by the Agency for International Development* in support of parliamentary development is prohibited, except for Russia, Ukraine, Albania, Slovakia, [and Romania,] *Romania, and Egypt* for other than incidental purposes.

[SEC. 209. (a) Section 206 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 132a–1) is amended by striking out ''Effective'' and all that follows through ''provided'', and inserting in lieu thereof ''Obligations for reimbursable activities and revolving fund activities performed by the Library of Congress and obligations exceeding $100,000 for a fiscal year for any single gift

fund activity or trust fund activity performed by the Library of Congress are limited to the amounts provided for such purposes''.

[(b) The amendment made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to fiscal years beginning on or after that date.]

SEC. 209. The Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily retire during fiscal 1996 which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

SEC. 210. (a) PURPOSE.—The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) DEFINITIONS.—For the purpose of this section, the term ''legislative information'' means information about legislation prepared by, or on behalf of, the entire Congress, or by the committees, subcommittees, or offices of the Congress, to include, but not limited to, the text of bills and amendments to bills; the Congressional Record; legislative activity recorded for the Record and/or the current Senate or House bill status systems; committee hearings, reports, and prints.

(c) Consistent with the provisions of any other law, the Library of Congress shall develop and maintain, in coordination with other appropriate Legislative Branch entities, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Senate Rules and Administration Committee and the House Oversight Committee. The Library shall provide these committees, as well as the Senate and House Appropriations Committees, with regular status reports on the implementation of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Senate and House Appropriations Committees as well as the Senate Rules and Administration Committee and the House Oversight Committee for their consideration and possible action.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $12,428,000, of which $3,710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, [$16,312,000] *$30,307,000*: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1994 and 1995 to depository and other designated libraries.

[ADMINISTRATIVE PROVISION

[SEC. 210. The last paragraph of section 1903 of title 44, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: ''The cost of production and distribution for publications distributed to depository libraries—

[''(1) in paper or microfiche formats, whether or not such publications are requisitioned from or through the Government Printing Office, shall be borne by the components of the Government responsible for their issuance; and

[''(2) in other than paper or microfiche formats—

[''(A) if such publications are requisitioned from or through the Government Printing Office, shall be charged to appropriations provided to the Superintendent of Documents for that purpose; and]

[''(B) if such publications are obtained elsewhere than from the Government Printing Office, shall be borne by the components of the Government responsible for their issuance.''.]

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than [3,550 workyears] *3,900 workyears by the end of fiscal year 1996*: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$392,864,000] *$374,406,000*: *Provided*, That not more than $400,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1996: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $8,000,000 of such funds shall be available for use in fiscal year 1996 *and, in addition, the following sums are appropriated, to be available for the fiscal year beginning October 1, 1996 and ending September 30, 1997, for the necessary expenses of the General Accounting Office, in accordance with the authority, and on such terms and conditions, as provided for in fiscal year 1996, including $7,000 for official representation and reception expenses, $338,425,400: Provided further, That not more than $100,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in 1997: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $6,000,000 of such funds shall be available in fiscal year 1997*: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses

attributable to membership of ACIPA in the International Institute of Administrative Sciences.

[ADMINISTRATIVE PROVISION]

ADMINISTRATIVE PROVISIONS

[SEC. 211. (a) Effective June 30, 1996, the functions of the Comptroller General identified in subsection (b) are transferred to the Director of the Office of Management and Budget, contingent upon the additional transfer to the Office of Management and Budget of such personnel, budget authority, records, and property of the General Accounting Office relating to such functions as the Comptroller General and the Director jointly determine to be necessary. The Director may delegate any such function, in whole or in part, to any other agency or agencies if the Director determines that such delegation would be cost-effective or otherwise in the public interest, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the preceding sentence that relate to the delegated functions. Personnel transferred pursuant to this provision shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

[(b) The following provisions of the United States Code contain the functions to be transferred pursuant to subsection (a): sections 5564 and 5583 of title 5; sections 2312, 2575, 2733, 2734, 2771, 4712, and 9712 of title 10; sections 1626 and 4195 of title 22; section 420 of title 24; sections 2414 and 2517 of title 28; sections 1304, 3702, 3726, and 3728 of title 31; sections 714 and 715 of title 32; section 554 of title 37; section 5122 of title 38; and section 256a of title 41.]

SEC. 211. (a) Section 732 of title 31, United States Code, is amended by adding a new subsection (h) as follows:

''(h) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, United States Code, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which give due effect to tenure of employment, military preference, performance and/or contributions to the agency's goals and objectives, and length of service. The regulations shall, to the extent deemed feasible by the Comptroller General, be designed to minimize disruption to the Office and to assist in promoting the efficiency of the Office.''.

SEC. 212. Section 753 of title 31, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively.

(2) by inserting after subsection (a) a new subsection (b) as follows:

''(b) The Board has no authority to issue a stay of any reduction in force action.''; and

(3) in the second sentence of subsection (c), as redesignated, by striking ''(c)'' and inserting ''(d)''.

SEC. 213. The General Accounting Office may for such officers and employees as it deems appropriate authorize a payment to officers and employees who voluntarily separate on or before September 30, 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.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation ''Architect of the Capitol, Capitol buildings and grounds, House office buildings'' to the appropriation ''House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms'': *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriation Acts.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 307. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

[SEC. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

[(2) The unexpended balances referred to in paragraph (1) are—

[(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and]

[(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

[(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

[(c)(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.]

[(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

[(A) under the Architect of the Capitol;

[(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

[(C) related to the design or installation of security systems for the Capitol buildings and grounds.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.]

SEC. [309] *308*. (a) Section 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out ''Administrative Conference of the United States'' and inserting in lieu thereof ''Board''.

(b) Section 230(d)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

(1) by striking out ''Administrative Conference of the United States'' and inserting in lieu thereof ''Board''; and

(2) by striking out ''and shall submit the study and recommendations to the Board''.

SEC. [310] *309*. Section 122(d) of the Military Construction Appropriations Act, 1994 (Public Law 103–110; 2 U.S.C. 141 note) is amended by adding at the end the following new sentence: ''The Provost Marshal (U.S. Army Military Police), Fort George G. Meade, is authorized to police the real property, including improvements thereon, transferred under subsection (a), and to make arrests on the said real property and within any improvements situated thereon for any violation of any law of the United States, the District of Columbia, or any State, or of any regulation promulgated pursuant thereto, and such authority shall be construed as authorizing the Provost Marshal, with the consent or upon the request of the Librarian

of Congress or his assistants, to enter any improvements situated on the said real property that are under the jurisdiction of the Library of Congress to make arrests or to patrol such structures.''.

[SEC. 311. (a)(1) Effective as prescribed by paragraph (2), the administrative jurisdiction over the property described in subsection (b), known as the Botanic Garden, is transferred, without reimbursement, to the Secretary of Agriculture. After such transfer, the Botanic Garden shall continue as a scientific display garden to inform and educate visitors and the public as to the value of plants to the well-being of humankind and the natural environment.

[(2) The transfer referred to in paragraph (1) shall take effect—

[(A) on October 1, 1996, with respect to the property described in subsection (b)(1)(A); and

[(B) on the later of October 31, 1996, or the date of the conveyance described in subsection (b)(1)(B), with respect to the property described in that subsection.

[(b)(1) The property referred to in subsection (a)(1) is the property consisting of—

[(A) Square 576 in the District of Columbia (bounded by Maryland Avenue on the north, First Street on the east, Independence Avenue on the south, and Third Street on the west) and Square 578 in the District of Columbia (bounded by Independence Avenue on the north, First Street on the east, and Washington Avenue on the southwest), other than the property included in the Capitol Grounds by paragraph (20) of the first section of Public Law 96–432 (40 U.S.C. 193a note);

[(B) the site known as the Botanic Garden Nursery at D.C. Village, consisting of 25 acres located at 4701 Shepherd Parkway, S.W., Washington, D.C. (formerly part of a tract of land known as Parcel 253/26), which site is to be conveyed by the District of Columbia to the Architect of the Capitol pursuant to Public Law 98–340 (40 U.S.C. 215 note);

[(C) all buildings, structures, and other improvements located on the property described in subparagraphs (A) and (B), respectively; and

[(D) all equipment and other personal property that, immediately before the transfer under this section, is located on the property described in subparagraphs (A) and (B), respectively, and is under the control of the Architect of the Capitol, acting under the direction of the Joint Committee on the Library.

[(c) Not later than the date of the conveyance to the Architect of the Capitol of the property described in subsection (b)(1)(B), the Architect of the Capitol and the Secretary of Agriculture shall enter into an agreement to permit the retention by the Architect of the Capitol of a portion of that property for legislative branch storage and support facilities and expansion of such facilities, and facilities to be developed for use by the Capitol Police.

[(d)(1) Effective October 1, 1996, all employee positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before the transfer, as identified by the Architect of the Capitol, shall be transferred to the Department of Agriculture.

[(2) The employee positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are under the Architect of the Capitol and are primarily related to the functions of the Botanic Garden.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

[(e)(1) Notwithstanding the transfer under this section, and without regard to the laws specified in paragraph (2), the Architect of the Capitol shall retain full authority for completing, under plans approved by the Architect, the National Garden authorized by section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), including the renovation of the Conservatory of the Botanic Garden under section 209(b) of Public Law 102–229 (40 U.S.C. 216c note). In carrying out the preceding sentence, the Architect—

[(A) shall have full responsibility for design, construction management and supervision, and acceptance of gifts;

[(B) shall inform the Secretary of Agriculture from time to time of the progress of the work involved; and

[(C) shall notify the Secretary of Agriculture when, as determined by the Architect, the National Garden, including the renovation of the Conservatory of the Botanic Garden, is complete.

[(2) The laws referred to in paragraph (1) are section 2 of the Act entitled ''An Act providing for a comprehensive development of the park and playground system of the National Capital.'', approved June 6, 1924 (40 U.S.C. 71a), and the first section of the Act entitled ''An Act establishing a Commission of Fine Arts.'', approved May 17, 1910 (40 U.S.C. 104).

[(f)(1) Except as provided in paragraph (2), effective October 1, 1996, the unexpended balances of appropriations for the Botanic Garden are transferred to the Secretary of Agriculture.

[(2) Any unexpended balances of appropriations for completion of the National Garden, including the Conservatory of the Botanic Garden, under subsection (e) shall remain under the Architect of the Capitol.

[(g) After the transfer under this section—

[(1) under such terms and conditions as the Secretary of Agriculture may impose, including a requirement for payment of fees for the benefit of the Botanic Garden, the National Garden and the Conservatory of the Botanic Garden shall be available for receptions sponsored by Members of Congress; and

[(2) the Secretary of Agriculture, through the Botanic Garden, shall continue, with reimbursement, to propagate and provide such plant materials as the Architect may require for the United States Capitol Grounds, and such indoor plant materials and cut flowers as are authorized by policies of the House of Representatives and the Senate.]

SEC. [312] *310*. Any amount appropriated in this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 1996. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

SEC. 311. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''1995'' and inserting ''1996''.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1996''.

Mr. DOLE. Mr. President, I now ask unanimous consent that the committee amendments be considered, en bloc, agreed to, en bloc, and considered original text for the purpose of further amendment, and that no points of order be waived.

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

So the committee amendments were agreed to.

Mr. DOLE. Mr. President, let me indicate that we are happy to have the managers here this morning on the first appropriations bill. We hope to dispose of six appropriations bills before the August recess. This is certainly an indication that we are on target. We had these bills scheduled for tomorrow. We will do them today. Maybe we can do something else tomorrow. I wish the managers success, and I hope we can do it quickly.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I am pleased to present the fiscal year 1996 legislative branch appropriations bill, H.R. 1854, to the Senate. Simply put, with this bill the Congress leads the way in fulfilling our commitment to reduce the size, scope, and cost of the Federal Government.

But, of equal importance to keeping our promise to the American people in reducing the size and cost of Congress is making these reductions in a thoughtful and responsible manner. The bill we present today does not compromise the legislative and oversight responsibilities of Congress.

Mr. President, I would like to take a moment to describe the approach the committee took in arriving at these funding levels. This past January, I sent a letter to each of the Senate officers and legislative branch support agencies asking them to undergo a serious programmatic review of each of their activities and services they provide to Congress.

In doing so, they were asked to take a long and hard look at their core missions and statutory responsibilities. They were asked to explore ways of using technologies to make their operations more efficient and productive. They were asked to explore opportunities for consolidation and restructuring of their functions and services. Following their top to bottom review, the results were incorporated into new budget justifications which were presented in hearings before the subcommittee.

I am deeply appreciative to each of the Senate officers and agency heads. I want to thank in particular the former Secretary of the Senate, Ms. Sheila Burke and her successor, Mr. Kelly Johnston, and the Senate Sergeant at Arms, Howard O. Greene, for their cooperation. These offices met, and even exceeded their goals of reducing their budgets by 12.5 percent. Without their commitment and the dedication of their respective staffs the committee would not have been able to produce the legislation that the Senate considers today.

Mr. President, as any member of the committee will tell you, these decisions were not easy. But, we have, in great measure, accomplished what we set out to do, respond to the clear and unmistakable message sent by the American people last November—change the way we do business here in Washington, reduce spending, and bring runaway spending in control and balance the Federal budget.

I would like to summarize the highlights of the bill:

The total funding for the legislative branch appropriation is $2,190,380,000, a reduction of just over $200 million or 8.45 percent below the fiscal year 1995 level.

For the funding of the operations of the Senate the committee's recommendation is $426.9 million a $33.7 million reduction. In addition, the committee rescinds $63.5 million of unobligated funds from previous years.

Within the Senate accounts the funding for committees reflects a 15-percent reduction. As I have already mentioned, the funding for the offices of the Secretary of the Senate and Sergeant at Arms are reduced by 12.5 percent.

Again, I want to reiterate or make the point that these reductions are from this year's level. This is not some reduction from some arbitrary, inflated baseline. These are reductions from this year's expenditures.

Mr. President, in last years bill the Senate passed into law a ban on unsolicited mass mailing which has resulted in tens of millions of dollars in savings to the taxpayer. Again, this year the committee freezes official mail cost at $11 million.

The statutory allowances for Senator's offices are not reduced. The recommended funding for Members' office salaries and expenses should be sufficient to cover fiscal year 1996 expenditures.

Mr. President, S. 2, the Congressional Accountability Act, which was passed into law early this year, mandates that Congress comply with the very same employment and labor laws that private businesses must comply with. And, just like businesses all around the country, there is a cost to compliance. This bill includes $2.5 million appropriation for the establishment of the new Office of Compliance. This is a new joint item with the House. Each Member should be aware that the costs associated with the Congressional Accountability Act will require future increases in expenditures. The committee has included report language that directs the offices of the Senate to make regular reports to the committee regarding issues of compliance and associated costs.

As to the major support agencies of Congress: the Library of Congress has level funding compared to fiscal year 1995, with the exception of $3 million increase for the National Digital Library Program. I want to commend the Librarian of Congress, Dr. James Billington, for his efforts in strengthening the Library and the services it provides to the Nation. The digital library effort is one of several forward thinking programs initiated by the Library of Congress which will insure the Library's position as one of our leading institutions.

We have included a $2.6 million increase for the Congressional Budget Office so that it may perform studies mandated by the Unfunded Mandate Reform Act.

The GAO is reduced 15 percent from fiscal year 1995 levels and we have included an advance appropriation for fiscal year 1997 which will result in a two year reduction of 25 percent.

The Office of Technology Assessment is eliminated in the bill. The committee has included termination costs in fiscal year 1996 which total $3.6 million.

Mr. President, each Member of the Senate should know that this bill complies with the specifics of the Senate budget resolution which provides a dramatic and necessary outline for balancing the Federal budget by the year 2002. The budget resolution specifies the reductions to the General Accounting Office and the elimination of the Office of Technology Assessment.

In regards to the two year 25 percent reduction in the funding for the General Accounting Office, I want to thank Senator ROTH, chairman of the Government Affairs Committee, and his staff for their cooperation in identifying and recommending needed changes at GAO. With their assistance, I am confident that the GAO will be able to perform its core statutory mission.

Also, I want to thank the Comptroller General, Charles Bowsher, for his help. He will tell you that the funding levels will be difficult and will force structural changes, but he is committed to making the General Accounting Office the model for the rest of the Federal Government in productivity and efficiency as we continue to restructure and downsize the Federal Government.

Mr. President, I expect an amendment to be offered that restores funding for the Office of Technology Assessment. I know that there are Members who feel strongly about this issue and we will debate the merits should it be offered. I must point out to the Members of the Senate that the Senate budget resolution specifies the elimination of OTA, and quite frankly, the services and information that OTA provides can be obtained from a great variety of sources that do not require a $21 million dollars expenditure.

Mr. President, while this bill accomplishes our stated goal of reducing Congressional spending by $200 million, much more needs to be done in the coming year. While the office of the Architect of the Capitol is reduced by 10 percent in title I of this bill, the Congress will undertake a much more thorough review of its structure and organization by way of a Joint House-Senate Leadership Taskforce. The taskforce will, with the assistance of the Architect of the Capitol, identify services and operations that could be more cost efficiently performed by outside contractors.

The committee report also directs the Government Printing Office to initiate a study to analyze the structure and services of the Superintendent of Documents and the Federal Depository Library Program; the program which assures the American people ready and dependable access to government information.

While the committee would have preferred to make more substantial changes to the structure and funding of the Architect of the Capitol and the Government Printing Office, we clearly need more information before making these decision. Finally, I want to thank our ranking member, Senator MURRAY, as well as the other members of the subcommittee, for their hard work and cooperation in crafting this measure. Additionally, this year's bill builds upon the years of hard work and dedication of Senator REID, our former chairman. Senator REID extended a great deal of time and cooperation to me as ranking member, and I thank him for that.

Mr. President, I would yield the floor to our ranking member and floor manager, Senator MURRAY, for any statement she would wish to make.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in support of the H.R. 1854, the fiscal year 1996 Legislative branch appropriation bill. I note that this is not the first year in which the committee has made the effort to constrain the spending of the legislative branch. As Senator MACK stated last year in his opening floor remarks on the fiscal year 1995 legislative branch appropriation bill, ''This is the fourth year in a row now that we have held funding at or below the previous year's levels in real dollars.'' Mr. President, that means that this is the fifth year in a row that the Senate Appropriations Committee has reported a bill in which we have held funding at or below the previous year's levels—in fact, this year the committee-reported bill is over $200 million below the level enacted for fiscal year 1995.

The chairman has provided in his remarks a detailed explanation of all of the recommendations contained in the committee-reported bill. Without repeating those details, I would simply direct all members to a summary table on pages 65 and 66 of the committee report for the two titles of the bill. For title I, congressional operations, the committee recommends a total of a little over $1.5 billion. That is a reduction of $126 million below the fiscal year 1995 appropriated level and $275 million below the total budget estimates for fiscal year 1996 for congressional operations. Title II of the bill, as shown on page 66 of the report, provides funding for other agencies for which the committee recommends a total of $686 million. In total, as is depicted in the summary table, the bill as reported by the full committee provides $2.1 billion, a reduction of just over $200 million below the fiscal year 1995 enacted bill and a reduction of $427 million below the budget estimates for fiscal year 1996.

There are a number of differences between the House-passed bill and the committee's recommendations, several

of which I would now like to address. First, for the Architect of the Capitol, the House bill did not fund the operations of the Flag Office. The Senate Appropriations Committee chose, instead, to continue that office but with the cost of this operation fully covered by the prices charged to the public for the flags themselves.

For certain security functions of the Architect of the Capitol, the House bill recommended the transfer of staff from the Architect of the Capitol to the Capitol Police. The Senate committee-reported bill disagrees with that recommendation and has left that security function within the Office of the Architect.

The committee-reported bill does not agree with the House recommendation that the Botanic Garden be transferred to the Department of Agriculture. In addition, the House provided $7 million for the renovation of the Conservatory and capped the total project at $21 million. The Senate committee-reported bill has deleted all funding for that purpose.

Finally, Mr. President, for the Office of Technology Assessment (OTA), the House-passed bill included a floor amendment which provided for the continuation of the functions of the OTA within the Congressional Research Service at a level of $15 million. H.R. 1854, as reported by the Senate Appropriations Committee, includes a total of just over $6 million for the OTA. This amount will allow for the orderly completion and distribution of approximately 30 reports which the OTA is currently undertaking and a maximum of 17 employees is provided for closing the Office. In addition, from within the amount appropriated for fiscal year 1996, $150,000 is recommended to remain available until September 30, 1997, to provide for unemployment claims that may arise.

I would note, however, that during the committee markup of the bill, an amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, which I supported, would have provided $15 million for the OTA—the cost of which was offset by a 1.08-percent reduction of the salaries and expenses of certain of the congressional support agencies. That amendment was defeated by a rollcall vote of 11–13.

I believe that the OTA provides a valuable service for the Congress on a bipartisan basis and I will have more to say during this debate about the OTA in support of an amendment which I anticipate may be offered to overturn the committee's recommendation.

In conclusion, I again compliment the very able chairman of the subcommittee, Senator MACK. I have learned a lot during my first year as ranking member of this subcommittee, and I am pleased that we have been able to do our share in carefully examining the expenditures of the legislative branch to ensure that they are cost-effective and, where possible, we have recommended reductions in keeping with our overall efforts to reduce Federal spending.

Mr. BYRD. Mr. President, are there committee amendments?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that they have been adopted en bloc.

Mr. BYRD. The bill, as amended, is open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I shall offer an amendment.

Mr. President on previous occasions, I have come to the Senate floor to speak on the matter of honoraria and outside income earned by the media. While no overall disclosure policy exists within the communications industry, there does seem to be more scrutiny being paid to the practice of the press in accepting speaking fees.

It is an issue of increasing concern to me, and one that I believe deserves closer attention. I suspect that most journalists would agree that they have a unique and often unequaled influence on the American public. There is no match—none—no match for the leverage the media have over the public dissemination of information. In order to stay attuned with current events, we all must rely on the press' interpretation of each day's occurrences.

Some members of the press take the position that, as private citizens, they have no obligation—none—to disclose information to the public regarding the acceptance of outside income. Although I can appreciate that line of thinking, it represents a defensive position that has little basis in reality. From my point of view, the members of the media need to adopt a position regarding such income, a position that reflects some common sense. Of course, in a perfect world, all of us who affect public policy, either through the elective process or through the interpretation of that process, want to be thought of as being above reproach. We all want our work to be seen as benefiting the common good and, as a result, we do not expect our motives to be challenged. Unfortunately, human nature has to be factored into the equation. There is no doubt that the American people have a negative opinion of elected officials and a negative opinion of the press. Some of that attitude is well founded. Let us be honest, there are members of both of these professions who have behaved unethically in the past and thus have tainted all of us. There is no avoiding this fact, and to pretend otherwise is not only unrealistic but it is also disingenuous.

In response to the public's criticism, Members of Congress adopted disclosure rules that prohibit their acceptance of honoraria. I led the fight. This action was seen by some politicians at the time as an overreaction to criticism and an unnecessary effort, but the prevailing attitude was to let the sunshine in and take away the appearance of unethical behavior. In point of fact, the Congress has gone even further, as I say, by adopting legislation that I sponsored to increase the salaries of Members of Congress, but also to prohibit the acceptance of honoraria, prohibit it entirely. That was my amendment.

Many members of the press, however, have adopted the position that, as private citizens, they should not be subject to this type of scrutiny. Though they are not elected officials, nevertheless, in reality they do retain a great deal of influence, massive influence within the political process. It is singularly the media's decision as to which topics of information are noteworthy and, as such, which topics should be reported on. As purveyors of the news, the press have enormous power, enormous power to persuade—far greater, in fact, than does any single politician, or group of politicians.

Edmund Burke recognized this when he referred to the fourth estate as having more power than any of the other estates.

It is this very power, unchecked and freewheeling, that journalists can no longer ignore and brush aside. There is as much need for the press to be made accountable to the public as there is for elected officials to be made accountable to the public. To resist public disclosure—that is all I am asking, just disclose outside earned income—to resist public disclosure as a matter of principle is unwise. Principle, however, is on the other side of the issue.

We all know that nothing gives a greater feeling of credibility than the willingness to show that there is nothing to hide. Lay it out. I have urged the members of the press to recognize their extraordinary position in our system of Government, and to face the inherent responsibility that comes with that position. I believe it is time for the communications industry as a whole to take the bull by the horns and develop its own standards. That is what I would like to see happen; the communications industry should develop its own standards with respect to disclosure of outside earned income. Journalists should forgo the narrow defense of their individual freedoms and face up to the broader obligation of trust which they bear in our political process.

I am offering an amendment, Mr. President, and it is a sense-of-the-Senate amendment—today—regarding the disclosure of outside income earned by accredited members of the Senate press corps. I am not talking about salaries. This does not infringe on anybody's constitutional rights. It does not infringe upon the freedom of the press, as set forth in the American Bill of Rights. There is nothing in that Bill of Rights that says you should not have an accounting to the public of some things.

This amendment is intended to provide a ''truth in reporting requirement'' for the media that cover this institution, this Senate. I repeat that I have grown increasingly concerned with the communication industry's inability or unwillingness to adopt ethical standards that properly reflect their role in our system of Government. In this day of instant access, the media's leverage over the dissemination of information is unequaled. Their power of persuasion goes well beyond the newspaper headlines or the nightly news report or the radio talk show. The members of the media, as the purveyors of our daily news, singularly decide which items are newsworthy and, as such, which items deserve the attention of the public.

Today's press, as I have said already, have enormous power, enormous power. There is nothing like it anywhere in the world. And it is time that they acknowledge the responsibility that comes with that power. Coupled with that fact is the American people's increasing cynicism of Washington. At a time when the public's distrust of Members of Congress and the public's distrust of journalists is at an all-time high, I believe it is important to take the necessary steps to instill confidence in the process of Government. Over the years, the press have been exceedingly critical—and rightly so—of particular elected officials who have abused their positions.

In 1991, in an effort to address the appearance of impropriety, the Congress passed legislation installing disclosure requirements that prohibit any Member from accepting compensation from outside groups. That was a positive step. Though there was resistance to this prohibition, the prevailing attitude was, as I said earlier, to let a little sunshine work its way into the Chamber and to take away the appearance of unethical behavior.

Recently, there have been reports of journalists receiving thousands of dollars in speaking fees, thousands of dollars in speaking fees from the very groups that they are covering. Despite this apparent conflict, some members—not all, but some members—of the press take the position that, as a private citizen they have no obligation—no obligation—to disclose information regarding their acceptance of outside earned income. They say, ''That is nobody else's business. I am a private citizen. The public has no business in knowing what I take in speaking fees.''

The impetus for my amendment is neither an attempt to hamper the media's ability to do their job nor is it an effort to infringe in any way upon their first amendment rights. Instead, the goal of the amendment is simply to apply a level of credibility to the press that reflects the importance of their profession.

It is my hope that there can be consensus in the Senate in requiring the media to disclose their earned outside income. And I intend to offer a separate Senate resolution that would, hopefully, lead to the establishment of disclosure rules starting with the 104th Congress and set into place rules for a yearly filing by reporters who seek credentialing with the Senate Press Gallery.

I am not attempting to have any impact upon the House and its rules or regulations. But I would anticipate that the Rules Committee in the Senate would then hold hearings to ensure a complete airing of all views on the subject. Come one, come all. Let us hear what you have to say. Let us work together.

This is not an attempt to sandbag the press or to prevent their input or to influence their input. The point of this amendment is to show that it is time for the media to be accountable. I would prefer that they would voluntarily take the steps to make themselves accountable. I hope they will do that. But right now—today—their sphere of influence is unfettered and unequal.

For the press to simply resist public disclosure on a matter of principle is unwise, and it is unacceptable. I believe that the entire industry must realize its full responsibility—its full responsibility—to its viewers, to its readers, and to its listeners.

In light of that, this amendment is a beginning in the effort to address at the very least the perception of a media double standard. The media were right in saying that we elected officials ought to be accountable to the public, that we ought to disclose how much this group pays us for an appearance, or how much this group pays us for having a cup of coffee downtown at some club. We ought to disclose how much this or that group pays us for a 10-minute speech or for a 30-minute speech. Lay it out.

My amendment went further. At first we disclose it. And then my amendment said we will eliminate entirely the acceptance of honoraria for ourselves and on the part of our staffs. I am not saying the same with respect to the press. I am not saying they should eliminate it. I am simply saying they should disclose it. Let the sunshine in. Let their colleagues, let their coworkers know. Let everybody know. Let the public know.

It is time for journalists to forgo, as I say, the narrow defense of their individual freedoms to face up to the broader obligations of trust in our political process.

Mr. President, this is what the amendment says:

It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

AMENDMENT NO. 1802

(Purpose: To express the sense of the Senate that the Senate should consider a resolution requiring each accredited member of the Senate Press Gallery to file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income)

Mr. BYRD. Mr. President, I send my 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 West Virginia [Mr. BYRD] proposes an amendment numbered 1802.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain published articles pertinent to my remarks.

The first is entitled ''Fee Speech,'' by Ken Auletta, from the September 12, 1994, New Yorker; the second, ''Take the Money and Talk,'' by Alicia C. Shepard, which appeared in American Journalism Review; and ''Where the Sun Doesn't Shine,'' by Jamie Stiehm, which appeared in the May/June 1995 issue of the Columbia Journalism Review.

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

[From the New Yorker magazine, Sept. 12, 1994]

FEE SPEECH

(By Ken Auletta)

The initial hint of anger from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airlie House, in rural Virginia, one morning last January. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend

a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting strangled, and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as ''guest analysts, not partisan advisers,'' the complaints were growing louder. The most prominent Democrats in the House—Gephardt; the Majority Whip, David E. Bonior, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton's; and about twenty others—expressed a common grievance: public figures are victims of a powerful and cynical press corps. A few complained of what they saw as the ethical obtuseness of Sam Donaldson, of ABC, angrily noting that, just four days earlier, ''Prime Time Live,'' the program that Donaldson co-anchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a Key West junket. Yet several months earlier the same insurance group had paid Donaldson a thirty-thousand-dollar lecture fee.

By four-thirty, when the third panel, ostensibly devoted to the changing role of the media, was set to begin, the Democrats could no longer contain their rage, lumping the press into a single, stereotypical category—you—the same way they complained that the press lumped together all members of Congress.

They kept returning to Donaldson's lecture fees and his public defense that it was ethically acceptable for him to receive fees because he was a private citizen, not an elected official. The Airlie House meeting was off the record, but in a later interview Representative Obey recalled having said of journalists. ''What I find most offensive lately is that we get the sanctimonious-Sam defense: 'We're different because we don't write the laws.' Well, they have a hell of a lot more power than I do to affect the laws written.''

Representative Robert G. Torricelli, of New Jersey, recalled have said, ''What startles many people is to hear television commentators make paid speeches to interest groups and then see them on television commenting on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted.'' Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn't understand why journalists don't receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the matter, and added. ''You'd get the votes if you did the hearings. I predict that in the next couple of Congresses you'll get the hearings.''

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the anger against the media which is rising within Congress. ''Most of us work for more than money,'' he told me. ''We work for self-image. And Congress's self-image has suffered, because, members think, journalistic ethics and standards are not as good as they used to be.''

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C–SPAN chairman, and me—we were the two press representatives on the panel—and cited a number of instances of what they considered reportorial abuse. The question that recurred most often was this: Why won't journalists disclose the income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others' character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of what can fairly be called the media elite—those journalists who, largely on account of television appearances, have a kind of fame similar to that of actors. Not surprisingly, most responded to the question at least as defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn't recall ten- or fifteen-year-old details about Whitewater. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were unequivocal in their commentary on public figures and public issues, seemed eager to dwell on the complexities and nuances of their own outside speaking.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show ''This Week with David Brinkley'' had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his mother—said he couldn't remember. Then he took a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Druggists. ''If I hadn't consulted my computerized date book, I couldn't have told you that I spoke to the National Association of Retail Druggists,'' he said. ''I don't remember these things.''

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation?

''First, I don't make laws that govern an industry,'' he said. ''Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be impressed.'' He went on, ''Can you say the same thing about a member of Congress who doesn't even speak—who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays for that?'' He paused and then answered his own question: ''Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me.''

Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in, say, health issues?

Donaldson said, ''At some point, the issue is: What is the evidence? I believe it's not the appearance of impropriety that's the problem. It's impropriety.'' Still, Donaldson did concede that he was rethinking his position; and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson's bosses—Paul Friedman, the executive vice-president for news—told me he agreed with the notion that on-air correspondents are not private citizens. ''People like Sam have influence that far exceeds that of individual congressmen,'' Friedman said, echoing Representative Obey's point. ''We always worry that lobbyists get special 'access' to members of government. We should also worry that the public might get the idea that special-interest groups are paying for special 'access' to correspondents who talk to millions of Americans.''

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist George Will, who appears weekly as a commentator on the Brinkley show, said through an assistant, ''We are just in the middle of book production here. Mr. Will is not talking much to anyone.'' Will is paid twelve thousand five hundred dollars a speech, Alicia C. Shepard reports in a superb article in the May issue of the American Journalism Review.

ABC's Cokie Roberts, who, according to an ABC official, earns between five and six hundred thousand dollars annually as a Washington correspondent and is a regular commentator on the Brinkley show in addition to her duties on National Public Radio, also seems to have a third job, as a paid speaker. Among ABC correspondents who regularly moonlight as speakers, Roberts ranks No. 1. A person who is in a position to know estimates that she earned more than three hundred thousand dollars for speaking appearances in 1993. Last winter, a couple of weeks after the Donaldson-''Prime Time'' incident, she asked the Group Health Association of America, before whom she was to speak in mid-February, to donate her reported twenty-thousand-dollar fee to charity. Roberts did not return three phone calls—which suggests that she expects an openness from the Clinton Administration that she rejects for herself. On that March 27th Brinkley show, she described the Administration's behavior concerning Whitewater this way: ''All of this now starts to look like they are covering something up.''

Brit Hume, the senior ABC White House correspondent, earns about what Roberts does, and is said to trail only Roberts and Donaldson at ABC in lecture earnings. This could not be confirmed by Hume, for he did not return calls.

At CNN, the principal anchor, Bernard Shaw, also declined to be interviewed, and so did three of the loudest critics of Congress and the Clinton Administration; the conservative commentator John McLaughlin, who now takes his ''McLaughlin Group'' on the road to do a rump version of the show live, often before business groups; and the alternating conservative co-hosts of ''Crossfire,'' Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, ''It's a specious argument. We are private citizens. We work in the private marketplace. They do not.''

And if a member of Congress asked about his speaking fee, which is reported to be eighteen thousand dollars?

''I would tell him it's none of his business,'' Brinkley said. ''I don't feel that I have the right to ask him everything he does in his private life.''

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself a private citizen when it comes to the matter of income disclosure. ''I'm not going to tell you how many speeches I do and what my fee is,'' he said politely. Novak, who has been writing a syndicated column for thirty-one years, is highly visible each weekend on CNN as the co-host of the ''Evans & Novak'' interview program and as a regular on ''The Capital Gang.''

What would Novak say to a member of Congress who maintained that he was a quasi-public figure and should be willing to disclose his income from speeches?

''I'm a totally private person,'' he said. ''Anyone who doesn't like me doesn't have to read me. These people, in exchange for power—I have none—they have sacrificed privacy.''

In fact, Novak does seem to view his privacy as less than total; he won't accept fees from partisan political groups, and, as a frequent critic of the Israeli government, he will not take fees from Arab-American groups, for fear of creating an appearance of a conflict of interest. Unlike most private citizens, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches.

Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year forums—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their newsletter, many of whom are business and financial analysts. Those attending pay hundreds of dollars—Novak refuses to say how much—for the privilege of listening to public officials speak and answer questions off the record. ''You talk about conflicts of interest!'' exclaimed Jack Nelson, the Los Angeles Times Washington bureau chief. ''It is wrong to have government officials come to speak to businesses and you make money off of it.''

Mark Shields, who writes a syndicated column and is the moderator of ''The Capital Gang'' and a regular commentator on ''The MacNeil/Lehrer NewsHour,'' is a busy paid lecturer. Asked how much he earned from speeches last year, he said, ''I haven't even totalled it up.'' Shields said he probably gives one paid speech a week, adding, ''I don't want, for personal reasons, to get into specifics.''

Michael Kinsley, who is the liberal co-host of ''Crossfire,'' an essayist for The New Republic and Time, and a contributor to The New Yorker, is also reluctant to be specific. ''I'm in the worst of all possible positions,'' he said. ''I do only a little of it. But I can't claim to be a virgin.'' Kinsley said he appeared about once every two months, but he wouldn't say what groups he spoke to or how much he was paid. ''I'm going to do a bit more,'' he said. ''I do staged debates—mini 'Crossfire's'—before business groups. If everyone disclosed, I would.''

The New Republic's White House correspondent, Fred Barnes, who is a regular on ''The McLaughlin Group'' and appears on ''CBS This Morning'' as a political commentator, speaks more often than Kinsley, giving thirty or forty paid speeches a year, he said, including the ''McLaughlin'' road show. How would Barnes respond to the question posed by members of Congress?

''They're elected officials,'' he said. ''I'm not an elected official. I'm not in government. I don't deal with taxpayers' money.''

Barnes's ''McLaughlin'' colleague Morton M. Kondracke is the executive editor of Roll Call, which covers Congress. Kondracke said that he gave about thirty-six paid speeches annually, but he would not identify the sponsors or disclose his fee. He believes that columnists have fewer constraints on their speechmaking than so-called objective reporters, since columnists freely expose their opinions.

Gloria Borger, a U.S. News & World Report columnist and frequent ''Washington Week in Review'' panelist, discloses her income from speeches, but only to her employer. Borger said she gave one or two paid speeches a month, but she wouldn't reveal her fee. ''I'm not an elected official,'' she said.

Like Borger, Wolf Blitzer, CNN's senior White House correspondent, said that he told his news organization about any speeches he made. How many speeches did he make in the last year?

''I would guess four or five,'' he said, and repeated that each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking and from which groups?

''I would tell him 'None of your business,' '' Blitzer said.

Two other network chief White House correspondents NBC's Andrea Mitchell and CBS's Rira Braver—also do little speaking. ''I make few speeches,'' Mitchell said. ''Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover.'' She declined to say how much she earned. For Braver, the issue was moot. I don't think I did any,'' she said, referring to paid speeches in the past year.

ABC's ''Prime Time Live'' correspondent Chris Wallace, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. ''I don't know exactly,'' he said. Could he remember his fee?

''I wouldn't say,'' he replied.

Did he speak to business groups?

''I'm trying to remember the specific groups,'' he said, and then went on. ''One was the Business Council of Canada. Yes, I do speak to business groups.''

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

''I'm a private citizen,'' he said, ''I have no control over public funds, I don't make public policy.''

Why did Wallace think that he was invited to speak before business groups?

''They book me because they feel somehow that it adds a little excitement or luster to their event,'' he said. He has been giving speeches since 1980, he said, and ''never once has any group called me afterward and asked me any favor in coverage.''

But isn't that what public officials usually say when Wallace corners them about a junket?

Those who underwrite congressional junkets are seeking ''access'' and ''influence,'' he said, but the people who hire him to make a speech are seeking ''entertainment.'' When I mentioned Wallace's remarks to Norman Pearlstine, the former executive editor of the Wall Street Journal, he said, ''By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment.''

ABC's political and media analyst Jeff Greenfield makes a ''rough guess'' that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and marketing associations—that are concerned with subjects he regularly covers. ''It's like 'Nightline,' but it's not on the air,'' he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he did could be deemed a potential conflict. ''I cover cable, but I cover it for ABC, which is sometimes in conflict with that industry,'' he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinction that newspapers like the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield noted.) In trying to escape this ethical maze, Greenfield concluded, ''I finally decided that I can't figure out everything that constitutes a conflict.''

Eleanor Clift, of Newsweek, who is cast as the beleaguered liberal on ''The McLaughlin Group,'' said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income, and said that if a member of Congress were to ask she would say, ''I do disclose. I disclose to the people I work for. I don't work for the taxpayers.''

Christopher Matthews, a nationally syndicated columnist and Washington bureau chief of the San Francisco Examiner, who is a political commentator for ''Good Morning America'' and co-host of a nightly program on America's Talking, a new, NBC-owned cable network, told me last June that he gave between forty and fifty speeches a year. He netted between five and six thousand dollars a speech, he said, or between two and three hundred thousand dollars a year. Like many others, he is represented by the Washington Speakers Bureau, and he said that he placed no limitations on corporate or other groups he would appear before. ''To be honest, I don't spend a lot of time thinking about it,'' he said. ''I give the same speech.''

David S. Broder, of the Washington Post, who has a contract to appear regularly on CNN and on NBC's ''Meet the Press,'' said that he averaged between twelve and twenty-four paid speeches a year, mostly to colleges, and that the speeches are cleared with his editors at the Post. He did not discuss his fee, but Howard Kurtz, the Post's media reporter, said in his recent book ''Media Circus'' that Broder makes up to seventy-five hundred dollars a speech. Broder said he would support an idea advanced by Albert R. Hunt,the Wall Street Journal's Washington editor, to require disclosure as a condition of receiving a congressional press card. To receive a press card now, David Holmes, the superintendent of the House Press Gallery, told me, journalists are called upon to disclose only if they receive more than five per cent of their income from a single lobbying organization. Hunt said he would like to see the four committees that oversee the issuing of congressional press cards—made up of five to seven journalists each—require full disclosure of any income from groups that lobby Congress. He said he was aware of the bitter battle that was waged in 1988, when one committee issued new application forms for press passes which included space for detailed disclosure of outside income. Irate reporters demanded that the application form be rescinded, and it was. Today, the Journal, along with the Washington Post, is among the publications with the strictest prohibitions on paid speeches. Most journalistic organizations forbid reporters to accept money or invest in the stocks of the industries they cover. But the Journal and the Post have rules against reporters' accepting fees from any groups that lobby Congress or from any for-profit groups.

Hunt, who has television contracts with ''The Capital Gang'' and ''Meet the Press,'' said that he averaged three or four speeches a year, mostly to colleges and civic groups, and never to corporations or groups that directly petition Congress, and that he received five thousand dollars for most speeches.

William Safire, the *Times* columnist, who is a regular on ''Meet the Press,'' was willing to disclose his lecture income. ''I do about fifteen speeches a year for twenty thousand dollars a crack,'' he said. ''A little more for overseas and Hawaii.'' Where Safire parts company with Hunt is that he sees nothing wrong with accepting fees from corporations. He said that in recent months he had spoken to A.T. & T., the Pharmaceutical Research and Manufacturers of America, and Jewish organizations. Safire said that because he is a columnist his opinions are advertised, not hidden. ''I believe firmly in Samuel Johnson's dictum 'No man but a blockhead ever wrote except for money,'' he went on. ''I charge for my lectures. I charge for my books. I charge when I go on television. I feel no compunction about it. It fits nicely into my conservative, capitalist—with a capital 'C'—philosophy.''

Tim Russert, the host of ''Meet the Press,'' said that he had given ''a handful'' of paid speeches in the past year, including some to for-profit groups. He said that he had no set fee, and that he was wary of arbitrary distinctions that say lecturing is bad but income from stock dividends is fine. Russert also raised the question of journalists' appearing on shows like ''Meet the Press,'' which, of course, have sponsors. ''Is that a conflict? You can drive yourself crazy on this.''

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, ''We have an Office of Training and Education, and from time to time we invite knowledgeable non-government experts to talk to our people as part of our training program.'' Does the agency pay for these speeches? ''Sometimes we do, and sometimes we don't,'' he said. Asked for the names of journalists who accepted such fees, Christian said the he was sorry but ''the records are scattered.''

Time's Washington columnist, Margaret Carlson, who is a regular on ''The Capital Gang,'' laughed when I asked about her income from speeches and said, ''My view is that I just got on the gravy train, so I don't want it to end.'' Carlson said she gave six speeches last year, at an average of five thousand dollars a speech, including a panel appearance in San Francisco before the American Medical Association (with Michael Kinsley, among others). She made a fair distinction between what she did for a fee and what Treasury Secretary Lloyd Bentsen tried to do in 1987, when, as Senate Finance Committee chairman, he charged lobbyists ten thousand dollars a head for the opportunity to join him for breakfast once a month. ''We are like monkeys who get up onstage,'' Carlson said, echoing Chris Wallace. ''It's mud wrestling for an hour or an hour and a half, and it's over.''

There are journalistic luminaries who make speeches but, for the sake of appearances, do not accept fees. They include the three network-news anchors—NBC's Tom Brokaw, ABC's Peter Jennings and CBS' Dan Rather—all of whom say that they don't charge to speak or they donate their fees to charity. ''We don't need the money,'' Brokaw said. ''And we thought it created an appearance of conflict.'' Others who do not accept fees for speaking are Ted Koppel, of ABC's ''Nightline''; Jim Lehrer, of ''The MacNeil/Lehrer News Hour''; Bob Schieffer, CBS' chief Washington correspondent and the host of ''Face the Nation''; and C-SPAN's Brian Lamb.

ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: ''I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midmorning I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, paid the agent three thousand, and had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just talked off the top of my head.'' But his conscience told him it was wrong. ''It's easy money,'' Wooten said.

As for me, *The New Yorker* paid my travel expenses to and from the congressional retreat. In the past twelve months, I've given two paid speeches; the first, at New York's Harmonic Club, was to make an opening presentation and to moderate a panel on the battle for control of Paramount Communications, for which I was paid twelve hundred dollars; the second was a speech on the future of the information superhighway at a Manhattan luncheon sponsored by the Baltimore-based investment firm of Alex, Brown & Sons, for which my fee was seventy-five hundred dollars. I don't accept lecture fees from communications organizations.

Like the public figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including *The New Yorker*, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various institutions for columnists are often even more permissive. Full disclosure provides a disinfectant—the power of shame. A few journalistic institutions, recently shamed, have been taking a second look at their policies. In mid-June, ABC News issued new rules, which specifically prohibit paid speeches to trade associations or to any ''for-profit business.'' ABC's ban—the same one that is in place at the *Wall Street Journal* and the *Washington Post*—prompted Roberts, Donaldson, Brinkley, Wallace, and several other ABC correspondents to protest, and they met in early August with senior news executives. They sought a lifting of the ban, which would allow them to get permission on a case-by-case basis. But a ranking ABC official says. ''We can agree to discuss exceptions but not give any. Their basic argument is greed, for Christ's sake!'' Andrew Lack, the president of NBC News, said that he plans to convene a meeting of his executives to shape an entirely new speaking policy. ''My position is that the more we can discourage our people from speaking for a fee, the better,'' he said. And CBS News now stipulates that all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. ''We had a loose policy,'' he said. ''I just finished rewriting our company policy.'' Henceforth, those associated with the program will no longer accept fees to speak to corporate groups or trade associations that directly lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favorable coverage. But corruption can take subtler forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of ''fee speech,'' perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called ''an incentive to be even more flamboyant'' on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. They prefer their panelists reliably pro or con, ''liberal'' or ''conservative,'' Too much quirkiness can make a show unbalanced; too much complexity can make it dull. Time's Margaret Carlson told me, not entirely in jest, ''I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV.'' Her Time colleague the columnist Hugh Sidey said that when he stopped appearing regularly on television his lecture income shrivelled. Obey wishes that it would shrivel for the rest of the pundit class as well. An attitude of scorn often substitutes for hard work or hard thought and it's difficult to deny that the over-all result of this dynamic is a coarsening of political discourse.

Celebrity journalism and the appearance of conflicts unavoidably erode journalism's claim to public trust. ''My view is that you're going to start having character stories about journalists,'' Jay Rosen, a journalism professor at New York University and the director of the Project on Public Life and the Press, told me recently. ''It's inevitable. If I were a big-name Washington journalist, I'd start getting my accounts together. I don't think journalists are private citizens.''

[From the American Journalism Review, June 1995]

TAKE THE MONEY AND TALK

(By Alicia C. Shepard)

It's speech time and the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the ''reserved'' table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

''They are very young,'' says Roberts, 52. ''I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am.'' The audience laughs.

After talking for an hour on ''Women and Politics,'' Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington

since 1978, when there will be a female president.

''I think we'll have a woman president when a woman is elected vice president and we do in the guy,'' Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. ''She's high, very high,'' says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Roberts tab was covered by a corporate sponsor. JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

''She feels strongly that it's not something that in any way shape or form should be discussed in public.'' ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. ''I think we ought not not talk about it.'' he says. ''I mean that's Cokie's right, obviously,'' he adds, but ''if we want people to answer our questions, then up to a reasonable point, we should answer their questions.''

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the ''next great American scandal.'' Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see ''Talk is Expensive,'' May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnists and ''Crossfire'' host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

''Clearly some nerve has been touched,'' Warren says. ''A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring.''

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on ''The Capital Gang'' or ''The McLaughlin Group.'' Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. ''Those journalists say things we wouldn't let them say in the magazine. . . .'' says Gaines, whose columnist Margaret Carlson appears frequently on ''The Capital Gang.'' ''It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency.''

Journalists have been ''buckraking'' for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporations—much to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to ''grandfather in'' speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

''Why did we amend it? Fees for speeches are getting to be very large,'' Wald says. ''When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was every swayed by a speech fee. I do believe that it gives the wrong impression. We deal in impressions.''

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of ''several thousand dollars'' over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

''The restrictions how have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with,'' says Compton, who's been covering the White House off and on since 1974. ''It's closed off, frankly, the category of organizations that pay the kind of fees I get.'' She declines to say what those fees are.

And it has affect her bank account. ''I've got four kids . . .'' Compton says. ''It's cut off a significant portion of income for me.''

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

''It has affect us, definitely,'' says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. ''More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism.''

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. ''I can't say that the criticism has affected us,'' says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

''I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount,'' Donaldson says, ''it was not fair to change the policy midstream.'' Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

''When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct,'' he says. ''We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring two-day whatever that was.' ''

Most agree it's the size of the honoraria that is fueling debate over the issue. ''If you took a decimal point or two away, nobody would care,'' Greenfield says. ''A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes.''

And Wald has decided ''entertainment-size sums'' look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. ''You can speak to the American Society of Travel Agents or the Electrical Council.'' he says, ''as long as you don't take money from them.''

But are ABC officials enforcing the new policy? ''My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything,'' says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association of Broadcasters for speaking to 1.000 members and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

''As long as the speech was arranged by a reasonable group and it carried with it no tinct from anybody, it's okay,'' says Wald. ''I don't care where they [the Junior League] get their money.''

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. ''The bottom line is that Andrew Lack is generally not in favor of getting high speaking fees,'' she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in ''questionable cases.'' The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

''There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value,'' Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

''I'm not trying to argue in all cases it's wrong,'' says Harwood. ''But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process.''

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

''By disclosing the people who pay us,'' says Harwood, ''we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that.''

But apparently they are. Harwood lost the election.

''I'm quite certain that's why John lost,'' says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. ''There's clearly a lot of resistance,'' adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. ''Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that.''

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a ''MacNeil/Lehrer NewsHour'' producer.

''I've never heard anyone mention it here and I've been here going on 11 years,'' says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. ''I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, If anything, people are impressed and a bit envious. It's like, 'More power to them.' ''

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of McNeil/Lehrer Productions, says he was ''embarrassed'' by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

''We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper,'' Vecchione says. ''While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough.''

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents ''should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover.''

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

''The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago,'' McDaniel says, ''We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be any improper behavior but because we want to protect our credibility.''

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo. Managing Editor Gaines told his staff, ''The policy is that you may not do it.

Gaines says the new policy was prompted by ''a bunch of things that happened all at once.'' He adds that ''a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored.''

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are ''clearly not commercial.''

''Academic seminars are fine,'' he says. ''If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that.''

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

''This whole issue has been terribly overblown by a few cranks,'' Roberts says. ''As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it.''

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the ''cranks,'' who he believes are in part motivated by jealousy. ''I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it.''

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a ''Cokie Watch.'' named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never net.

''Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation,'' Roberts asserts. ''He's on a crusade to make his own reputation by tearing down others.''

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for ''Cokie Watch.'' Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

''I'm now in the Rolodex as inconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time,'' says Warren, who in fact doesn't. ''But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right.' It obviously touches a nerve among readers.''

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's ''The Capital Gang'' sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley ''should know better.''

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

''Being paid more than you're worth is the American dream,'' he wrote. ''I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuitous tastes of this bliss.''

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

''Such rules merely replace the appearance of corruption with the appearance of propriety,'' he wrote. ''What keeps journalists on

the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product it out there for all to see and evaluate.''

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: ''If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't.''

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, ''You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that.''

And so Murray is implementing a disclosure policy. By the end of the year, the 40 journalists working in his bureau will be required to list outside income in a report that will be available to the public.

''People are not just cynical about politicians,'' says Murray. ''They are cynical about us. Anything we can do to ease that cynicism is worth doing.''

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

''It's both the amount and doing it,'' he says. ''I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?''

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. ''I don't like the idea,'' says ABC's Greenfield. ''I don't like telling people how much I get paid.''

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on ''20/20,'' voluntarily agreed to disclose some of the ''absurd'' fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

''I just think secrecy in general is a bad thing,'' says Stossel, who did not object to ABC's new policy. ''We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought.''

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

''I never have done it,'' Lamb says. ''It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it.''

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. ''Change in Washington: A Media Perspective with Cokie and Steve Roberts,'' was the schedule event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a ''Day One'' segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. ''Cokie was sick or something'' says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. ''Only Steve Roberts came.''

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

''Of course, it's tempting and it's nice,'' Wald says of hefty honoraria. ''Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them.''

[From the Columbia Journalism Review, May–June 1995]

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politick on their own behalf; they'd much rather cover politics as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratically elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the ''Big Four'' national newspapers, would have won. But instead, Harwood chose to ignite a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town: whether journalists should disclose to their peers and the public their ''outside income''—that is, income earned from speeches and sources other than their day jobs.

''I think it's time we do a better job of disclosing the sort of potential conflicts we so often expose in the case of public officials,'' Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, ''Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny.''

This philosophy did not play too well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. ''I was surprised,'' Murray states flatly, ''to find out so many of my colleagues oppose the right thing to do.''

Yet only a handful of daily gallery members, the so-called celebrity journalists who make substantial money from speaking engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. ''What business of the gallery is it what my income is?'' says Stephen Green, of Copley News Service, who also ran and lost. ''People who are paying your salary should decide whether you have a conflict or not.'' Alan Fram of The Associated Press, the big winner, opposed disclosure partly on the ground that reporters are private citizens, not public officials.

Fram and Green see ''philosophical perils,'' as Green put it, in ''licensing'' reporters by requiring them to reveal certain facts and activities. ''That opens up a door we don't want to walk through,'' says Fram. ''What's the next step? Voting registration?''

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any other gallery member to look up. He would go one step further, however, and make records available to the general public, not just journalistic peers: ''Put the judgment out there.''

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the ''sunshine'' statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyway, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchhoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If Harwood's loss is a good sounding of the current state of journalistic opinion, the answer is: not yet.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I am prepared to accept the amendment of the distinguished Senator from West Virginia because it is the beginning, not the end, and it is a sense-of-the-Senate resolution that will begin the process for a complete hearing on the matter. As I understand it, it is a sense-of-the-

Senate resolution that in essence calls for a separate Senate resolution to be offered in the future during the 104th Congress that would in essence call for the Rules Committee to begin the process of complete hearings on the issue.

Mr. BYRD. The Senator is correct.

Mr. MACK. Mr. President, while I have indicated that I am prepared to accept the amendment, I think it is fair to say that there are questions with respect to the concept as it relates to members of the Senate Press Gallery only, as I understand it.

Mr. BYRD. It pertains only to the credentialing of members of the Senate Press Gallery.

Mr. MACK. I thank the Senator.

Mr. President, I do believe that several of the points that the Senator from West Virginia made during his comments with respect to the amendment were, in fact, on target, specifically the issue as to the power of the press in choosing what to cover. There is a tendency for us in public life to hear—and I guess from time to time believe—that we have been inaccurately quoted. My own experience is that has not really been a problem. The issue which I think is important—the issue which I think the publishers of newspapers have said themselves—is that the power of the press is really to choose what to cover and what not to cover.

My point for making this is that the individuals who are members of the Press Gallery in the Senate, frankly, and from my perspective, are not the ones that determine what is going to be covered and what is not.

So I think that frankly there will have to be a complete hearing on the issue to make a determination about whether the Senate in fact should move on this concept. But at this point, as I said a moment ago, I am prepared to accept the amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the manager of the bill, for his comments and for his support in offering to accept the amendment.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I have listened carefully to the words of the Senator from West Virginia on his sense-of-the-Senate resolution and am also willing to accept the amendment on the grounds that I see it as the precursor to having a hearing on this so that all sides can be aired. I would want to make sure that we were not precluding anyone's ability to be in the Press Gallery with this kind of amendment. I think those kinds of questions and answers can be gathered. I understand that is what this amendment is trying to attain and with that would not object to it.

Mr. BYRD. Mr. President, I thank the minority manager. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

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

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

The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. 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 North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—60

Akaka	Feingold	Mikulski
Baucus	Ford	Moseley-Braun
Bennett	Glenn	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nunn
Bradley	Gregg	Pell
Breaux	Harkin	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Hollings	Robb
Campbell	Inouye	Rockefeller
Chafee	Jeffords	Shelby
Coats	Johnston	Simpson
Cohen	Kennedy	Smith
Conrad	Kohl	Snowe
Craig	Lautenberg	Stevens
Daschle	Leahy	Thomas
Dole	Lott	Thurmond
Dorgan	Mack	Warner
Faircloth	McConnell	Wellstone

NAYS—39

Abraham	Feinstein	Levin
Ashcroft	Frist	Lieberman
Biden	Gorton	Lugar
Bingaman	Graham	McCain
Brown	Gramm	Moynihan
Bryan	Hatch	Nickles
Cochran	Hutchison	Packwood
Coverdell	Inhofe	Roth
D'Amato	Kassebaum	Santorum
DeWine	Kempthorne	Sarbanes
Dodd	Kerrey	Simon
Domenici	Kerry	Specter
Exon	Kyl	Thompson

NOT VOTING—1

Helms

So the amendment (No. 1802) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I commend the Appropriations Committee for bringing this bill to the floor. Senator HATFIELD, Senator BYRD, Senator MACK, and Senator MURRAY, in my view, have crafted a bill that reduces the amount we will spend on the legislative branch by over $200 million and an amount which is $427 million below the fiscal 1995 budget estimate.

This is an excellent piece of legislation. It is certainly not perfect, but I, again, congratulate the managers of the bill for an outstanding effort to reduce spending on the legislative branch. Obviously, it is where we must begin if we are going to ask other sectors of America to experience spending cuts as well. I thank my colleagues.

Mr. DOMENICI. Mr. President, I want to share with the Senate my congratulations to the subcommittee, in particular the subcommittee chairman, Senator CONNIE MACK, because we started out this year on our side of the aisle—and I am very pleased this has become bipartisan—with the suggestion that if we are going to fix the fiscal policy of our Nation, we ought to start by fixing our own House, and we ought to save some money for the taxpayers in terms of what we spend on the U.S. Senate.

I happen to cochair our Republican task force with my friend CONNIE MACK. We recommended that we take $200 million out of the Senate's expenditures out of the legislative budget. I am pleased to report that we were taken almost literally by the chairman. He saved $200.041 million. So if every subcommittee that was charged with reducing the expenditures of our Government looked to the budget resolution for its assumptions, or to what my friend, CONNIE MACK, looked to—it was a resolution by the Republicans to take $200 million out—if everybody did their jobs that well, this would be a pretty good year.

Frankly, I want to make one other point. I am not saying that the budget resolution assumption should be adopted by any committee because I understand the Budget Act said the appropriators will make the final decision. It also said on the entitlement, the committees that write the law change the law. If we do not start getting rid of some agencies of our Federal Government, some functions of the Government, some programs of the Government, we are just putting off for another year what is inevitable. It will just get worse, not better. Good programs will have to be reduced, rather than those that are marginal and perhaps not needed.

Why do I state that? Because in this appropriations bill, this subcommittee has succeeded in doing away with one of the many service organizations that help the U.S. Senate do its work. As I understand it, over a 2-year phase, we will eliminate what we recommended in our early resolutions to the subcommittee. We will be getting rid of one of those service organizations, is that not correct?

Mr. MACK. That is correct. I just say to the Senator that there probably will

be an amendment proposed later in the morning, or in the early afternoon, to restore the Office of Technology Assessment.

Again, we did take the direction from both the early resolution by our conference but also the budget resolution that said, if we are going to meet this target, we are going to have to make not only reductions, but we are going to have to eliminate some of the agencies, and we have done that. I thank the Senator for his help on that.

Mr. DOMENICI. Mr. President, I am not prejudging that vote. I am speaking to the bill as it currently is. I was a member of the appropriations committee that voted to sustain their work with reference to the service organization we say we should get rid of over 2 years. I hope that the U.S. Senate, every time we have an issue like this—and it will come up today—that we not always think how can we save it and make sure it is still around and look at it again.

Sooner or later, you have to make decisions that you do not need everything, everything in the budget, and that the Senate does not need everything that currently serves the Senate. If you do not start doing that, then I do not believe we have a lot of credibility. I do not believe the American people are going to buy it for a minute that we ought to be cutting other programs, and we cannot get rid of one organization that helps us do our job.

Sooner or later, we have to be examples, and it has to be real, not rhetoric. I commend the subcommittee and its chairman. I hope the debate will center around, can we really do with less and still do our jobs? I believe we can. I do not see any shortage of professional talent helping us around here, scientific or otherwise. We have so many groups of science institutions that can help us, I do not know that we need our own $22 million science service organization. That is what the issue will be.

I yield the floor and thank the chairman for his work and his ranking member for her diligent work.

AMENDMENT NO. 1803

(Purpose: Expressing the sense of the Senate that the 104th Congress should consider comprehensive campaign finance reform legislation)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, and Mr. GRAHAM, proposes an amendment numbered 1803.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MACK. I object, Mr. President.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increase portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

AMENDMENT NO. 1804 TO AMENDMENT NO. 1803

(Purpose: To express the sense of the Senate in regard to the consideration of certain legislative issues)

Mr. MACK. 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 Florida [Mr. MACK], for Mr. MCCONNELL, proposes an amendment numbered 1804 to amendment No. 1803.

In lieu of the language proposed to be inserted, insert the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations,——

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MACK. I object.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk continued reading as follows:

Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

Mr. MACK. 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. MACK. 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. MACK. Mr. President, I ask unanimous consent that Senator FEINGOLD be recognized to speak for up to 20 minutes on the pending amendment, No. 1803, to be followed by 20 minutes for debate prior to a motion to table under the control of Senator MCCAIN, and that following the conclusion or yielding back of time, Senator DOLE or his designee be recognized to make a motion to table the Feingold amendment, and that no further amendments be in order prior to the motion to table.

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

Mr. MACK. Mr. President, I further ask that once the motion to table is made, the amendment be laid aside until 2:30 in order to consider other amendments.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. I thank the Senator from Florida for his cooperation. I am working on an agreement on this amendment.

I have offered this amendment today concerning the need for campaign finance reform because I firmly believe that there is a broad majority of Senators on both sides of the aisle who believe our campaign finance laws are in need of significant repair.

My resolution asks the Members of the U.S. Senate whether they believe we have a seriously flawed system of campaign financing and whether they believe we should consider changing it during the 104th Congress.

It is a simple proposition, but I think it is a very important one. I could not be more delighted that this resolution has bipartisan support in its cosponsorship. It includes the Senator from Arizona [Mr. MCCAIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Illinois [Mr. SIMON], the Senator from Vermont

[Mr. LEAHY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], and the Senator from Hawaii [Mr. AKAKA].

Mr. President, this resolution does not propose any specific reforms. It does not mention spending limits or public financing or PAC contributions or any of the other proposals that have been connected in the past with campaign finance. It merely says that sometime during the next year and a half this Chamber should consider legislation that will restore a greater degree of fairness and competitiveness to the elections that are involved to elect people to the Senate.

Why is this necessary? It seemed that significant campaign finance reform was going to be achieved in the 103d Congress. Unfortunately, the effort fell apart as House and Senate negotiators were unable to bridge their differences. I am the first to say there was blame on the part of both parties for this falling apart, but I am offering this resolution today because there has not been any sort of indication that the Senate will be considering this issue either this year or next year. It is not even mentioned in the Republican contract. It is not on the majority leader's list of items we need to do before the August recess. I am afraid that it might not even be on the list of the things we need to do before the turn of the century if we do not pass some kind of resolution.

It is clear that the campaign spending in our political system is spiraling out of control. The FEC recently released some startling numbers with respect to the level of spending in the 1994 elections. According to the FEC, the 1994 elections were the most expensive in history, sporting a price tag of $724 million. That is a 62-percent increase—Mr. President, a 62-percent increase—from aggregate spending just 4 years earlier in 1990.

The effect of this escalation in spending to me is a sort of politics of exclusion as it becomes increasingly difficult for average working Americans to run for public office. It is very distressing that candidates are first and foremost judged on their fundraising ability and their personal wealth rather than their merits as candidates. I think most of us would agree that the democratic political system should encourage individuals to run for elective office but that is not what our current system does.

If anything, the current system sends a message that political campaigns are expressly reserved for the very few who have the ability to do what the current system requires of them to run an effective campaign, and we all know it. The message we get is that if you cannot raise and spend millions of dollars, you are not really an effective or viable candidate.

If you are a powerful member of the Senate Appropriations Committee, as was my opponent in 1992, and you have the ability to raise nearly $6 million for a campaign, then the current system, of course, accommodates you. If you are independently wealthy and if you decide you would like to use your wealth to run for elective office, as the current trend seems to me, then the current system also accommodates you.

If you are a schoolteacher and serve part time in the city council and decide you would like to run for the U.S. Senate, then the current system tells you that based on your income level, employment status, and other such factors, you are automatically a long-shot candidate. Your positions on the issues are at best secondary. Your experience as a teacher and your record on the city council is secondary. Why? Because you lack substantial campaign funds, or a war chest as it is called now, that will inhibit you from getting your message across to a statewide electorate. This makes you a long shot, and the thought of not running at all has to cross your mind.

This has to change. Unfortunately, despite the nearly universal agreement that something needs to be done to curtail campaign spending and improve the election process, time and time again Congress fails to pass the needed legislation. So I offer this resolution today because there needs to be, first of all, a clear statement that campaign finance reform should be on the agenda for this Congress. It is not even mentioned, as I said before, in the Republican contract, and we need to figure out a way to get it onto the agenda.

The only effort that has been made in the whole Congress this session on campaign finance reform was to take away the campaign finance system we have that has helped make Presidential elections more fair. Thankfully, we defeated that effort, and we did it on a bipartisan vote. It is now time to refocus our efforts on fixing the congressional system and to find answers to a disturbing question. That is, how, Mr. President, can we expect ordinary Americans to run for elected office when the price tag is literally, literally millions of dollars and the costs escalated at a rate of over 60 percent in the past 4 years?

I know recently there was a handshake between the Speaker of the other body and the President about a commission. I noticed there was no Member of this body who was a party to that agreement, so it did not terribly impress me in part for that reason. But the Speaker recently just backed off of that anyway, so let us not assume that any sort of commission will even be created let alone believe that it will make a difference.

There is no reason at all for this body not to move forward on this. We cannot pretend that this is not a pressing problem, and we cannot pretend that we do not know how to deal with it. Congress has to demonstrate to the American people that it can act responsibly and decisively and that it can approach this problem in a bipartisan manner.

On another front, Mr. President, the set of figures recently released by the FEC gives us some telling data, surprising data. For example, contributions by political action committees to all congressional candidates back in 1990 totaled $149 million. Now, this went up slightly in 1992 to $178 million but stayed in 1994 at $178 million. So, Mr. President, PAC contributions, even though many people would like to see them eliminated, have been fairly level over the past three election cycles.

On the other hand, and this is what really shocked me, contributions and loans from candidates themselves—in other words, those who contribute to their own campaigns—increased at a rate of 37 percent from the 1992 level. So personal contributions to your own campaign is now sort of the new growth industry in the area of campaign financing.

That means the greatest increase in campaign financing comes from candidates that finance themselves. That translates into an electoral system tailored only for those who either have access to a large base of campaign contributors or another group, those who have the personal wealth and means to afford an expensive political campaign. Either way, again, the schoolteacher that serves on the city council is becoming increasingly less likely to have any chance at all of seeking this office and attaining it.

Mr. President, not too long ago, I heard one of the candidates for President, the Senator from Texas, say something that I found kind of fascinating. Announcing his bid for the Republican nomination to the White House in 1996, the Senator from Texas stated that he had the most reliable friend you can have in American politics, and that is ready money.

There was a time when the most reliable friend you could have in politics was a strong record on the issues, substantial grassroots support, or maybe even the endorsement of a large newspaper in your State. But a candidate for the Presidency has indicated that he may be the best candidate in 1996 not because of his stance on the issues, not because of his popularity with the voters in his party, but because he has the most money, or at least did at that time, of the eligible candidates.

Those remarks are simply an accurate portrayal of what our election system has become. It is not so much about your stance on the issues or the speeches you give on the campaign trail or even the countless volunteers that the Senator from Minnesota and I remember so well from our campaigns who usually sit in unairconditioned offices all day stuffing envelopes for you.

Sadly enough, our election system has become all about money—who has it, who can raise the most, and who can spend the most. It is no longer one person, one vote. It is more $1, one vote, or $1 million, 1 million votes.

I was a supporter last year of S. 3, the campaign finance reform bill, and that bill was filibustered. I did not believe that it was a perfect bill, but on balance I believe it represented a substantial improvement over the current system and it clearly would have installed a level of fairness back into our campaign system.

On the first day of the 104th Congress, I introduced S. 46, another attempt to try to reform our campaign system. I do not hold out any false hopes that my bill will become law in the near future. That is why I am certainly willing to compromise on this issue and to work with my colleagues on both sides of the aisle to write a bill that will somehow get us off the road we are on of further protecting incumbents and encouraging multimillion dollar campaigns.

I do, however, in working with the Senator from Arizona, who has been a tremendous partner in this issue, believe that certain principles have to be included. A good bill has to provide incentives to keep campaign spending down to a reasonable level, and it has to provide some sort of assistance to legitimate but underfunded challengers, so that our elections will indeed be competitive and fair. I also want to see candidates raise more of their funds in their own home States rather than constantly crisscrossing the country looking for funding from the west to the east coast.

Mr. President, for the past several months, the Senate has been diverting almost all of its attention to the Republican Contract With America. This was the campaign that said, ''Put us in power and we will change the way Washington does business.'' But it is disappointing again that this subject has not really come up. How can you change ''business as usual'' without suggesting that we need to change the outrageous degree of fundraising, the disproportionate influence of out-of-State special interests, and the lack of competitive challengers to well-placed incumbents?

Though it was not part of the contract, I know there are Members on the other side of the aisle who truly are committed to comprehensive campaign finance reform. And I continue to believe that we can have a bipartisan reform bill. In fact, Mr. President, just look at very recent history. We have had statements by the Senator from Kentucky indicating:

> The 102nd Congress is faced with many challenges, not the least of which is ensuring the credibility of this institution and the electoral process of our Nation. To that end I [Senator McConnell], along with the Senate Republican leader, Senator Dole . . . am introducing the Comprehensive Campaign Finance Reform Act. This bill is the most sweeping legislation ever put forth on this issue. [This reform act] would restore integrity and competitiveness to our electoral process while preserving constitutional rights and our 200-year-old democratic freedoms.

That is from January 1991, by the Senator from Kentucky.

More recently, in January 1993, the now majority leader stated:

> Just as Congress needs reforming, so, too, does the way in which you are elected to Congress. And today, as we have done before, Senate Republicans will be introducing legislation to reform our campaign finance system. . . .
>
> Again, this is an area in which I think we are going to need bipartisan effort if we are to have a meaningful campaign finance reform bill. . . .
>
> So I hope that we can maybe impose some deadline—30, 60 days—for Democrats and Republicans to work out a bipartisan package.

The majority leader then went on to say:

> If ever there was an issue that cried out for bipartisan cooperation, it is campaign finance. Senator Boren of Oklahoma and Senator McConnell of Kentucky are this Chamber's acknowledged campaign finance reform experts. Perhaps if Senator Mitchell and I gave them 30 days to get together and hammer out a comprehensive reform proposal, they would succeed.

And, finally, Mr. President, simply a copy of the front page of S. 7, which is the legislation by the majority leader and many other Members on the other side of the aisle calling for Federal campaign finance reform.

So it is clear that the other side is on record in favor of doing this.

Let me simply reserve the remainder of my time at this point and say that this is the amendment which we worked, on a bipartisan basis, to put together that can at least start us on the real road to campaign finance reform, not just a resolution, not just a commission, but a true bipartisan effort that I hope will bear fruit.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 6 minutes 8 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator—may I withhold?

Mr. McCAIN. Will the gentlemen yield 3 minutes to me?

The PRESIDING OFFICER. The Senator from Arizona has 20 minutes under the unanimous-consent agreement.

Mr. McCAIN. OK.

Mr. FEINGOLD. I yield the floor.

Mr. McCAIN. Mr. President, I yield myself whatever time I may consume.

While my friend from Florida is here, I want to talk about two aspects of this situation. One is what just transpired that brought us to this time agreement. As my colleague from Florida knows, I served 12 years in both the House and the Senate in the minority status. And one of the things that frustrated me enormously as a member of the minority was that I was unable to get issues that were important to me and my constituents before this body.

I will say that the previous majority leader on the other side of the aisle, on numerous occasions I went to Senator Mitchell and said, ''Senator Mitchell, I want a vote on this issue. I'll be glad to agree to a time agreement. I will be glad to have whatever parameters you decide so as not to interfere with the functioning of this body.'' I will tell you, Mr. President, Senator Mitchell always granted me that vote.

For us to start in with parliamentary maneuvering not allowing people who have a reasonable amendment with an agreement for a reasonable time frame, I think is a betrayal, frankly, of what we were seeking over the last 12 years in my experience in the minority. The Senator from Wisconsin spent all day yesterday on the floor waiting to be recognized. The Senator from Wisconsin was willing to have a reasonable time agreement so he could get a simple sense-of-the-Senate resolution before this body with an up-or-down vote on it or a tabling motion.

Now, it seems to me—it seems to me—that if we are going to conduct business around here with comity, if someone has a reasonable request—a reasonable request—we should grant that request. Now, this was a sense-of-the-Senate resolution about a strongly held view by the Senator from Wisconsin. And I hope in the future we can avoid this kind of thing and sit down and say, OK, what will the arrangements be? If not today, next week or next month or even next year. But filling up the tree with parliamentary maneuvering, I think, is beneath us.

I want to make one additional point, Mr. President, if I may. Campaign finance reform is something that the American people want. In 1994 the American people said, ''We do not like the way you do business in Washington. We do not like the way you do business.'' And they also said, ''We do not like the way you get there.'' I know, that message was clear. And I am confident, because I believe in representative government, Mr. President, that sooner or later we will address this issue, because it is the will of the people. They do not like what is going on. Now we may make it worse, I do not know. I think we can make it better. But no average citizen in America believes that the system under which we elect Presidents of the United States and the system under which we elect representatives to Congress is a fair and equitable system, because of the role that money plays in these campaigns.

If I could just, as an aside, say to my friend from Wisconsin—just an aside—if he is going to quote Republicans now, it would be fair if he quoted the latest deal that people can have that the Democratic National Committee gave if you want to have breakfast with the President or meetings with the President, all those good deals. Let us put some balance in this now. Let us not make it a partisan issue. There are egregious activities on both sides on this issue.

But getting back to the fundamental point, I do not believe, Mr. President, that 1 or 2 or 5 or 10 Senators will be able to block the will of the American people.

Now, what the Senator from Wisconsin and I are seeking to do is set forth

a framework, which we will be introducing this week, for campaign finance reform that has the fundamental elements that we believe are the will of the American people. We want to engage in a debate. We want—it is not a perfect document—we want to engage in the kind of consensus building that will lead us to a fundamental reform of the system that most Americans think is broken. And I think we have that obligation. I would like to work with all of my colleagues and any of them on this issue. But I greatly fear that unless we do this, unless we embark on this very difficult effort, the American people will lose further confidence in us and their system of government and the way we select our leaders, whether it be a Presidential campaign or any other.

So, I think it is an important issue, and I think the Senator from Wisconsin had the right to see at least what the will of the Senate is here. Maybe his motion will be tabled. I do not know. But the fact is that we need to get about addressing this issue, and we proved in the last few years that we cannot do it on a partisan basis. It has to be on a nonpartisan basis.

Mr. President, I thank my colleagues and I want to thank whoever worked out the agreement for this time agreement and the tabling motion to give the Senator from Wisconsin an opportunity to get a vote on this issue as to what the will of the Senate is.

Mr. FEINGOLD. Will the Senator from Arizona yield for a question?

Mr. McCAIN. Yes; I will be glad to yield to the Senator from Wisconsin.

Mr. FEINGOLD. Let me, first of all, ask the question and say that I fully agree with the Senator from Arizona that it certainly would not be accurate to assign to only one party the blame on this issue. In fact, in my comments I indicated that this thing went down last session not just because of a Republican filibuster but also, I think, because of substantial Democratic opposition in the other body. That has to be said. There have been many different analyses of what happened on November 8, but I ask the Senator from Arizona if he does not think in part the problem of the Democrats had to do with the failure to reform this system when they were in control?

Mr. McCAIN. I agree with my colleague on that. But I also think there is no doubt that on both sides of the aisle there was such a strong preference for the status quo that clearly the issue was not given the priority that it deserved, which I think was the primary reason for its failure. I will say, it was a bipartisan failure as well.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I will take a moment of my time. I want to comment, in light of the comments of the Senator from Arizona. I have only been here 2½ years, but I have never seen a greater demonstration of bipartisanship and courage as I have seen on the part of the Senator from Arizona in his willingness to try to make sure a Member of the minority party and himself have an opportunity to raise an issue of this kind.

That is exactly the kind of conduct that the American people have been crying out for, and it has been a tremendous experience for me to know that in this body, that people assume is so partisan, that these kinds of experiences do and can occur.

So I want to thank him at this point, and I look forward to working with him on this issue.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. FEINGOLD. I do yield and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. FEINGOLD. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes.

Mr. WELLSTONE. Mr. President, I am very pleased to be an original cosponsor of this amendment with the Senator from Wisconsin and the Senator from Arizona. As I understand the amendment, it really says nothing more than we should, during this Congress, take up this issue of campaign finance reform. It is an extremely reasonable amendment, one I think that should engender the support of Democrats and Republicans.

A very good friend of mine who is going to be leaving the Senate, PAUL SIMON, wrote a book not too long ago, and I had a chance to read a rough draft. The first chapter was on campaign finance reform. I said to the Senator, ''That should have been the first chapter, because this is really the root issue.''

I think it is the root issue and really the root problem for several reasons. I only have 4 minutes today, but we will be coming back to this over and over again, because I think we are going to insist on this reform during this Congress.

First of all, it is a root issue, Mr. President, because I think, in a way, this mix of money and politics, which really becomes the imperative of American politics, if you will, this money chase, it undercuts democracy and it undercuts democracy for two reasons.

First of all, it undercuts the very idea that each person in Colorado, Minnesota, Washington, or Florida should count as one and no more than one, because that is not really what is going on any longer to the extent that big money has such a dominant influence in politics.

Second of all, it undercuts democracy because it represents corruption, but not the corruption of individual officeholders, but rather a more systemic type of corruption where too few people have too much wealth and power. That is what is skeptical, cynical about public affairs, and all of us, Republicans and Democrats alike, have the strongest possible self-interest in having your citizens really believing in politics and public affairs. But when people see this influence of money, they become very cynical.

Mr. President, it also has a lot to do, unfortunately, with representation or lack of representation. I remember during the telecommunications bill—and I am not trying to pick on any group of people—but the reception room was packed with people. Some people just march on Washington every day, they are lobbyists or others, they represent a lot of big money, they make big campaign contributions.

I have to say, when we talk about low-income energy assistance, which I think we will be talking about, cuts in low-income energy assistance or nutrition programs for children, whatever, you never see that mix of money and politics. Those citizens are just as much citizens as any group of citizens having the same representation. I think something is terribly wrong.

So, Mr. President, I have introduced bills in the past, I have introduced a bill this Congress, offered amendments, and have given enough speeches about the need for campaign finance reform. I say to the Senator from Wisconsin, I am proud to be part of this effort. I think we ought to pass this bill, and we ought to pass it this Congress. I think it is the strongest and most important thing we can do.

I also have to tell you, Mr. President, that from my own point of view—Mr. President, how much more time do I have?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. FEINGOLD. May I intervene here to say to the Senator from Minnesota, if he will yield for a moment, the Senator from Arizona has some additional time which he has indicated he will be willing to yield to the Senator from Minnesota, if the Senator wants more time.

Mr. WELLSTONE. I thank the Senator from Wisconsin. I think probably 5 minutes more will be fine.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that 5 minutes of the time of the Senator from Arizona be given to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota has 5 minutes of the time of the Senator from Arizona.

Mr. WELLSTONE. I thank the Senator from Wisconsin.

I say to my colleague from Wisconsin, I view all of these reform efforts—the gift ban and lobbying disclosure, which we take up on Monday, and the campaign finance reform—to be just critical measures, because I think people have to believe in this process or they are not going to believe in the products of this process.

I think people feel that politics has become a game they cannot play. I think people feel like this is a political process that does not represent them well. I think people feel like only a few people are well represented in politics.

We have to make our political process more accountable, more honest, more open, with more integrity, and I cannot think of a better way to do it than to take strong action and pass a comprehensive gift ban and lobbying disclosure bill next week—I know we are going to have spirited, long, hard, tough debate about that—and, in addition, pass this campaign finance reform bill sometime this Congress. Again, the only thing this amendment says is we should take this up.

Mr. President, I will make one final point. I am now up for reelection. I was so hoping we could pass a campaign finance reform bill. I absolutely hate the system and the way in which we have to raise money. I think almost every single Senator does.

I said in Minnesota, and for several years, I will only raise $100; if nothing changed, I will have to raise money to run against other people. With all the ads on TV, communications becomes the weapon of electoral conflict and all of us end up having to do that.

But, quite frankly, all of us ought to get together in a bipartisan way once and for all to pass a reform bill that really would, I think, make this political system operate in a much more effective way, not just for Democrats and not just for Republicans, but for all the people in this country. I think that is critically important.

We have gone through this debate before and, quite often, any time there is any kind of campaign finance reform bill, people say, even if there is a minimum amount of public money—maybe we can do without any—even if there is a minimum amount, people say this is food stamps for politicians.

It is not. The elections do not belong to the politicians, they belong to the people back in our States. I think the Senator from Arizona is absolutely on the mark when he says that one of the strong messages that has come from people—it came in the 1990 election in Minnesota; it came in the 1992 election the Senator from Wisconsin was involved in; and the 1994 election—is people want to see change, people want to see reform.

So, Mr. President, I hope that all of my colleagues will vote for this amendment. This amendment just says we make a commitment to bring this question up. We make a commitment, Democrats and Republicans together, to introduce a bill and to pass this legislation. I think this amendment ought to receive 100 votes because, quite frankly, I think that is the sacred trust we have of people in our country. They want us to make this change. They want more democracy, not less. They want more opportunities for people to run for office. They want more openness in the political process. They yearn for a political process they can believe in. What better thing could we do than to take up campaign finance reform, along with gift ban and lobbying disclosure, and pass a reform bill of which all of us can be proud.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that I may be yielded such time as I may require, on the time of the Senator from Arizona.

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

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He and I have worked together on many issues. We sat down, as he indicated, in the beginning of this Congress and listed a couple of our top priorities of what we would like to see happen here. At the very top of the list was our shared belief that if there is anything that needs to be changed in this country, it is the way we finance campaigns. Three Members of this body, including the Senator from Minnesota, myself, and the Senator from Washington, Senator MURRAY, did get elected even though we were not Members of Congress and were not personally wealthy. But we all know we are the exceptions to the rule.

Mr. WELLSTONE. How does the Senator know that I am not personally wealthy?

Mr. FEINGOLD. I saw the recent reports on the Members of the Senate. You were not high on the list. I regret to say that neither was I.

Mr. WELLSTONE. I stand corrected.

Mr. FEINGOLD. We all had campaigns that people watched. Do you know why? Because we were not supposed to win, because of big money. Even though we happen to be sitting here and it is a wonderful thing to have this opportunity, there are thousands and thousands of Americans as well qualified as any one of us who decided not to get into the fray because of the money, because of the absolutely daunting nature of the amount of money that is required to run for the U.S. Senate.

Mrs. MURRAY. Will the Senator yield?

Mr. FEINGOLD. Yes.

Mrs. MURRAY. I compliment the Senator on his amendment that comes before us today and for his perseverance on this critically important topic of campaign finance reform.

Let me just say that I agree with you. We need more people running for office in this country. We need the best and the brightest. It is indeed a sad note that people decide not to run, not to be here, simply because the daunting task of raising millions of dollars overwhelms them. That is not, to me, what this country is about or what democracy is about.

Until we reform the campaign finance laws and level the playing field, we are not going to get back to a point that allows everyone to be here and to speak out on the important issues of the day. I commend the Senator for the amendment, and I urge its adoption.

Mr. FEINGOLD. I thank the Senator. As I look at Senator MURRAY and the Senator from Minnesota, I know we were all serious candidates. But we know that among the things that got attention were things like Senator MURRAY's tennis shoes and I had a blue van with an Elvis Presley ''endorsement.'' The Senator from Minnesota had a green bus. I think those were fine and they had to do with a serious process that was connected with it. I do not think it should be necessary for somebody to just happen to hit the right moment and right sense of the people in their State. We ought to be able to get our message out with fairness and equality.

As I look at the Senators, I want to compliment the Senator from Washington in helping us get this agreement. She is trying to get this appropriations bill approved. She is managing it for the Democratic side. We did want to get this on other bills, as we indicated. We thought there were perhaps slightly more appropriate vehicles, such as the telecommunications bill. This is where you get the daunting nature of the task and the discouragement of candidates. If you look at the contributions in the report of Common Cause on the telecommunications bill, among the levels of contributions to Members of this body from groups involved with that bill, one Senator received $273,000. Many others received in the one hundred ninety thousands and in the one hundred seventy thousands. There are over 20 people who got over $100,000 in campaign contributions in connection with that issue.

We thought that would be a good bill to do it on, but people urged us to let that bill alone. Now the regulatory reform bill—that is the one on which I spent a lot of time here trying to attach it to. I heard one Senator in this body say that in the 23 years he has been here, he has never seen the business community more unified on an issue. That is sort of good news and bad news. Of course, we all want to be probusiness when we can, but when you have complete unanimity in the business community, I think sometimes you have to take a look at the other side, and what people who might be affected by it would do. The report of Public Citizen, again, shows enormous levels of contributions, Senators receiving over $300,000 in contributions from the interests in that issue, and many others in the $200,000 or $100,000 category. That is just an interest relating to that one particular bill. So we decided to use this bill as a vehicle to make this simple statement. I believe, Mr. President, that this is the beginning.

People often say, what is the point of a sense-of-the-Senate resolution? Well, what we are trying to do, as the Senator from Arizona knows, is to try to take the first step. You have to take

the first step, which is to get everybody on record either for or against the concept of campaign finance reform. It is regrettable that we are a quarter of the way through the 104th Congress and we have not even taken that first step.

But I hope today, when the tabling motion is made, that the Members consider what the view of the people of this country is. I am confident that whether you are Republican or Democrat, the American people are generally disgusted with the way these campaigns are financed. Perhaps the California Senate race was the most extreme example. When you tell someone that a person spent $28 million of his own money trying to get elected to the U.S. Senate, they really wonder whether they have anything to do with the process at all anymore. How can they possibly even dream of running for the U.S. Senate if that is the kind of ante that is required?

So, Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair informs the Senator from Wisconsin that he has 2 minutes 55 seconds remaining.

Mr. FEINGOLD. Mr. President, I yield back the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I have listened to the debate on this issue. The debate has not changed. I came to the conclusion years ago that we are never going to get campaign finance reform if we leave it up to the two parties, because there is always the case that the party in the majority will obviously try to fix it to suit them and make it a little better for the majority than members of the minority.

That has been true in the past, and I assume it will be true today. In fact, I suggested a number of times that we have a commission of outsiders with no ax to grind to take a look at campaign finance reform. I guess that is pretty much what Speaker GINGRICH and President Clinton suggested to each other up in New Hampshire.

In any event, it seems to me that with all the things we have yet to do in this Congress, and certainly campaign finance reform is important, we have regulatory reform right now. It means a lot more to most families than campaign finance reform. It costs each family about $6,000 per year, and we are about 2 votes short of getting 60 votes to move on regulatory reform. It is much more important than campaign finance reform. We are taking money out of someone's pocket. They may not care a thing about politics and never contributed a nickel to anyone. We cannot do that, because we cannot get the votes on the other side.

We have welfare reform to take up. It will take a long time. I just suggest that this may be a matter of great priority with a few Members of the Senate. It does affect all Members. We can all reach down and find some horror stories.

In fact, we could go to the White House if we had $100,000—I think that is the going rate to do business with the President—$100,000. They have different packages for different people of different economic circumstances. That does raise eyebrows, when people say, ''I have to see the President. It is $100,000''—I guess that is per couple. That is only $50,000 apiece.

Maybe that is what the people have in mind here. I assume this would apply to the executive branch as well as the Congress. There are excesses. There are people who get elected without a lot of money. I am finding out right now in the Presidential race, the worst part of the job is trying to raise the money. I do not ask people for money. I will not call people. I will not make telephone calls. I do not like to do that. I do not mind somebody else asking, but I do not like to ask.

In any event, this may have some merit, but with all the other things we have on our plate, and with part of the August recess already slipping away, I know this says ''by the end of the 104th Congress,'' and it seems to me that it will be even more difficult next year because then we are in an election year, when everybody wants to be involved in politics, politics becomes the focus of a lot of people.

Mr. President I move to table the underlying amendment, No. 1803, 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. Under the previous order, amendment No. 1803 is set aside until 2:30 p.m. today

Mr. DOLE. Mr. President, I will just conclude, we are making some progress. I think the American people are probably happy that now the laws we impose on them also apply to Congress. We have done that this year. That was a big step in the right direction. It probably means we will not pass so many crazy laws because they now also apply to Congress.

On Monday, we will take up gift ban reform and lobbying reform. We will overhaul that. We are also considering a constitutional amendment later on this year to limit terms of Members of the House and the Senate.

It is not that we are not aware that some of these things, I think, cry out for action. We are addressing more, in this first year, than we have addressed in the years past. We will continue to try to make improvements, so that the American people understand that. But I think also we need to keep our eye on the ball. A lot of these other issues do not mean a great deal to the American people, too.

AMENDMENT NO. 1805

(Purpose: To stop the practice of hiring elevator operators for automatic elevators)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], proposes an amendment numbered 1805.

The amendment is as follows:

On page 3, line 26, add at the end the following, ''The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators.

Mr. BROWN. Mr. President, this budget that is brought to the floor, I think, deserves commendation of all of the Members. This is an extraordinary departure from past policies. It involves literally a 16-percent cut that the President had requested for funding for Congress, and virtually a 9-percent real cut, actually a little over that, 9.13-percent real cut, over what we spent in the past year.

I am not aware of any Congress that has taken such dramatic action in the history of our country, to reduce its expenditures. Certainly in terms of dollars that have been cut from the budget, this has to be the all-time record winner. I think the distinguished chairman and the ranking member deserve a great deal of credit for bringing this kind of proposal to the floor.

It reflects a sincere and real interest in coping with some of our problems with regard to the budget. It does it in a very important way. It does it by setting an example.

It not only talks about reducing spending, but it proposes a budget for the Senate itself that reduces spending. That, I think, is the critical key element, if we are to have credibility in trying to deal with our budget problems. It is no secret to anyone here that this country has the biggest deficit of any nation in the world. It is no secret here that this country has the biggest trade deficit of any nation in the world. It is no secret here that we have one of the lowest savings rates of any major industrialized country in the world.

The American people believe it is long past time we ought to face up to these problems. So this budget that is for the Senate itself sends an important message. It sends an important message, not because we are the biggest part of Federal spending, it sends a very important message because we set an example. You cannot say one thing and do another, and that is what has been the problem with so many past Congresses. They talked about deficit reduction, but each year they increased spending and they increased spending on themselves.

So I look at this budget with great admiration for the fine people who spent long hours to try to find real savings, and they have done it.

There is one item that I think deserves attention and it is included in the amendment that I brought forward. It does not call for the dismissal of any elevator operators, but it does suggest that we should not hire new ones. As elevator operators on the automatic elevators retire, this measure contemplates that we would not replace them. I think it is important. Some will say, ''Oh, come on,'' but I believe it is very important because we have to set an example. If our efforts to deal with the deficit are to have any credibility at all, we have to be willing in our own House to set the example.

How do the American people respond when they hear we hire elevator operators to operate automatic elevators? I will tell you, real people think it is nuts. Real people, who work for a living every day, real people who have to pay the tax bills every day, think it is ludicrous for us to have people push the buttons for us.

Over the years I have heard almost every kind of excuse for hiring patronage employees to operate the elevators. I must tell you, it is my perception the major reason this phenomenon occurs is, first, because people did it in the past, and, second, because many of these positions are patronage.

Over the years, I have heard people talk about how critical it was to get here on time for votes and that having the elevator operators was a key element in that. I have no doubt that the people who say that are sincere. I must tell you, I think it is bunk. If people want to get here for votes on time, they come. We do not have elevator operators in the office buildings. We do have elevator operators on the elevators reserved for Senators, and that may be a different question for a different day. But those seem to operate just fine.

I have every confidence that every Member of the Senate is capable of pushing the buttons to move the elevator from the bottom floor to the second floor in order to arrive here in time for votes. I have every confidence they are able to push the button from the second floor, to push the B button to get down to the basement. To suggest Members of this body cannot move through the elevators without elevator operators on automatic elevators is absurd.

But more important, there is a very important point that Members should consider with this. If we are not willing to eliminate elevator operators on automatic elevators, what kind of confidence can this country have if we are going to deal with $200 billion to $300 billion deficits? What kind of belief can they have that we are going to stick with a budget plan that lasts 7 years? If we are not willing to make even a modicum of effort to control spending in our own house, on an item as frivolous as this, how can they believe that we intend to reduce the deficit by hundreds of billions of dollars? The answer is they will not. And the answer is, it is important Americans believe that we have a new Government and new commitment and a new willingness to deal with problems.

Is this a small item? Of course it is. But the symbolism is terribly important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, [Mr. MACK].

Mr. MACK. Mr. President, the Senator from Colorado has gained a tremendous reputation over the years for his efforts to reduce Federal spending, and I compliment him on that. I was interested in his comments about having ''every confidence that Members can push the buttons on the automatic elevators.'' That was an unquestioned level of confidence. It has been a long time since I have heard that level of confidence in our colleagues. But I accept that comment.

I would say to the Senator, I am prepared to accept the amendment but it does, in fact, go counter to the approach that the committee has taken with respect to reducing the expenditures of the Federal Government, particularly the Congress, the legislative branch. We had a very significant request, if you will, or directive given to us, to reduce the legislative branch budget by over $200 million, which, in fact, we have accomplished with about $41,000 to spare. We accomplished that, however, not by having the committee try to find every item throughout the legislative branch that any of us, or either of us, thought was important to cut. I will say to my friend and colleague that I think it is more important that we give a direction, or a directive, to the individuals responsible for the various functions of the legislative branch, indicating to them what we think they should do as far as a total is concerned, and ask them to, in essence, make the best judgment about how to reach that goal. I believe with our having taken that approach, we have been successful in our effort.

The Sergeant at Arms was given a directive of a reduction of 12.5 percent. The Sergeant at Arms came back with a little bit over 14 percent, and should be complimented for that achievement.

But as I indicated a moment ago, even though I have a different approach in bringing about significant reductions to the legislative branch, I am prepared to accept the amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I would be remiss if I did not note that our new Sergeant at Arms has done a very admirable job. He has already cut the number of elevator operators from 20 to 10, and saved over $118,000 in this fiscal year. So I would not want a moment to pass without recognizing what I think is a very dramatic change in policy by the new Sergeant at Arms. I think this amendment will help affirm that very significant effort.

The PRESIDING OFFICER. Is there further debate? The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I, too, will not object to accepting this amendment. Let me just add, I concur with the manager of the amendment, Senator MACK, who I think has done an outstanding job working with the different departments. The Sergeant at Arms did come back with a 14.5-percent cut. They are definitely going to be looking at how they can do that in the coming months when we will see the effect of that. It is, I think, difficult for us to micromanage them from this point, but I am willing to accept this amendment.

Let me at this point say, in doing so, I also want to send my compliments to our current elevator operators, whom I think many of us do not take the time to say ''thank you'' to so often. They are always kind and courteous and efficient. I appreciate the fact that they find me in the crowds. I know that is not a problem that some of the other Members have.

But they are always here, they are always smiling, they are on time. I think oftentimes when we have amendments like that, it is seen as a slam on some people who are doing a very efficient job, and, I think, one that we do not say ''thank you'' for, often enough.

So let me take this opportunity to thank them for the job that they do for all of us.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1805) was agreed to.

Mr. MACK. 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. SPECTER. 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.

AMENDMENT NO. 1806

(Purpose: Expressing the sense of the Senate regarding war crimes in the Balkans)

Mr. SPECTER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SPECTER. Mr. President, I ask that it be modified to be put in the form of an amendment to the pending bill.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1806.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . (a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by ''ethnic cleansing'', summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the Untied Nations and NATO remain unable or willing to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby—

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

Mr. SPECTER. Mr. President, this amendment is being offered so that the Senate will have an opportunity to articulate a forceful condemnation of the war crimes and crimes against humanity, committed by all sides in the conflict in the Balkans, particularly the Bosnian Serbs, so that the Senate will have an opportunity in the final analysis to condemn the policies and actions of the Bosnian Serb President, Radovan Karadzic, and the Bosnian Serb military commander, Ratko Mladic, and urge the special prosecutor in the International Criminal Tribunal for the former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

I had spoken on this subject generally on Tuesday evening following the introduction of the resolution by our distinguished majority leader calling for lifting the arms embargo so that the Bosnian Moslems may have an opportunity to defend themselves.

I support the action of the majority leader in urging the adoption of that resolution. It seems to me that the mission of the U.N. forces in Bosnia has been a mission impossible when they are charged to keep the peace when there is no peace to keep. U.N. forces ought to be withdrawn so that they can no longer be held hostage and so that then the Bosnian Moslems may have an opportunity to defend themselves under article 51 of the U.N. Charter, and that there may be appropriate help from the United Nations, NATO, and the United States by way of massive airstrikes. But there has not been a condemnation of the action of the Bosnian Serbs by this body, and I think that is very important.

The conduct of the Bosnian Serbs has been on a level of brutality and inhumanity which has been virtually unparalleled at least since World War II, and the nations of the world have stood by and have watched these atrocities and ethnic cleansing go on without a denunciation of this kind of conduct.

Hopefully, the International Criminal Tribunal will ultimately bring to justice all of those involved up to and including the highest levels. While the Western democracies articulate values of decency and humanity, we have sat back and have watched this atrocious conduct unfold.

There is little left of dignity and honor or basic human dignity in what has gone on in Bosnia, and at the very minimum this conduct ought to be condemned in the most forceful possible terms, which is what this resolution calls for.

I have introduced it for that purpose and to speak briefly on some of the underlying factors. I have told the managers of the bill that I would not insist on a rollcall. There is no reason to take an additional 20 minutes of the Senate's time to have what would most probably be a unanimous vote.

However, these are matters which ought to be called to the attention of the American people and the people of the world as forcefully as possible. It is my hope that the President of the United States will speak out on this subject, and that the President of the United States will use the forcefulness of the bully pulpit of the White House to acquaint the American people with what is occurring.

We have seen confirmed reports of the Bosnian Serbs rounding up young men, 11 and 12 years of age, and slitting their throats and placing them in heaps. We have seen the photographs in the public press of young Moslem women from Bosnia going into the fields and hanging themselves because that kind of suicide is preferable to the kind of brutality which is being inflicted by the Bosnian Serbs. We have seen the active reports from the safe havens of the United Nations which have been invaded by the Bosnian Serbs, taking away elderly women, taking away elderly men, committing the most atrocious kind of conduct.

I am not going to take a great deal of time here today, with the pendency of the other legislation. But I would cite just a couple of examples which are illustrative:

The Bosnian Serbs going to a Moslem victim and cutting off two fingers of each victim's hand so as to make the sign of the cross; and then they cut the prisoner's nose and ears off; and finally cut their throats, causing death.

Another example, a woman hiding in a barn with her husband and two young daughters, ages 13 and 7. Five Chetniks, Serbian paramilitaries, find them, beckon the father over, and in the sight of his two young daughters and wife, brutally murder him with a gun without his having uttered a word.

In the presence of an elderly woman, the husband is accosted by Bosnian Serbs, as they were fleeing, slicing his throat right in front of her, causing death.

Mr. President, I ask unanimous consent that examples be admitted into the RECORD, without going through them in detail at this moment which chronicles and specifies the kinds of blatant atrocities which are being perpetrated by the Bosnian Serbs.

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

EXAMPLES OF WAR CRIMES OR CRIMES AGAINST HUMANITY IN THE FORMER YUGOSLAVIA

EXAMPLE 1

The Final Report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia reveals the existence of 150 mass graves containing between 5 and 3,000 bodies and over 700 detention facilities in which, up until March 1994, an estimated 500,000 persons were imprisoned, murdered, tortured, and raped.

The estimated number of tortured persons is over 50,000.

The estimated number of raped women is over 20,000.

The Serb policy of ethnic cleansing included total forceful transfer of civilian populations from Serb controlled areas in flagrant violation of international humanitarian law as well as the destruction of public and private property, including religious and cultural heritage.

All of the above constitute war crimes and crimes against humanity and could even rise to the level of genocide.

EXAMPLE 2

The camp commanders.—Zeljko Meakic:

A. Complicit in the killing of, and in the causing of serious bodily or mental harm to, and in the deliberate infliction of conditions of life on, Bosnian Muslims and Bosnian Croats people, intending to bring about their physical destruction as a national, ethnic or religious group

B. Held individually responsible for the crimes committed by his close subordinates (deputies and shift commanders) and by the guards who regularly and openly killed, raped, tortured, beat and otherwise subjected prisoners to conditions of constant humiliation, degradation, and fear of death.

C. Personally beat the prisoners upon arrival with batons and other weapons

D. Kicked one prisoner who was tortured in the chest.

EXAMPLE 3

Zoran Zigic and Dusan Knezevic ordered prisoners to drink water like animals from puddles on the ground, jumped on their backs and beat them until they were unable to move; as the victims were removed in a wheelbarrow, one of the Serbs discharged the contents of a fire extinguisher into the mouth of one of the victims.

EXAMPLE 4

Dusan Tadik and others: Belonged to a group of Serbs from outside the camp, who called on one day prisoners out of their rooms, severely beat them with various objects and kicked them on their heads and bodies. After one of the four prisoners was beaten, two other prisoners were called on and ordered by a member of the group to lick his buttocks and genitals, and then to sexually mutilate him; one of the two covered the prisoner's mouth to silence his screams, and the other bit off the prisoner's testicle. This prisoner and two other died from the attack; the fourth one, who was severely injured, was thrown onto the back of a truck with the dead and driven away.

EXAMPLE 5

Most recently, in the wake of the fall of Srebrenica, there are numerous accounts of new Serbian cruelty: throats slit, women raped before women and children were packed on buses for a mass ethnic deportation.

Twenty-year-old woman made her way into a grove of trees near the refugee camp at night and hung herself.

Hundreds of men were reportedly killed by Serbs and thousands taken away for investigation of ''possible war crimes.''

One refugee reported that the buses carrying the Muslims were stopped outside Srebrenica and Serbs took young men and women off. ''They made us watch while they cut the men's throats and raped the women.'' (New York Times, 15 July)

EXAMPLE 6

In Potocari, where there was a U.N. base to which many refugees fled, there were accounts of Bosnian Serb soldiers coming into the factories were refugees where spending the night.

''They took some young boys with them, kids who were probably between 12 and 17 years old. Later we heard screaming outside. . . . On Wednesday morning we went outside. . . . I saw seven of the boys with their throats cut, and two others hanging from a tree.''

The same night, Serb soldiers reportedly abducted three women, ages 12, 14, and 23. When the three returned several hours later, they were naked and covered with scratches and bruises, and the two youngest were bleeding from the assault. At dawn, the 14 year-old ''slipped off to the side. She took a scarf she had with her, tied it around her neck and hanged herself from a beam.''

Wednesday morning, the Serbs ''took about 15 women. When the women started to scream, the Chetniks [Serb soldiers] covered their mouths and dragged them away. We left the factory on buses a few hours later and by the time we left none of the women had come back.'' (New York Times, July 17, 1995)

EXAMPLE 7

Thousands of thin and exhausted Bosnian Muslim men have begun pouring into Tuzla after being missing since the fall of Srebrenica a week ago.

One soldier told of seeing a father shoot his badly wounded son when he could carry his child no farther.

Others said they saw comrades commit suicide during the long walk by pulling the pins on hand grenades and holding them to their necks or by standing next to them as they exploded.

''There were dozens and dozens of dead bodies on my trail.''

U.N. High Commissioner for Refugees said about 19,000 of Srebrenica's 42,000 residents still are not officially accounted for. (Gazette-Montreal, July 18, 1995)

Another U.N. official relayed the following account: ''One woman told us that her husband was grabbed by the Bosnian Serbs as they were fleeing Srebrenica and they slit his throat right in front of her. She said she saw the bodies of at least eight other men whose throats had also been cut.

EXAMPLE 8

A report from the Bosnian War Crimes Commission in 1992 claimed that since the beginning of the war, at least 260,000 people had passed through concentration camps and prisons set up by the Serbs while 10,000 people had been killed in them.

EXAMPLE 9

The Report described the mutilation and torture of men, women and children by Serbs: ''One account . . . claims that Serbian fighters burned alive elderly people who refused to leave their homes and forced mothers to drink the blood of their murdered children.'' (The Daily Telegraph August 3, 1992)

EXAMPLE 10

One candidate for prosecution would be Gen. Ratko Mladic, the commander of Serbian forces in Bosnia and Herzegovina. Mladic was the Yugoslav Army commander in the Serbian-controlled area of Knin in Croatia before being transferred to Bosnia to head army forces there. Following the army's nominal withdrawal from Bosnia, he stayed on as Serbian commander and was overheard on Serbian radio frequencies disregarding subordinates who questioned artillery attacks on the residential neighborhood of Velesice in Sarajevo because of the number of Serbian residents there. ''Burn it all,'' Mladic instructed his troops, ordering them to shell the area with the heaviest weapons in the Serbian arsenal: 155-millimeter howitzers. (The Nation, August 31, 1992)

EXAMPLE 11

Zerina Hodzic's account of what happened to her husband is typical: I was hiding in the barn with my husband Rifet age 35 and our two daughters ages 13 and 7. Five Chetniks Serbian paramilitaries found us and pointed their index fingers at my husband and beckoned him toward them. One of the Chetniks shot him without ever having uttered a word.

Mr. SPECTER. A summary, Mr. President, was contained in the final report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia. That report specifies the existence of some 150 mass graves containing between 5,000 and 3,000 bodies each, and 700 detention facilities where up to 300,000 persons were imprisoned, murdered, tortured, and raped; with tortures estimated at some 50,000, and rapes estimated at some 20,000.

And I will further call attention, Mr. President, to the fact that in the proceedings in the international criminal tribunal for the former Yugoslavia, that Bosnian Serb commanders are being held responsible for atrocities. In the case of two of the commanders, they were held responsible for the acts of their subordinates, which gives rise to an expectation that officials at the highest level may be held responsible in the International Criminal Tribunal.

Mr. President, it is a difficult matter as to how far the United States and NATO can go in assisting the Bosnian Moslems. I have said on this floor that I am opposed to the use of ground forces in that arena. It is an open question as to whether other support can be given, such as heavy bombing, which could perhaps bring about a balance of power between the Bosnian Serbs and the Bosnian Moslems, giving the Bosnian Moslems an opportunity to defend themselves. But there are a wide range of options.

I believe that if the people of this country understood the intensity of the barbarism which is going on, when you have acts like cutting off ears and cutting off noses, slicing the throats of young boys, and have the brutal conduct leading young women to hang themselves rather than be subjected to the atrocities from the Bosnian Serbs, there might well be a different public reaction. And there might well be a different leadership reaction if the President would speak out to the Nation as a whole, using the force of his bully pulpit. Some people watch C–SPAN 2 and some people hear and see what we are doing. But it is too hard for people to follow the atrocities that are occurring, too hard for people to follow the fine print in all the newspapers to see exactly what is going on. But if the people of America were aware of what is going on, I think there would be widespread public outrage, just as outrage has been expressed by this Senator and others on this Senate floor.

So it is minimal, but I think the least that we can do, to express our outrage and to have the voice of the Senate speak out in condemning the action of the Bosnian Serbs, condemning the action of the Serbian President Radovan Karadzic and the Serbian military leader Slobodan Milosevic, and asking the special prosecutor of

the tribunal to review the issue of indictment, that if we will not act directly in a military sense, that at least we will put those people on notice that what they are doing will not be ignored, and will be subject for criminal prosecution at a later date, by analogy to the Nuremberg war trials. The day of reckoning may come, and those leaders and all those that can be identified will face the death penalty in a court of law for their acts of brutality in Bosnia today.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. First, let me commend my friend from Pennsylvania for his leadership on this issue. I was unaware that the Senate did not yet issue a statement of the denunciation of these kinds of atrocities. I agree with him absolutely that it is time we did so. And I appreciate what he has done here today.

Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

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

TERM LIMITS

Mr. BENNETT. Mr. President, if I may be allowed a moment or two to speak personally, I would like to refer to events that took place in the Senate yesterday and tie them back to my campaign, which is fast fading into memory, but some portions of which are pretty firmly etched in my memory as I am sure is the case with everyone here.

During the campaign, one of the issues that was raised continually by my constituents was the issue of term limits, because they said they had the feeling that the system was so unresponsive back here in Washington that something had to be done structurally to shake it up. Knowing a little bit about the Senate and the way it worked, I suggested to some of my constituents that while we debated the overall issue of term limits, which probably will require a constitutional amendment, there was something else that could be done quickly without a constitutional amendment that could change the character and perhaps free up the way things are done in the Senate. Specifically, I suggested to my constituents that it would be a good thing if we limited the terms of committee chairs in this body so that someone who assumed a committee chair would not assume the posture of divine right in that circumstance and then stay there forever and ever, dispensing whatever favors or power goes along with that assignment.

My constituents liked that and indeed many of them said to me as they came to me in the closing days of the campaign, ''We are going to vote for you but we want your personal pledge when you get there you really will work for significant change in the way business is done.''

Of course, as you do in a political campaign, when somebody says that to you, you say, ''Why, of course you have my pledge that I really will work to see that that is done.''

When I arrived here in January of 1993 and suggested term limits for committee chairs, I found a very interesting circumstance. Among my fellow freshmen Senators, one of whom is on the floor here today, there was great sympathy, there was great agreement: Yes, we need to limit term limits, if you will, the time of committee chairs. Among the freshmen Republicans, we had unanimity on that issue. But there were only six of us. And we were told when you have been here a little longer, when you understand how the system works a little better, you will not be quite so zealous to call for the term limits of committee chairs.

Well, when I went back home, I found myself hoping people did not ask me, ''What have you done to carry out your campaign pledge to see to it that there would be some structural reform in the way the Senate does its business?''

When I did get asked, I would say, ''I am trying.'' And then when they pressed for details, I would say, ''Well, I am in concert with all my fellow freshmen''—the Republican six, as we became finally, with the addition of KAY BAILEY HUTCHISON—''We are working hard.'' And my constituents would begin to get that look on their face that says, ''Yeah, we heard that before. You're going to try to do something but, in fact, nothing is really going to change, and the longer you are back there, the more you are going to become part of the system and everything is going to stay the way it's always been.''

There was another election that took place. The distinguished occupant of the chair was part of that, and instead of 6 Republican freshmen, all of a sudden we had 11 Republican freshmen. And added to the 6, that gave us 17, which constituted a sufficient block of the Republican conference that all of a sudden we were being listened to in ways we had not been when there were just 6 of us.

Mr. President, as you well know, yesterday the Republicans had a marathon session talking about the way things should be structured in the Republican conference. And out of that session came an action which I applaud wholly; that is, the Republicans have agreed to term limit the chairmanship of a Senate standing committee. I wish we could amend the rules of the Senate itself so that it was written into the Senate rules and had the protection of the two-thirds requirement so that it could not be altered, except by a subsequent vote of 67 Senators. I do not think we can do that. I do not think the votes are on the floor to do that.

But I can now, with a clear conscience and a smile on my face, say to my constituents: ''I may not have been able to work successfully to change the rules of the Senate, but I have joined with my colleagues in an effort, successfully, to term limit chairmen, at least those who are Republicans.''

If I may be allowed a slightly partisan note, Mr. President, I hope that will be the case for many years to come; that is, that all of the chairs of all of the committees will be Republicans for at least as long as I serve in the body. In that case, our failure to change the Senate rules will not make any difference.

I think the Republican conference needs to be congratulated for taking this step. It demonstrates a willingness to allow those of us who are newcomers more of an opportunity to hold positions of responsibility perhaps sooner than would otherwise be the case. It allows for fresh ideas and fresh approaches to come into the system more openly than would have been the case if we had stayed with the old rule.

There is still much that I would like to do in the name of congressional reform. If I could sit down and write the rules all by myself, I would change a lot of the rules around here, and I have introduced a bill to do that. At the moment, it has only attracted a single cosponsor. That is one of my fellow freshmen. Maybe I could work to get another 10 names or so on it, but I recognize the reality of this place. It is going to take a little more time and maybe, Mr. President, another election or two before we start some of the fundamental restructuring of the Senate rules that I would like to see happen.

But I am delighted that we have not waited for those elections to take place and for that time to come. In the Republican conference, we have moved with dispatch and, I may say, a large majority. I do not want to leave the impression that the decision to term limit committee chairs was a close one and that those of us who are freshmen or sophomores had a difficult time winning a very narrow victory. As we made our case, our more senior brethren, and on occasion sister or two, decided we were right and the vote was not close. The vote was 38 to 15 saying we will, in fact, recognize the call that is out there among the American people to bring the procedures in this body up to date with modern approaches and opening it up so that those who do not want to make a full-time career out of service in the Senate but simply come here for a term or two, will, in fact, still have the opportunity to receive leadership assignments and represent their constituents in that circumstance.

When people talk to me about the overall issue of term limits, I tell them in my case, you do not have to worry about it. At my age, term limits are built in. Some say to me, ''Well, look at the senior Senator from South Carolina. Maybe you will be here 20 or 30 years.'' If that is the case, I will be in my nineties, and I think I would rather

do something else than serve in the Senate at that age.

So, Mr. President, I appreciate the indulgence of the Senate in allowing me to make this comment, allowing me, if you will, to crow a little to my constituents back home over the fact that we have taken this first step that I did pledge to work toward while I was in the election, and express my satisfaction and gratitude to my fellow members of the Republican conference for this decision.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE 1994 ELECTION MANDATE

Mr. INHOFE. Mr. President, I sat presiding in the chair listening intently as the Senator from Utah talked about the mandate, as he understood it, when he was elected to the U.S. Senate in 1992.

As one who was elected 2 years later, in 1994, that mandate was not quite the same. It was interesting that those individuals who are talking about term limits did not really address the fact that we have a problem, in that we have the same leadership within each party in the U.S. Senate, as they were concerned about the term limits of individuals serving in the House and in the Senate.

Maybe it is unique to my State of Oklahoma that we had such an intense interest in the fact that people should come here as citizens, serve for a period of time, and then go home and serve under the laws that they passed. It seems as if the term limits debate has become very silent now. I have decided that one reason is that they felt if we had such a turnover, as we had in both Houses of Congress this last time, maybe people do not think that there is a need for term limitation anymore. But I saw a poll that was taken yesterday. I saw the poll that was taken last week, and I was shocked to find out that 72 percent of the American people have very strong feelings about limiting the terms in which Members of the House and Members of the Senate can serve.

I did not expect this because I have heard so many people around the beltway—which is not really real America—say we do not need it anymore because we know now that we can flesh things out and get new blood.

I think that the poll, as it was interpreted, says that people like what happened on November 8, 1994, but they are not real sure that they want to wait 20 years for the same thing to happen again. We are, indeed, better off to have people here who have been in the real world.

I got to thinking about the arguments, since I was the one who proposed term limits many, many years ago. When I was running for office, I stated I would do everything I could—the same as the Senator from Utah said he would do everything he could—to see to it that the terms of leadership would be limited. I made that same commitment to continue the effort to limit terms.

I observed something when I was first elected to the U.S. House of Representatives. I have to say, Mr. President, that I am a truly blessed individual. I decided 35 years ago, when all my kids were grown and the runt of my litter was out of college and off doing her thing, that I would do what I always wanted to do and run for Congress. That happened in 1986.

When I arrived in Congress, I found something that shocked me. That is, that the prevailing ideas and mentality of those who are in power in Congress was totally alien to what people outside the beltway thought.

For example, I categorize the thinking of Congress, the majority of Congress who are making the decisions, who are setting the agenda, who are carrying on the debate, into four categories, what they really believe. First, in terms of crime, they really believed that punishment was not a deterrent to crime. In the second area, they believed that government, in concert with Congress, can run the lives of the people of America better than people could in the private sector. They believe that the cold war is coming to an end. Of course, subsequently it was ended, and therefore it is not necessary to put more money in our Nation's defense. That money should go into social programs. They felt that deficit spending is not bad public policy.

When we stop to think about those four areas, almost everything, at least that this Member, former Member of the House experienced, found very offensive, fell into one of those four categories. People felt, as far as the deficit is concerned, they said, ''Well, we are all right on the deficit. We are not concerned about that. After all, we owe it to ourselves,'' without realizing everything we are spending today we are borrowing not from anyone who is here in this Chamber today or in the gallery, or even those who may be watching, but the future generations, such as my three grandchildren. They are the ones who will pay for all this fun we are having up here.

Every time we try to cut some of the fat out of government, cut a social program, the people stand up with bleeding hearts and talk about how can we do this to those poor people who need these programs. Right now, we are in the middle of, and we are reminded that all we are trying to do is take the profit out of illegitimacy, and get people more responsible for their own acts.

Insofar as the defense is concerned, I am embarrassed to stand here and say we are operating with a budget right now that is less than the budget that we are spending on social welfare programs, when we combine State and Federal programs. We are operating on a defense budget that is less than it was in 1980, when we had hollow forces, when we could not afford spare parts. We all remember. It is all in the history. Yet, some believe that the threat that is out there today is greater than the threat that we were facing during the cold war.

At least during the cold war, Mr. President, we could identify who the enemy was. There were two superpowers. So we knew who it was.

Right now, in accordance with comments made not by conservative Republicans, like I am, but by Democrats, Jim Woolsey, who is the Chief Security Adviser to the President of the United States, Bill Clinton, said that we know there are between 20 and 25 nations that have developed or are developing weapons of mass destruction. They are all developing the means to deliver those weapons of mass destruction. We have the Saddam Hussein's and the Qadhafi's, and those out there able and willing to buy technology that is on the market.

Here we are, with a group of people who really believe that there was not any threat out there, when the vast majority of the people of America who voted in the elections in November of 1994 said, ''Yes, we need a strong national defense.''

Government and its relationship to our lives in 1987, when I first got to the U.S. Congress, the majority of people in leadership really believed that the only thing wrong with America was we did not have enough government regulation. We needed more government regulation. When, in fact, that is exactly what is the problem.

Why did these individuals believe these things? They believed these things because many of them had come straight from the fraternity house to Congress—never been out in the real world, never exposed to real people. So they completely lost touch.

That is what precipitated what I refer to as the revolution of November 8, 1994, when we had the greatest turnover in contemporary history. People finally decided, whether they are Democrats or Republicans, back in the real world, that they wanted to make major changes in government as we know it.

Here we are with the reregulation bill that is right now kind of on high center. All we are trying to do is say to the people who voted in new people in Congress, ''Yes, we heard you, loud and clear. We are going to get rid of this overregulated society.''

Someone on a radio talk show not long ago, in fact, the No. 1 radio talk show in America, the host said if you want to compete with the Japanese, export our regulations to Japan and we will be competitive with the Japanese.

We truly are an overregulated society. I have told this story many times, people that I know back in my State of Oklahoma. A guy name Keith Carter, in Skiatook, OK, invented a spray that you put on horses, and apparently it works. Whatever it does, it must work, because he had four employees, and a couple years ago they moved to a larger place down the street from his house, still in Skiatook, OK. He called me up, 4 days before Christmas—this was 2 years ago—and he said, ''Congressman INHOFE''—at that time I was in the House of Representatives—he said, ''The EPA came along and put me out of business.'' I said, ''What did you do wrong?''

''When I moved down the street 2 years ago, I forgot to notify Washington and the EPA that I had moved.'' I said, ''You mean they did not know where you were?'' He said, ''I notified the regional office, but they did not tell Washington.''

So we got it taken care of. He called back a little later, and he said, ''I appreciate all you did for me, and you got me back in business, but now I have another problem. I have $25,000 worth of bottled spray produced during the 2 weeks I was revoked that they say I cannot use.''

This is the type of overregulation we have in society today. I think the reregulation bill is going to come out. I think the people of America will have to speak up again and let them know, let Members know, that they are still interested in reducing the abusive role of government as we have come to know it today.

Mr. President, term limits is a very real thing today, and just because we made some major turnovers does not mean that we should not continue the good thing that happened in 1994. A lot of people say, ''Well, you cannot do that; you are taking away my constitutional right to vote for someone as I see fit.'' It was not very long ago when we had to impose term limits on the President of the United States. And it has worked very well since then.

We could use the same arguments. Well, you have taken away my right to vote for someone who has already served two complete terms. Almost every State in the Union right now has term limits on its Governors. The vast majority of the States that have the petition process, the initiative process, were able to either vote in or through an initiative and impose term limits on themselves. However, the U.S. Supreme Court came along and said, ''No, you cannot do that.'' So it can only be done, to be effective and endure the future generations, is to do it with the constitutional amendment.

I intend to continue in that fight. I believe that the message is loud and clear. There are a lot of messages that came out of the elections.

I mentioned that the majority of people who had been operating without term limits and have been here since they graduated from college and did not have experience in the real world, that they honestly did not believe that punishment was a deterrent to crime.

Senator RICHARD SHELBY, from Alabama, and I introduced a bill that would change our prison system and put the work requirements back in. People say, ''How cruel can you be, because these people are poor products of society, and it is not their fault they did something that is wrong. You should not be punishing them.''

There is an article, Mr. President, you ought to read. It was in last November's Readers Digest. It says, ''Why Must Our Prisons Be Resorts?'' And it talks about the new golf courses that they are putting in next to the polo field, or next to the boccie courts. Whatever that is. And how we are going to have to take care of—they do not even call them prisoners anymore in some prisons, they call them clients, because they do not want to offend them.

I may be old fashioned in my thinking. I think punishment has deterred crime. I think history showed that. When we passed the soft-on-crime bill, the omnibus crime bill of 1994, that was the midnight basketball and dancing lessons and all that, the American people were offended by that and those individuals who voted for that bill, most of them, were voted out of office in November 1994. It was just another one of those areas where, if you had been inside the beltway listening to people around here, you forget what the real people at home are thinking. Because it is a different mentality here in Washington, DC.

I do not think that Oklahoma is unique in that respect. I will share an experience that will offend, I think, some of the people here. But it is something that happened to me.

The State of Oklahoma is, by registration, a very strong Democrat State. But the Democrats in the State of Oklahoma are very conservative. They are unlike the Democrats that we have here in Washington. I had an experience down in McCurtain County. McCurtain County in Oklahoma, Mr. President, is what we call severe little Dixie. There are not any Republicans. They are all Democrats. I remember being down there in the campaign and my opponent was an incumbent, the same as I was, an incumbent from the House, both running for the Senate, so we each had records.

I remember someone standing up in a meeting of about 45 people in McCurtain County. I was the only Republican who was in that room that day, including a New York Times reporter who was following me around. Someone stood up in far southeastern Oklahoma, where there are not any Republicans, and said ''Inhofe, you are going to be the first Republican to carry McCurtain County since statehood, the State of Oklahoma statehood in 1907.'' I said, ''Why is that?'' He said, ''Because of the three G's.'' He said, ''God, gays, and guns.''

Let us look at what they were really saying. He said school prayer was an issue in southeastern Oklahoma—school prayer, gays in the military was an issue, and gun control was an issue. During deer season, they closed schools. These are real people. These are not the kind of people you find around the beltway. And this gets right back to the whole idea of term limits.

I really, honestly, believe in my heart that we would not have a lot of the problems that we have had since the 1960's about the role of Government in our lives, we would not have the huge deficits we find ourselves with—if we do not change our spending behavior, a person who is born today is going to have to spend 82 percent of his or her lifetime income just to service Government. And this is what we are going to change.

So I believe the term limit debate is going to be revived again, even if I am the one who has to revive it, because I think the vast majority of Americans honestly and sincerely in their hearts believe that those of us in Congress should someday have to go out and make a living under the laws we passed. The only way to ensure that is if we have limitation of terms.

Early in this country's history it was not necessary. We had people who came in and they could only afford to be here for a short period of time. They did their patriotic duty and they went back and lived with the laws they passed. I think that is exactly what is coming back to America and it is going to serve my grandchildren and all of America very well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent I be allowed to proceed for 10 minutes as in morning business.

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

THE REGULATORY REFORM BILL

Mr. JOHNSTON. Mr. President, I want to give my colleagues a report on the regulatory reform bill as I see it. As of last night, those of us who were in favor of regulatory reform had presented a list of four amendments which we were willing to concede to. In my judgment, they went further than I would have liked to have gone. One dealt with that issue of least cost. In the current Dole-Johnston amendment, least cost is not the test. We have made that repeatedly clear. However, we have offered an alternative that is

framed in terms of the language that the opponents of regulatory reform wished, and we have heard nothing back from that, at this point, together with three other amendments we were willing to go along with.

As I understand it, those who are opposed to the Dole-Johnston proposal are urging people not to vote for cloture on the grounds that there is this great negotiation going on that is getting close. If there is such a negotiation going on, I am not aware of it. We are waiting for an answer and not receiving one.

I do not know whether the majority leader is going to call for another cloture vote or not. At this point, I must say, it appears we do not have the votes for cloture, which means the regulatory reform bill will go down to defeat. The majority leader, of course, is in charge of the schedule, but I am advised that is a busy schedule.

Unfortunately, there are members of the other party who would like the issue of regulatory reform not to pass, to have the issue. There are Members on this side of the aisle, I think, who would like the issue for the opposite reason. And many of us are in the middle, who fervently believe we ought to have regulatory reform, that it is one of the most wasteful operations of Government that we now have, that we have an opportunity, really to do something important, something that will really make sense out of the regulatory problems we have today.

I very strongly believe that. I have very strongly believed in regulatory reform for 2 years now, since the Senate initially passed, last year, by a vote of 94 to 4, a risk-assessment proposal. Now, when we are on the threshold of being able to get it done, unfortunately it appears it is going down the drain, mainly by arguments against the Dole-Johnston bill which are simply not correct; some of which, by the administration, are made disingenuously, in my view.

To say the test is least-cost under the Dole-Johnston bill is just not true. It is there in very plain language, very plain language. Nevertheless, I think we will probably, if I read the majority leader correctly, have another cloture vote; and failing in that, which I guess we will, it will be farewell to regulatory reform. That is a real shame. And I do not understand the opposition to this bill.

If there are amendments that need to be made, let us know about them. There is nothing, nothing, zero, going on, in terms of trying to resolve this question. It looks as if it is a lost cause, and I regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take this occasion to commend the Senator from Louisiana for his leadership on this issue, and assure him that this is one Senator who agrees. I do not want it held as an issue. I want it as an accomplishment.

I think we would all be better off if we went home and campaigned on our accomplishments than on our rhetoric and on our demagoguery on these issues.

I know the Senator from Louisiana has labored long and hard on this issue. He has shown his usual patience. I served as a member of a committee which he chaired and discovered that patience in a variety of circumstances.

I am grateful to him for his statement here today, and want to align myself with his plea, for whatever we will do on my side of the aisle, to say let us not hold this as an issue, let us do the very best we can to bring it to a head, get cloture and get this done.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was interested. As the Senator from Louisiana began speaking he talked about speaking on behalf of those who want regulatory reform. I do want to say I think the Senator from Louisiana is one of the best Members of the U.S. Senate, is one of the most thoughtful, bright, and interesting Members of the U.S. Senate.

I will say to him, however, that I do not think there is a division in this body between those who want regulatory reform and those who do not. I am someone who supports the Glenn-Chafee substitute. It is in my judgment a legitimate, serious substitute that will in and of itself create substantial regulatory reform.

So I really do not think this is a question of a group of people who want things just the way they are, and who love the status quo with all current regulations. It is not the case. Most Members of the Senate, I believe, feel very strongly that there are some Government regulations that are silly, that are intrusive, that are totally inappropriate, and that simply overwhelm for no good cause a lot of Americans who are trying to run small businesses, or big business for that matter. We want to change that.

But we also care very much about important, good regulations that work. I know the Senator from Louisiana does as well. He has heard me describe before the circumstances with respect to the Clean Air Act. The Senator was describing the other day circumstances in which I believe it was EPA was describing the kind of approaches here on regulations as a result of popular public opinion or public opinion polls. I understood what the Senator was saying.

On the other hand, in the 1970's America woke up and decided as a result of a new consciousness with Earth Day and other things that we cannot keep spoiling the nest we are living in, that we have to stop polluting the air and start cleaning the air, that we have to stop polluting the water and start cleaning our water. If that was the public will, I applaud EPA, and others, and applaud the Congress for saying this is the public will, to let us decide to hitch up and do it.

Twenty years later, as the Senator from Louisiana well knows, we now use twice as much energy in America and have cleaner air. Is it perfect air? No. We still have some air quality problems. But instead of the doomsday scenario that a lot of folks felt we were heading toward with continually degrading our airshed, we have over the last 20 years, even as we have substantially increased our use of energy, cleaned America's air. We have cleaner air and less smog. I happen to feel very proud of that. I think that is an enormous success story.

Not many people even know it. No one will talk about it, because success does not sell. Failure and scandal sells. Success does not. We have fewer problems with acid rain. We have cleaner rivers, cleaner streams and cleaner lakes in America now than we had 20 years ago. That is quite a remarkable accomplishment and achievement once our country decided we were going to do things the right way. I am enormously proud of that.

I just do not think under any condition we want to retreat on those fundamental principles. We are fighting for clean air, we are fighting for clean water, and we are fighting to maintain a safe food supply. All of those things are important.

I join the Senator in his concern about trying to streamline regulations with regulatory reform. The desire for regulatory reform, I think, is shared by virtually every Member of this body. The division at the moment is a division between those of us who want to do this in the manner described in the Glenn-Chafee substitute versus those who want to do it in the manner described in the Dole-Johnston substitute.

I just took the floor in order to say that I think there is a uniform desire here to do the right thing with respect to regulations. We do not in any event want to roll back the regulations that have allowed us to achieve significant victories in the last 20 years with respect to clean air, clean water, and safe food. That is what I think the real debate is about.

So I appreciate the thoughts of the Senator from Louisiana. I wanted to rise to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will stand corrected—this is not against those who are against the bill as opposed to those who are for it. I think the Senator from North Dakota correctly states that it is those who are for the Glenn-Chafee bill and those who are for Dole-Johnston bill. The difference is that many of us regard the Glenn-Chafee bill as being a permissive bill; that is, it permits the agencies to engage in regulatory reform but it does not require them to do so. Whereas,

Dole-Johnston does. We are operating under an Executive order now that on its face requires it, but actually does not require it. And if we are talking about a permissive kind of bill, in my view, that is what we have now.

To be sure, it has resulted in great advances forward. Look, all of the laws for which we voted—I voted for all of these, the Clean Air Act, the Clean Water Act, et cetera—have made some great advances. And if you want to keep the present status quo, I would say the thing to do is vote for Glenn-Chafee. Glenn-Chafee will not pass, in my view. I just think it is unfortunate that this is being painted as an ongoing negotiation.

Mr. KERRY. Will my friend yield?

Mr. JOHNSTON. Yes.

Mr. KERRY. It is the last comment previously made on the floor that helped bring me to the floor, and I thank my friend from North Dakota for already responding to some degree, and I know the Senator from Ohio is now here. Let me just respond to that.

We are perfectly prepared to sit down, and we have been on an ongoing basis. Yesterday afternoon, I believe, I got in written form a response to the most recent suggestions that we made with respect to the bill. The principal sponsor of the bill is on the floor now. I know he will say that he is not stuck in the mud or cement or anything with respect to the fact that the Glenn-Chafee bill in and of itself, in its entirety, is somehow presumed to be the only vehicle to pass. We understand that full well. Nor are we in a position that is embracing a no-bill strategy. We have a lot of folks on our side of the aisle, myself included, who would like to vote for regulatory reform, number one, and who are prepared—in fact, more than prepared —we are already agreed in our negotiations to arrive at new decisional criteria.

There are some outside who do not want that. But we have agreed that cost evaluation and risk assessment are appropriate things in a modern society to do to make a judgment about whether or not you are spending more money than the benefit you are getting.

The problems that remain, however, are significant. When you have 48 Senators, obviously going to diminish by 1, 2, 3—we all understand how it works around here. But when you have a sufficient number of Senators still saying this bill is a problem, and much more importantly, I say to my friend, when you have the President of the United States and his full Cabinet saying in its current form this bill will be vetoed, then there ought to be a legitimate effort here by all of us to legislate in a way that precludes that veto or try to reach a reasonableness where the best effort has been made to do so.

With all due respect, we still have a problem where we are still fighting and the Senator knows what it is about. It is about these 88 different standards, new standards for litigation, and the fact we do not feel we have sufficiently made this a bill which will, indeed, be reform. Our fear is that this bill in its current form is going to result in the agency being so swamped with petitions and having to respond to so much judicial review that they simply cannot do what they were intended to do, which is protect the health, the safety, and the environmental concerns of Americans.

Now, I do not know how many times we have to say it. There are stupid agency rules in existence. I am confident that people of good faith can sit down and identify them. There are excesses where agencies have even reached beyond the stated intent of a statute.

That is not what we are here to do. I am confident if we sit down further and continue to be able to try to reach somewhere between what Senator GLENN and Senator CHAFEE have put forward and what the Dole-Johnston bill represents, there ought to be a meeting of the minds.

Mr. JOHNSTON. If the Senator will yield, we submitted four major proposals and have asked can we clear those. Every time there is an argument—yesterday we had an argument about whether this is least cost. My friend from Michigan said no because there is this word ''nonquantifiable.'' I said, ''I have an amendment here to take it out. Would you permit me to do so?''

''Not now.''

Then there were other speeches back to back. We could not take it out. Now, we offered four amendments yesterday which I thought were agreeable amendments. Can we at least have agreement to take those out, to try to improve the bill on matters that we agree on, does not seem to be possible.

Mr. KERRY. Let me say to my friend——

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the time.

Mr. GLENN. Will the Senator yield?

Mr. JOHNSTON. Mr. President, I will yield for a question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I was surprised in my office to hear practically the death knell being rung over our efforts to get regulatory reform. The Senator is aware that he sent us a fax last night, and we are working out the answer to that. Meanwhile, each one of the cloture votes that we have had have allowed us to make some progress. We have made a lot of progress on this regulatory reform bill. They have offered to substitute ''least cost'' for ''greater net benefits''—this is an improvement and if we can write it up properly, we may be able to agree to their proposal. ''Net benefits'', as I understand it, is in the Executive order language. They want to use that language in the decisional criteria, and we are willing to consider their proposals. We are making progress.

We have also made progress on litigation opportunities and judicial review, as I understand it. I believe we agree that the final rule will be what is challengeable. We do still have a problem with the many new petition process. We are working on that. I think the Senator from Louisiana agreed a couple days ago at least on reasonable alternatives. Where it says ''reasonable alternatives,'' I believe his suggestion is to limit those alternatives that the agency has to consider to three or four. This is a major issue. We have not all agreed on that yet, but I think we can make major steps forward.

Now, on automatic repeal of a schedule for some rules, I think we are pretty close on that. We still do not agree on a third area, though—on special interests, such as including the toxics release inventory in this bill.

That is a major concern. We have made substantial progress in a number of areas here, and we have three or four more to go. But the Senator from Louisiana states that we have not gotten back with an answer yet to a proposal last evening. I am sure the Senator from Louisiana will agree this is very complex legislation. We have been working on it all morning and are going to meet on it this afternoon.

So I hope we still continue in good-faith negotiations. I think we have made a lot of progress, and this is probably as complex a bill and as far-reaching for every man, woman and child in this country as anything we will consider in this Congress.

I think we are making progress here. We are about to go to a meeting where we are going to talk about some of these very complex issues. We are supposed to meet at 2:15. And we are negotiating in good faith. I certainly do not read into our processes here anything except good faith on both sides.

So I was a little bit surprised to hear the doom and gloom that I heard in my office a little while ago, and that is the reason I came over to the floor. I think we are making good progress on this. There are a number of areas that I think we can agree on, and I hope we can have more before the afternoon is over.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wish I could share the optimism of my friend from Ohio. He and the Senator from Massachusetts are both my good friends. I have great respect for their good faith, for their sagacity in all of these matters. But, Mr. President, it was my understanding that today we were going to have our final cloture vote and nothing seems to be happening. It seems, at least it is my view, that the requests for amendments are in sort of an expanding file; you get one and you agree to it, and then 2 or 3 days later it comes back to you as a criticism of the bill because somehow you did it wrong.

It is a complicated bill. It is not that complicated. It is fairly straightforward. Some of these four amendments were strike amendments, to

strike provisions that people disagreed with. Now, we ought to do that. We ought to say, ''I ask unanimous consent that we strike this.'' We cannot get agreement even to strike the language that is used against us. And the reason is I think because it improves the bill and helps get toward cloture.

I hope that there is hope, but I do not share that hope.

When it comes down to the final vote, whenever that is, and this bill goes down, there will be those who say, ''Oh, we were so close.'' I, for one, would just like to say I do not believe we are that close. To say that there are 88 ways to appeal or to attack on appeal, using that logic there are billions of ways because there is only one appeal and one standard for appeal. That is, is the final agency action arbitrary and capricious?

Now, you can use an unlimited number of arguments making sense or not making sense, but those 88 standards are not standards for appeal. They are simply things that somebody can argue. Why not make it 1,000? It is limitless what you can argue to a court. There is no limit. But there is one standard: Was the final agency action arbitrary and capricious?

That is the standard—only one—and only one appeal.

This came out of the Justice Department. They produced this long list of 88. If that is the kind of logic that we have to face from the Justice Department, there is no hope on this bill, because it defies logic. One appeal and one standard.

Mr. KERRY. Mr. President, let me just answer my friend, if I may.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. This is an example of how close but in a sense how far because the 88 standards that are here are not currently in the law. In the current law for rulemaking there is one page that describes what an agency has to do to make a rule.

You talk about what this grassroots revolution is all about in an effort to kind of get the process closer to America and less government; one page is the current law. This bill creates 66 new pages of requirements. That is more Government.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. I would like to finish the point. I will be happy to yield for a question on that, sure.

Mr. JOHNSTON. Yes. I was going to say in the Glenn-Chafee amendment, does it not also have standards? If so, how many new standards?

Mr. KERRY. It does not have the same structure, no. It leaves discretion to the agency. It does not create 66 new pages of exactly how the rulemaking is going to take place. Let me be more precise to my friend. The struggle we are having is over a couple of words which will clarify the stated intent of the Senator from Louisiana, but not the written intent. The stated intent of the Senator from Louisiana was accurately just portrayed. And I agree with him.

The Senator just said, ''All you can do is make a judgment about the final rule as to whether or not the final rule is arbitrary and capricious.'' I agree with him. That is the standard we want. That is what he says he wants. That is what he says the bill does. We disagree. We believe that because of the lack of clarification in one paragraph that in fact the Senator inadvertently is opening up all of the procedural standards to review. If we will simply make clear in the text with the language we have sought that it is indeed as he says, not as to the procedure, but exclusively as to the final rule only, without regard to the procedure except as it fits into the whole record, we will solve that problem.

Now, I ask the President or anybody listening if that really sounds so unreasonable. And the problem is that every time we get to the point of saying, ''Why cannot we codify your intent,'' we run into a stone wall. So it makes us feel, ''Well, gee whiz, if we cannot codify with specificity the stated intent, which does not serve us anything when you go to court afterwards, something is wrong here.''

Now, I say to my friend, he is a very good lawyer. He knows exactly what will happen. If you go to page 52, line 4, paragraph 633, there is a requirement here: The agency must use the best reasonably available scientific data and scientific understanding. If a claimant wants to come in with a good lawyer and say the agency did not use the best reasonably available scientific data, and therefore their decision was arbitrary and capricious, you have opened up each procedural section here to that kind of individual appeal.

And, in addition to that, you have procedural requirements that amount to that. All we are saying is if you do not intend each of these subsections to become the basis of that appeal, let us just say it. If we say it, we have solved our problem.

Mr. JOHNSTON. Well, Mr. President, if I may reply to that, what we intend, what we say very clearly, is that it is the final agency action that is judged by the standard of arbitrary and capricious, that the risk assessment and the cost-benefit analysis will be part of the record. And that any violations may be used solely—we use the word ''solely'' advisedly to determine whether that final agency action is arbitrary and capricious.

Now, the standard that the Senator just read, did you use the best science, may or may not bear on the question of the final rule being arbitrary and capricious. If it is one of these rules where the issue is the quality of the science, and if they did not use proper science, but rather subjected the American public to billions of dollars in regulation, which flies in the face of good science, then, yes, that violation could be conceivably arbitrary and capricious, make the final agency action arbitrary and capricious. In most instances, it would not be.

But the very idea of having risk assessment and cost-benefit analysis is to find out what the cost is and to make the agency focus on science and use good science. Because, Mr. President, the reason I brought up risk assessment almost 2 years ago was that I found, in the committee I chaired at that time, that they were not using good science, that they were ignoring their own scientists, that they did not have the foggiest notion what the regulations were going to cost.

In one particular case, it was $2.3 billion dealing with a nonexistent risk, and they did not know what it was going to cost. They had ignored their own scientists. Now, that goes on—not every day, not in every regulation. And, yes, we make some great progress on a lot of these environmental laws. And I voted for virtually every one.

But do not ever think, Mr. President, because the air is cleaner and the water is cleaner and all of that, that there are not great excesses in our environmental regulation system. If you just want to make it permissive, you know, say these are good employees of the Government and they are doing their job well and the air is cleaner, well, that is fine. If that is what you believe, then you know, business as usual is good. It is making progress in one sense.

I do not believe that is so, Mr. President. I think I can prove it. I think I have proven it.

Mr. KERRY. I do not disagree with what the Senator just said. But he did not in effect answer the problem that I posed. Now we have language that we have given to the Senator. The Senator has accepted one form of language, but the Justice Department tells us that we have not cured the problem we are talking about. We have given him new language which we think cures it.

Mr. JOHNSTON. What is the new language that is——

Mr. KERRY. Let me point to another kind of problem just to kind of articulate, I think, the good faith with which we are framing some of these issues. There is a rulemaking petition process. I have agreed, Senator GLENN has agreed, and Senator LEVIN has agreed that all of us think any American entity, a corporation, some kind of environmental group, that feels aggrieved by a decision ought to have some means of redress for that sense of grievance. They ought to be able to come into the agency and say, ''Hey, wait a minute. This is a crazy rule. We want you to be able to review this rule.''

We agree with that. I am sure most of us would say that is reasonable. We do not want Americans running around, companies or individuals, feeling as if there is no path to a legitimate review.

What we do not want, Mr. President, is an unlimited Pandora's box for gaming the system, where one company

can come in and bring a petition, then their cohort friend company could come in and bring a petition, then another company associated in the same industry but not the same could come in and bring a petition. Under the requirements of the bill—I say to my friend in the chair and others—this is not going to reduce Government. This is not going to streamline the agency process. This is not going to lift the burden of regulation. It is going to create far more gridlock than we have had before because you are going to take a fixed number of employees with a shrinking budget, give them greater responsibility to answer petitions, greater responsibility to go to court, to the judiciary, greater responsibility to do risk assessment, greater responsibility to do cost evaluation. And there will be less people to do it.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. This is an unfunded mandate. My friend from Ohio said this: ''This is the mother of all unfunded mandates.''

Mr. JOHNSTON. Mr. President, if my friend will yield, I have two questions. First of all, I have not seen the judicial review language. If it has been done, there may be some progress.

Mr. KERRY. Mr. President, the problem with this is, we are trying to write one of the most complicated pieces of legislation in none of the committees to which the jurisdiction falls. The committee to which the jurisdiction fell was the Governmental Affairs Committee. They sent us the Glenn-Roth bill at the time. It came out to us 15 to 0. So we did have a bipartisan consensus about how to approach this.

Mr. JOHNSTON. Not on the Glenn-Chafee bill.

Mr. KERRY. No, not Glenn-Chafee. I said Glenn-Roth. I said Glenn-Roth. And the only change between Glenn-Roth and Glenn-Chafee, I believe fundamentally, is the fact that the sunset is out and there is a minor change or two. But the other committee, the Environment and Public Works Committee that has jurisdiction, was completely bypassed. The Judiciary Committee, as everybody knows from the report, barely had an opportunity to legislate.

Now, what did we get? We got a bill written in back rooms, cloakrooms—who knows where—offices. It comes to the floor, and now we are trying to write legislation. So it is difficult when you are weighing the impact of each of these words to do it in an afternoon, with a Whitewater hearing and a Bosnia debate and all the other meetings that we go to. It is not a question of bad faith.

Mr. JOHNSTON. Will the Senator yield.

Mr. KERRY. Let us look at the rulemaking petition process. Here is what it says:

Each agency shall give an interested person the right to petition.

So we are opening up to everybody in America the right to petition.

For the issuance, amendment or repeal of a rule, for the amendment or repeal of an interpretive rule or general statement of policy or guidance, and for an interpretation regarding the meaning of a rule, interpretive rule, general statement of policy or guidance.

There are 14 different things that somebody can come in and just petition, ''I want this changed.''

The agency is then required to grant or deny a petition and give written notice of its determination to the petitioner with reasonable promptness but, in no event, later than 18 months afterwards.

So all of these requests could come in. You have a fixed period of time to provide the answer. You have no additional personnel to do it.

The written notice of the agency's determination will include an explanation of the determination and a response—

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1803

The PRESIDING OFFICER. The hour of 2:30 having arrived, by previous order, the question occurs on agreeing to the motion to lay on the table amendment No. 1803 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—41

Abraham	Faircloth	Mack
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Burns	Grams	Packwood
Campbell	Grassley	Roth
Chafee	Gregg	Santorum
Coats	Hatch	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thurmond
Dole	Lugar	

NAYS—57

Akaka	Daschle	Heflin
Baucus	Dodd	Helms
Bingaman	Domenici	Hollings
Boxer	Dorgan	Jeffords
Bradley	Exon	Johnston
Breaux	Feingold	Kassebaum
Brown	Feinstein	Kennedy
Bryan	Ford	Kerrey
Bumpers	Glenn	Kerry
Byrd	Graham	Kohl
Cohen	Harkin	Lautenberg
Conrad	Hatfield	Leahy
Levin	Nunn	Sarbanes
Lieberman	Pell	Simon
McCain	Pressler	Snowe
Mikulski	Pryor	Specter
Moseley-Braun	Reid	Thompson
Moynihan	Robb	Warner
Murray	Rockefeller	Wellstone

NOT VOTING—2

Biden	Inouye

So, the motion to lay on the table the amendment (No. 1803) was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

AMENDMENT NO. 1807 TO AMENDMENT NO. 1803

Mr. DOLE. Mr. President, I send a perfecting amendment to the Feingold amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1807 to amendment No. 1803.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word SEC. and insert the following: ''It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I had earlier offered a second-degree

amendment which listed a variety of issues that the new Republican majority feels should be addressed in this Congress. Then there was a motion made to table the underlying Feingold amendment, which was defeated.

I point out there were 41 votes in favor of the motion to table, therefore against the Feingold amendment. I think it is reasonable to assume that, if there were an effort to force this Democratic agenda item onto this——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. MCCONNELL. Mr. President, I think it is reasonable to assume, given the outcome of the Feingold sense-of-the-Senate resolution, that any effort to, essentially, muscle this Democratic agenda item onto the Republican Senate would likely be greeted with a filibuster. But of course that was just a sense-of-the-Senate resolution. I suppose people can read into it whatever they choose.

The second-degree that the Republican leader has forwarded to the desk simply adds campaign finance to the whole litany of other issues. It listed a whole variety of things the Senate ought to be addressing and simply adds campaign finance to it. Those who feel campaign finance ought to be on the agenda of the 104th Congress surely ought to have no objection to the amendment now before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

The bill, as reported provides $2.1 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.2 billion in budget authority and $2.3 billion in outlays. The bill is under the subcommittee's 602(b) allocation by $38 million in budget authority and less than $500,000 in outlays.

I want to commend the distinguished chairman and ranking member of the legislative branch subcommittee for producing a bill that is substantially within their 602(b) allocation.

I am pleased that this bill incorporates most of the changes endorsed by the Republican Conference last December and achieves the goal of reducing legislative branch spending by $200 million from the 1995 level. It is important that the Congress set an example for the rest of the country by cutting its own spending first.

Another important feature of this bill is that it provides an increase of $2.6 million over the 1995 level for the Congressional Budget Office to enable that agency to meet the new requirements that were created in the Unfunded Mandates Reform Act passed earlier this year.

I urge the Senate to adopt this bill and to avoid offering amendment which would cause the subcommittee to violate its 602(b) allocation.

I ask unanimous consent that a table relating to spending totals be printed in the RECORD.

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

LEGISLATIVE BRANCH SUBCOMMITTEE

[Spending totals—Senate-reported bill; fiscal year 1996 in millions of dollars]

Category	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	206
H.R. 1854, as reported to the Senate	2,130	1,981
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	2,130	2,188
Mandatory:		
Outlays from prior-year BA and other actions completed	92	92
H.R. 1854, as reported to the Senate	.....	.....
Adjustment to conform mandatory programs with Budget Resolution assumptions	−2	−2
Subtotal mandatory	90	90
Adjusted bill total	2,220	2,278
Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	2,168	2,188
Mandatory	90	90
Total allocation	2,258	2,278
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	−38	−0
Mandatory	.....	.....
Total allocation	−38	−0

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. KEMPTHORNE. Mr. President, I rise today in strong support of H.R. 1854, the legislative branch appropriations bill. I especially want to thank Senator MACK, the subcommittee chairman, for his commitment to fund the Congressional Budget Office at a level which will allow the CBO to carry out the duties given them under the Unfunded Mandates Reform Act of 1995. The $2.6 million appropriation included in this bill for CBO provides the necessary funding and staffing to allow them to perform the cost estimates required under the Mandates Reform Act without inhibiting their ability to perform their primary responsibilities. As the committee report stated, failure to do so would create an unfunded mandate within the Congress itself.

The Unfunded Mandate Reform Act of 1995 passed both Houses of Congress with the support of more than 90 percent of the Members in each body and it deserves a commensurate level of fiscal support to fulfill its mission. It is important legislation that forms the cornerstone for the congressional reform that is taking place in the 104th Congress. Senator MACK was an early cosponsor of my mandate relief legislation and he never waived from his commitment to see it enacted into law.

AMENDMENT NO. 1804 WITHDRAWN

Mr. DOLE. Mr. President, I ask unanimous consent that amendment No. 1804 be withdrawn and the vote occur at 4 p.m. on amendment No. 1807.

So the amendment (No. 1804) was withdrawn.

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

Mr. DOLE. That will accommodate one of our colleagues on the other side and also permit the Senator from South Carolina to proceed with his amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1808

Mr. HOLLINGS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator wish to offer an amendment to the bill itself or to the pending amendment?

Mr. HOLLINGS. If there is no objection, to the bill itself.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 1808.

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided,* That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further,* That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: ''salaries, Office of the Architect of the Capitol, Architect of the Capitol''; ''Capitol buildings, Architect of the Capitol''; ''Capitol grounds, Architect of the Capitol''; ''Senate office buildings, Architect of the Capitol''; ''Capitol power plant, Architect of the Capitol''; ''library buildings and grounds, Architect of the Capitol''; and ''salaries and expenses, Office of the Superintendent of Documents, Government Printing Office'': *Provided further,* That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for ''salaries and expenses,

General Accounting Office,'' are reduced by 1.92 percent.

Mr. FEINGOLD. Mr. President, will the Senator yield for just a moment?

Mr. HOLLINGS. I ask unanimous consent that I may yield to my colleague from Wisconsin without losing the right to the floor.

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

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from South Carolina very much.

I just want to briefly comment on what we just resolved with regard to the campaign finance reform issue.

I am very gratified by the bipartisan vote, very strong vote, including 11 Members on the opposite side of the aisle, against tabling the sense-of-the-Senate resolution with regard to the issue of bringing up and considering campaign finance reform during the 104th Congress. It is one of the strongest bipartisan votes we have had on this floor during this 104th Congress.

Now the majority leader has suggested that as a perfecting amendment. In addition to a number of items that were originally in the Mack substitute that did not include campaign finance reform, they have now offered to include in that list—for the first time—campaign finance reform. It is something that should be considered during the 104th Congress.

Mr. President, this is precisely what we had hoped for, a vote by the Senate. I hope, given the fact that it is the majority leader's intention to support his own proposal, that we will have very, very strong bipartisan support to add that to the list.

This is a shift from earlier in the day when the proposal by the Senator from Florida listed many important items but did not include—in fact excluded—campaign finance reform.

So we are extremely pleased that we will have the vote, another vote in addition to the other one that we had, with the vote which was very strong, to indicate that before we leave here in the 104th Congress on a bipartisan basis we should reform this terrible system.

I again thank the Senator from South Carolina for his courtesy.

Mr. HOLLINGS. Mr. President, I thank the distinguished colleague. I thank the Chair.

Mr. President, this amendment is one to retain the Office of Technology Assessment. It first occurred over on the House side. The bill came out of the committee abolishing the Office of Technology Assessment but on the floor the House added $15 million for its continuance, taking it out of the hide of the Library of Congress.

On yesterday, Mr. President, at the full appropriations committee markup, I offered an amendment. I was not quite prepared then, and I should be better prepared at this moment. Yesterday, I was not quite prepared because I wanted to present the amendment without cutting the Library of Congress. The fact of the matter is we had a very close vote, and if I had had the proxies of absent Members, this amendment would not be necessary today. It would have been adopted in committee and on the bill at the moment.

Be that as it may, Mr. President, I have now clarified the provisions of this $15 million. The President's budget for the Office of Technology Assessment is some $22 million, and this continues OTA but levels a 30-percent cut, at a level of $15 million, to be obtained from a 1.12-percent cut from the various legislative accounts—the Office of the Architect of the Capitol, the Capitol Building, Capitol Grounds, Senate office buildings, the Capitol Power Plant, the salaries and expenses of the Superintendent of Documents, the Government Printing Office, and a 1.92-percent cut out of the GAO. We thought, twofold; one, we could make that a little over 1-percent cut across the board, obtain the $15 million, keep OTA in harness, and otherwise, Mr. President, have a study recommendation made by the distinguished colleague from Alaska, who is no longer but served with distinction as the chairman of the Office of Technology Assessment. His suggestion was that we have a study on how best to consolidate the various legislative or congressional services within this segment of the budget and save money.

There is no question that this amendment not only saves OTA, but it saves money. It is bipartisan. I offer this amendment for myself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. KENNEDY, Mr. WELLSTONE, and others who support this legislation. We have now solved the problem relative to the Library of Congress; Dr. Billington—and he is a good friend and an outstanding librarian—has been doing his homework.

Mr. President, I do not have charts or prepared statements. I agreed to limit my comments without charts so let me get right to the heart of the matter.

Back in the Nixon administration, they abolished the Office of Science Adviser, and at that particular time the various committees were crowding in saying we have to learn about this, we have to know about that. We always referred it to the Office of Science Adviser. We could depend on it; it had credibility.

They said, let us get together in a bipartisan fashion, which we did, with alternating between the House and the Senate as chairman, alternating between Democrats and Republicans. We have had quite a successful administration at the Office of Technology Assessment.

One way it saves us money is by having these distinguished boards, advisory panels, counseling the Office of Technology Assessment. They are comprised of college presidents, heads of the science departments from the institutes of technology, and others around the country who give outstanding assistance free of charge, counseling on the various technological questions.

If we go right to it, I think one of the principal objections is that the needs for these studies will not go away. If each committee crowds in on the technological needs for information from the General Accounting Office, obviously the General Accounting Office will go out and hire all of these people and meet themselves coming around the corner having in all probability expended more money.

Now, what is wrong? This crowd—and I guess I am in on it, too, because I get frustrated on figuring out where you try to save money. I have been through the exercise of freezes, the cuts of Gramm-Rudman-Hollings, a value-added tax allocated to the deficit and all the other attempts made to get us in the black. Unfortunately, in today's political climate, individual chairmen come around and say, ''Well, I have got to eliminate something.'' And more or less, if this amendment passes, it would take away a Brownie point from their political resume.

It is easy to go campaign next year and say, ''I am for economy, and I got rid of the Office of Technology Assessment. That is saving $15 million.'' Come on. Two nights ago ABC reported on a particular misguided missile, $4 billion. You never heard this crowd that is fussing about $15 million—we took almost 2 hours in the Appropriations Committee trying to save $15 million or trying to sustain the need to know of the Members of this Congress. But they do not talk about that $4 billion.

Now, that is where the Congress ought to really be working. Do not come around here to get a Brownie point on a political resume about how we saved and got rid of the Office of Technology Assessment. That is good in the 20-second bite. They will not just say how much they saved and everything else of that kind. But instead they cry in frustration, ''Well, if we can't cut this, where can we cut?''

I can give them a list. I voted this morning against the space station. I was former chairman of Commerce, Science, and Transportation. I do not like to vote against the space station, but I am trying to maintain the space program. And you see, you learn from experience. They came forward with the space station at $8 billion. The next thing you know it was at $17 billion. The next thing you know it was $30 billion. We have had four revisions of cutting it back until all I think we are going to get is the booster or the thruster up in space and we'll call it a station before we get through.

Now they have a new angle—that it is a matter of comity with the Soviets and everything else. Fine business. If we were fat, rich, and happy, a space station could well be in order. But we are broke. This Congress and Government around here for 15 years now has been spending on an average of $200 billion more than we are taking in. So we

are not paying our way, and we have to not just cut; we have to forgo.

Another one, AmeriCorps. I believe in voluntarism, but I expect it. We had it when we had Hurricane Hugo. I stood in the rain that weekend, and we counted up volunteers from 38 States that had come around to help us. The first plane that landed in Hurricane Andrew or whatever it was down there at Homestead was our plane that carried generators, clean water, and personnel. We had Spanish-speaking police officers, and you saw them at Hurricane Andrew in the recovery. No cost to Florida, we sent them down from Charleston.

The people of America believe in volunteering, and they will continue to work to help their neighborhoods. Oh, it is good to say on your resume I believe in voluntarism and I voted for AmeriCorps. But instead, I withheld my vote. So I have been saving the money.

So do not come around here saying, ''Oh, if we cannot get rid of this.'' You are not getting rid of it. The need is there. What you are doing is eliminating the most economical approach, the most technologically adept approach to this technological need.

Now, that is the best statement I can make. I note that some of the other Senators want to talk, but I can mention some of the examples of where we save the Government not just millions but billions.

The distinguished Senator from Alaska, I do not know whether he can approach the floor. On yesterday, we talked about the spectrum auction, and that came out of the Office of Technology Assessment. And we put it up, and in the last 2 years now we have brought to the Government $12 billion—not $15 million, $12 billion—from those auctions. So here is a money-making entity.

Those who are frustrated and say, ''If I cannot cut this, where can I cut?'' I cannot understand those who are committed to ignorance. We are trying to find out. We are trying to learn. We, who have been dealing with the Office of Technology Assessment, study very closely and look at their particular commitments. We just do not take anything and everything.

In fact, all of the requests made are bipartisan. They come from the chairmen and the ranking members of the committees themselves. We get way more requests than we respond to and cannot take on each and every question that would come. So it comes with a real need from the Congress itself. OTA has responded. It has done a professional job. There is no criticism in this debate about the quality of work.

I am not going to try to overwhelm you and bring all the studies and everything else. But we can get into a few of them. I am pleased—I have checked this amendment through with our distinguished ranking member, the Senator from Washington, and I will be glad to adjust it.

Do not tell me that we can give everything to GAO; we know GAO can do it. That is not true. I worked closely for years as chairman of the Legislative Appropriations Subcommittee, working with Elmer Staats and everything else. What we had to do was cut out all the term papers that were being made for high school graduates and everything over there. They will take on anything to keep the work going. Let us not do that. Let us keep the Office of Technology Assessment at an economical price and continue it and not abolish it in the political urge to get rid of something here.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no one in the Senate I have more respect for than the junior Senator from the State of South Carolina. But having said that, I am not sure who would have won in the Appropriations Committee if all the proxies had been given. That is something we do not know. The fact of the matter is, this amendment was brought up before the Appropriations Committee in an effort to remove this, and that amendment lost.

Mr. President, I, for 6 years, served as chairman in the Legislative Branch Subcommittee of the Appropriations Committee. And we went through some very rough times. In prior years, there was quite a bit of money to pass around in the legislative branch. There came a time when there had been cutbacks in Washington generally, and no place has it been focused more than in the legislative branch. So for my friend from South Carolina to talk about going into the black box where all these secret things are, or the A–12, we all know that we cannot do that here today. We are bound by what is in the Legislative Branch Subcommittee of Appropriations. That is all we can deal with. We cannot deal with A–12's, space stations, or black box matters. We have to deal with what we have in this very tiny little Appropriations subcommittee.

And what we have is the fact that we have to cut $200 million from this subcommittee. This amendment will cut approximately—this—what has been done on the subcommittee level takes approximately $22 million. It is a tremendous step forward to arriving at the goals we have to meet.

Mr. President, the Office of Technology Assessment is a luxury. It is something that would be nice to have if we had lots of money like we used to have. But we do not have the money that we used to have, and we have to look someplace to make cuts. The amendment offered in the Appropriations Committee took the money from the Library of Congress. Well, it is obvious that that has not sold very well. And now, there is an across-the-board cut, cutting things like the General Accounting Office.

Mr. President, if there has been one entity that has been hit hard in the legislative branch for the past 6 years, it has been the General Accounting Office. Last year, the General Accounting Office was hit with $69 million in cuts. This next year, it is $45 million in cuts. It has been cut back about 25 percent, and that is a significant cut for the watchdog of Congress. The General Accounting Office has saved this country billions and billions and billions of dollars. And they are now cut back to the point where they have significantly cut back on the work that they can do, the requests that we make to them that they can meet. The Office of Technology Assessment did 50 major reports last year, 50 major reports for $22 million. Now, Mr. President, CRS, where the money was originally to be taken, an example of a different workload, CRS did 11,000 reports last year.

The work the OTA does can be done by other agencies. I have had the OTA do work for me. They do fine work. But we do not have the ability to have in our garage three Cadillacs. We have to start cutting back until we wind up with maybe two Chevrolets, or I should say a Ford and a Chevrolet, or maybe a Ford and a Chrysler, however you want to combine it. But, Mr. President, we cannot have three luxury automobiles anymore. All we can have is the General Accounting Office and all we can have is the Congressional Research Service, which the congressional staff depends on around here to meet the requests of constituents at home and Members of the Senate. Our staffs depend on the Congressional Research Service. They did not depend on the Office of Technology Assessment.

Now, Mr. President, I say that the work of the OTA can be done by other agencies. The General Accounting Office can do their work. They are not a bunch of accountants. They have scientists there. They call in scientific panels all the time. We have been told in this debate that they have distinguished boards, advisory panels. Well, that is not hard to copy. That is not hard to do. The General Accounting Office does the same thing.

It is interesting to note, in one of the most scientific matters we have had before this body in a decade, namely, the superconducting super collider, we did not see a word from the Office of Technology Assessment on the superconducting super collider—one of the most scientific measures brought before this body in the last decade. OTA did not write a report on it.

I repeat the words of the Senator from South Carolina: If we cannot cut funding for this agency, then we cannot cut funding for anything. If this is not fat and something that we do not need, then there is not anything we can do—$22 million in this very tiny little subcommittee.

The proposed amendment attempts to keep OTA alive. We do not kill things around here; we just kind of choke them to death. What we are

going to wind up doing with all these budget cuts is having a significant number of entities, none of which work very well—OTA cutting at 25 percent. I respectfully submit to this body that the budgets in this Legislative Branch Appropriations Subcommittee are stretched to the near breaking point.

We have heard a lot about the Library of Congress and we should hear a lot about the Library of Congress. We have worked very hard to maintain the structure of the Library of Congress. The Senator from South Carolina indicated what they have done in the House is they said, ''Well, we are not going to cut OTA. We will have the Library of Congress do it.'' What kind of way is that to do business; $16 million out of the Library's budget? That is what they are going to go to conference on. That is the House's position. That is not the way to run Government. It is certainly not the way to run a business.

Mr. President, we cannot, in my opinion, having worked on this subcommittee for 6 years, continually cut these entities that make up this Legislative Branch Appropriations Subcommittee: The General Accounting Office, cut to the very core. The Government Printing Office cut, cut. We have significant security needs. We are doing our best to maintain those. This amendment will take from that.

I just do not think it is right that we have an entity that did 50 reports last year—CRS did 11,000, the General Accounting Office did hundreds and hundreds of reports. We all recognize there is no agency that we depend on more than the Congressional Research Service.

Mr. President, I respectfully submit, I repeat, that the time has come when we as Members of Congress have to make some decisions. We cannot have everything as we used to. We have to make some cuts. And we can only work with what we have. I repeat: We cannot go out and look at A–12 airplanes, black box matters. We cannot look at space stations. We can only look at what the law allows us to look at. That is this Appropriations subcommittee that deals with the things that run the legislative branch.

I call upon my colleagues to defeat this amendment. In the gesture of what we are trying to do around here, to make a more efficient Government, to save money, we are going to have to eliminate programs, we are going to have to eliminate entities and agencies around here. That is the only way we can do it. We cannot keep everything and take a little bit here and a little bit there. We have to start making major decisions. This is a major decision. This involves almost $22 million a year.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I speak in support of the amendment of the Senator from South Carolina, Senator HOLLINGS. I am also expressing my support for preserving the Office of Technology Assessment. I am not here to make a case that it be preserved with a certain amount of dollars. I am not here to make a case that we maintain the status quo. I am not here to say that OTA can not function with less people. I am not even here to say that you ought to maintain the Office of Technology Assessment Board, and I am a member of that board.

I am here to say that OTA ought to continue or at least its function as a congressional aid ought to be maintained. We need OTA because it provides information so that we can identify existing and probable impacts of technological application. The application of technology impacts upon a lot of public policy that we make in the Congress of the United States.

We need to have a great deal of confidence in the information that is available for changes in public policy or the creation of public policy.

Before I ever came to Congress, Congress saw the need for this sort of information. By statute, OTA must secure unbiased information regarding the impact of technological application.

OTA is one of the few truly neutral sources of information for the Congress. In a very real sense, OTA is our source of objective counsel when it comes to science and technology and its interaction with public policy decision making.

There are plenty of places for information in this town, but so many of these sources of information come from the private sector—and there is nothing wrong with the private sector; there is nothing wrong with organizations protecting their own interests, even if it is in the area of science and technology. But if we do not have an unbiased source of information, then we have to rely on organizations with a stake in keeping alive programs that benefit their interests.

Special interests can fund research, that goes without saying. But it seems to me that Congress ought to have an independent source of information representing all interests in science and technology. Pretty much the same way that the subcommittee has made a determination that a lot of other agencies that it funds ought to exist because of their independence. The General Accounting Office is an example. The subcommittee this year decided that the General Accounting Office should get less money next year than this year and it that it ought to be streamlined and have staff reductions. But that respected organization is being maintained because the subcommittee felt that a postaudit agent, that is responsible to the Congress, should continue to exist.

It is not any different for science and technology. We ought to have an independent source of information, unbiased, not tied to any special interest. The information that OTA provides comes to us and we use it to determine public policy that has a scientific or technological basis.

It goes without saying that except for a few professionals here and there, like a medical doctor or an engineer, there are not very many Members of Congress who are experts in technical and scientific issues. Of course, we have our personal staff and we have committee staff. But our committee staffs lack the time and the expertise to do in-depth analysis of these issues. OTA can do that.

Congress is not made up of a wide range of professional backgrounds. Two-thirds of the Senators are lawyers. Half the House of Representatives, I believe, is made up from the profession of law.

As I remind you so often, there are only a few of us in this Congress who are farmers. But I would not rely on my judgment on highly technical and highly scientific agriculture issues the same way that I can rely upon OTA when they do studies in these areas that are so essential to agriculture. It puts me in a much better position, and my colleagues in a much better position, to make decisions on agricultural policy based on science and technological based information.

Neither the Federal Government nor the private sector can do analysis geared to the particular interests of congressional committees. OTA can do just that. And it is the smallest and the least expensive congressional agency.

OTA is intimately interfaced with Congress through its bipartisan Technology Assessment Board. I am a member of that board and know something about the operation of it. The board does not need to exist just because I am a member of it.

It does not matter whether CHUCK GRASSLEY is a member of that board or not; you can eliminate the Board, if you want, but still keep OTA's function. There might be better ways to get the job done than the way it was originally set up.

OTA works closely with Congress through its bipartisan Technology Assessment Board. The Board is equally made up of Democrats and Republicans. I have served on this board since 1987 and I can certify the Board ensures compliance with statutory and procedural requirements for each OTA project. This is a unique governance for oversight purposes. Other agencies—like GAO—do not have this special bipartisan group overseeing their operation.

I want to assure all my colleagues that OTA resources are carefully managed in this bipartisan way, and I can certify that the OTA board carefully screens for—and most importantly, does not allow duplicate work. Projects are not self-generated; they are initiated at the request of congressional committees. The committees that have

requested the most studies are the Senate Commerce, Science and Transportation; Senate Energy and Natural Resources Committee; Senate Environment and Public Works Committee; Senate Governmental Affairs Committee; Senate Agricultural, Nutrition, and Forestry Committee; Senate Armed Services Committee; Senate Finance Committee; Senate Veterans' Affairs Committee; and the Senate Committee on Indian affairs.

A few of my colleagues have said that the GAO can do the work that OTA currently does. I disagree. I do not show any disrespect for the General Accounting Office in regard to that. In fact, I have been a requester of help from the General Accounting Office and they do a good job. But the General Accounting Office is not equipped to do the highly technical and scientific work that is done by OTA.

Let me explain the backgrounds of the staff of the particular agencies. The General Accounting Office's staff, process, and traditions are primarily those of an audit and program evaluation unit. Only four percent of the GAO staff have Ph.D's, and few of these doctorates are in science and engineering. In contrast, 58 percent of OTA's staff has Ph.D's in these areas, and half of those hold degrees in hard sciences. The GAO has relied on prior or concurrent work of the OTA for scientific and technical aspects of the study.

It seems to me that speaks more to the point raised about what GAO can do and not do in this area than anything I can say. GAO relies on OTA for highly scientific and technological information.

As we continue moving into a highly technical world, we must ensure that we know how public policy impacts future trends and the reverse of that. OTA provides a very high level of expertise to help us understand these trends, while balancing the views of opponents and proponents of various courses of action.

OTA translates modern technical material for legislative and oversight purposes and gives us a heads up on important but complicated science and technology issues in areas like space, defense, and energy.

OTA's studies on energy crops, for example, are particularly important for farm States such as mine. Their study on the ''Potential Environmental Impact of Bioenergy Crops'' showed that energy crops, such as switch grass, could have net environmental benefits, rebutting the concerns of certain environmentalists.

This study and other studies they have done are going to be very helpful as we debate the farm bill and as we look for new crops to maintain the viability of the farm community. As the domestic supplies of oil and gas diminish and dependence upon foreign sources continues to increase, we will be looking for new ways, even beyond ethanol, for instance, to use farm products to fuel our machines and vehicles. That is also an issue regarding the energy independence of our country, for national security purposes. OTA is doing very good work on renewable bioenergy fuels for transportation which can help us address our economic issues in rural America.

In addition, OTA helps the Congress make decisions that save the U.S. Government money.

I have some examples of where OTA actually helped us save money. OTA's study of the Social Security Administration plan to purchase computers saved $368 million. OTA's cautions—a while back now, I might say—about the Synthetic Fuel Corporation helped to secure $60 billion of savings.

Let me explain that to you. Many thought that it would take $80 billion to do the work of the Synthetic Fuel Corporation. OTA testified that $80 billion was an overestimate. In the final analysis, Congress put up only $20 billion for the Synthetic Fuel Corporation. This saved the taxpayers $60 billion.

OTA's studies of preventive services for Medicare have assisted legislative decisions for the past 15 years. Studies of pneumonia vaccines and pap smears that showed Medicare would save money by paying for these medical services for the elderly, and Medicare patients would save money. Both proposals passed as legislation.

OTA's work on nuclear power plants has played a central role in eliminating poorly conceived and burdensome regulations on the U.S. power industry.

I urge you to look very closely at the amount of money that is being spent on OTA. I urge you to look very closely at whether the number of people employed is the right number. I urge you to look at the administrative setup. I even urge you to consider abolishing the board of the Office of Technology Assessment, if you want. But I also urge you to look at the product of the OTA, and you will come to the same conclusions in 1995 that Congress came to when it was set up: that we need independent sources of information, particularly in science and technology, which we did not have and we will not have after this day if this is abolished.

I firmly believe, Mr. President, that OTA offers a unique and essential service for Congress, and I am very impressed with OTA's credible analyses of the developments in technology and related public policy issues. I urge my colleagues to support this amendment that preserves the functions of the Office of Technology Assessment.

Mr. GLENN. Mr. President, ''What's Good from Government.'' Now there is a topic you do not see often these days. Yet on May 15, 1994, this was the title of an article that appeared in Library Journal discussing the sixty-three finest government publications in 1993. Out of the 20 selected federal government publications that were honored, three of these reports were issued by the congressional Office of Technology Assessment, including one called, ''Proliferation of Weapons of Mass Destruction: Assessing the Risks.''

Here is what Keay Davidson, a reviewer in the San Francisco Chronicle had to say about the report on April 7, 1995:

> For years, OTA has generated some of the most readable and useful reports imaginable about US research and its impact on social, political, military and economic policy. I always look forward to its reports, which are extraordinarily clear, thoughtful and well-illustrated—extraordinary considering that they come from a government agency. When's the last time you actually enjoyed reading a government document? Not long ago I was on a plane flight, completely absorbed by an OTA report on US efforts to control nuclear weapons and other ''technologies of mass destruction.''

The distinguished journal, Foreign Affairs reviewed another report in a recent series of OTA studies on nonproliferation and came to the following conclusion: ''The Office of Technology Assessment does some of the best writing on security-related technical issues in the United States, as evidenced by this excellent volume.''

Of course, this is not the first time that OTA has been recognized for excellence. The June 1989 issue of Washington Monthly featured a story on OTA, holding it up as a model for the rest of the government—over a picture of the Lincoln Memorial, the Washington Monument, and the Capitol, the cover of this journal declared, ''At Last! A Government Agency That Works.'' Indeed, in the last 4 years, 24 OTA reports have been selected in national competitions as among the best government publications nationwide, even worldwide.

None of this acclaim surprises me. OTA has had a long and distinguished track record of publishing informative studies on nonproliferation issues. In 1977, OTA issued a 270-page book on Nuclear Proliferation and Safeguards that is still valuable reading. In a hearing on April 4, 1977, of the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs, I called this study a ''landmark document'' that ''will make a substantial contribution to everyone's understanding of this highly complex and emotionally charged issue.''

Highly complex indeed—I can say without doubt that halting the global spread of weapons of mass destruction is one of the most vexing problems that either the Executive or Congress has had to confront in modern times. The political and diplomatic problems of addressing this threat are bad enough. But the technological aspects of this problem are so complex that many public officials and citizens around the country have just given up—they need help to sort out the issues, weigh the stakes, and outline courses of action.

The OTA has responded to this need in a manner which brings credit not just to the agency, but to our system of government: I am proud that the U.S. Congress recognized the need for such

an agency 23 years ago. My purpose today, however, is to praise OTA for the specific work over the last few years on the subject of weapons proliferation. I urge all of my colleagues in the Senate and the House, even those who have called OTA ''a luxury we cannot afford,'' to sample some of the following reports on weapons proliferation issues.

First, ''Nuclear Safeguards and the International Atomic Energy Agency'' OTA–ISS–615, June 1995, 147 pages (released this month; also available in a 22-page summary).

This report reviews the origins of the IAEA, describes its safeguards system in terms that non-specialists can easily understand, discusses numerous options for strengthening the IAEA safeguards system, and outlines other possible initiatives to strengthen the global nuclear nonproliferation regime.

Second, ''Proliferation and the Former Soviet Union''; OTA–ISS–605, September 1994, 92 pages.

This report is essential reading for all who are concerned about twin problems of ''loose nukes'' and the ''brain drain'' following the breakup of the Soviet Union. The report documents specific problems with respect to weaknesses in national systems of nuclear accounting, controls over exports, and the ability to police borders.

Third, ''Export Controls and Nonproliferation Policy''; OTA–ISS–596, May 1994, 82 pages.

Here the OTA addresses the contributions and limitations of export controls as a tool of nonproliferation policy. The study offers insights and technical details about the export licensing process, in particular measures to make this process more efficient and effective in achieving nonproliferation objectives.

Fourth, ''Technologies Underlying Weapons of Mass Destruction''; OTA–BP–ISC–115, December 1993, 263 pages.

This report is a basic primer about the fabrication and effects of weapons of mass destruction. It is essential reading for anybody both for those who have official responsibilities to tackle this problem, and those who are simply curious about what all the fuss is about concerning these deadly weapons.

Fifth, ''Proliferation of Weapons of Mass Destruction: Assessing the Risks''; OTA–ISC–559, August 1993, 123 pages.

I have already discussed this award-winning above. If a reader has no background on proliferation issues and wants to read just one report for the clearest possible introduction to the subject, this is the report to read.

Sixth, ''The Chemical Weapons Convention: Effects on the U.S. Chemical Industry''; OTA–BP–ISC–106, August 1993, 69 pages.

The Senate will take up ratification of the Chemical Weapons Convention later this year. An important topic in this process will be the costs to US industry from complying with this Convention. Given that the treaty will cover controls over chemicals that are either produced or used throughout the nation, this study should be of great interest indeed.

If the publication of six major studies in less than two years is not enough to illustrate the productivity of this agency, critics might consider that OTA is well underway on yet another report in this series, this time on assessing US responses to proliferation after it has occurred.

Congress established OTA in 1972 after determining that, although the applications of technology are ''increasingly extensive, pervasive, and critical in their impact,'' no Executive or Legislative branch agencies were capable of providing Congress with ''adequate and timely information, independently developed, relating to [their] potential impact.'' In its 23 years, OTA has filled that need—and in an age when cost/benefit analyses will figure so prominently in evaluating Federal actions, I can think of no more greater need in Congress than for the types of skills and services that OTA offers today.

This is why the presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have warned that closing OTA will diminish the quality of advice to Congress. Representing the interests of over 240,000 electrical engineers nationwide, the Institute of Electrical and Electronics Engineers calls OTA a ''highly regarded and respected institution'' that serves as an ''irreplaceable asset'' to Congress. The world's largest scientific organization, the American Association for the Advancement of Science, says that abolishing OTA would be a ''strategic error for Congress'' that would seriously harm the national interest.

OTA does not only prepare formal high-quality reports—Congress has repeatedly drawn upon the agency's in-house expertise to provide short-notice testimony, briefings, and replies to congressional questions on many high technology subjects on the policy agenda. Following the nerve gas attacks in Tokyo and the bombing of the federal building in Oklahoma City, for example, OTA staff were able to respond both promptly and comprehensively to repeated congressional questions.

To whom will Congress turn if the next explosion in an American city involves a weapon of mass destruction? Though the Executive can occasionally be helpful in providing information, there is no substitute for Congress having an independent, bipartisan source of expertise on exactly such technically-complex issues. I can assure my colleagues, I know where I would like to turn in the years ahead, to the Office of Technology Assessment.

I ask my colleagues to join me in saluting OTA for having performed its mission with dignity and professional excellence. This is not an agency Congress can do without.

Mr. PELL. Mr. President. I am in support of the effort to preserve the Congressional Office of Technology Assessment. The OTA, on whose board I currently sit, has been of profound and indispensable use to the Congress in the carrying out of its function of an independent source of complex, unbiased analysis of the technology issues facing our country today. I firmly believe that it would be short-sighted and unwise for us to eliminate entirely this agency, even as we strive to effectuate budget savings with the Legislative Branch.

The OTA was created in 1972 as a result of a far-sighted, bipartisan effort led by the Senate Committee on Foreign Relations then ranking Member, Senator Clifford Chase of New Jersey. It evolved from the need to have objective, expert analysis to assist the Congress in assessing the potential effects of a nuclear war on the United States. Again in the late 1970's, the OTA conducted a more comprehensive and detailed study on the same issue. These two studies were among the first comprehensive unclassified efforts to provide realistic assessments of just what nuclear war might mean for the citizens of this and other country's. They proved to be extremely valuable in helping inform the Congress as we developed national policy in this area.

Since those studies, the OTA has proved itself time and again in hundreds of studies across the board spectrum of technology assessment. Throughout its tenure, it has become recognized around the world of its cogent, professional, and unbiased work. It would be foolhardy to shelve that expertise now in a blind effort to simply slash budgets.

I am thankful that under the amendment, another revered and invaluable congressional institution, the Library of Congress, will not be subject to budget cuts in order to spare the OTA. Both of these organization have an exemplary record of in their service to the Congress and I am glad that a mean has been found to adequately preserve the functions of both.

I am hopeful that my colleagues will join me in this effort to preserve a scaled-back OTA and in doing so, insure that the Congress will continue to be able to make informed, reasoned decisions regarding the complex technology issues that it will inevitably face in the future.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, we are in an interesting time. I say that reminded me of the old Chinese curse, ''May you live in interesting times.'' I have been through this kind of time in my private life, and I would like to share with you some observations there, as I then addressed the question of what to do about the Office of Technology Assessment.

I remember visiting with a CEO of a fairly large corporation, and he told me

of a very difficult experience that he had just been through in his company. He said, ''I have just gone through the whole company, looked at everything, and ended up cutting back here, cutting back there, leaving a lot of blood on the floor, if you will, as I have had to clean up the company. And then I said to all of the employees who survived this exercise, this is it, this is as deep as we are going to cut, and you can all relax now because you have passed the test, and we have seen to it that everything that is excess, everything that is wasteful has been taken care of.''

Then, he said to me, ''I quietly in my own office went to my calendar, flipped the pages forward about 3 years, and wrote down, 'Do it again,' because I realized no matter how zealous we were in trying to keep from getting duplication and creating redundant services and getting too fat, no matter how hard we worked at it, in about 3 years time in our company we would suddenly wake up and discover we had too many people doing the same thing, and I would have this same kind of circumstance again.''

We do not do that in the Federal Government. That is, we do not go 3 years ahead and write down, ''Do it again.'' Instead, once something gets started, it continues, regardless of whether or not it has outlived its usefulness.

The PRESIDING OFFICER. We have a previous order to vote at 4 o'clock.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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

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

VOTE ON AMENDMENT NO. 1807

The PRESIDING OFFICER (Mr. CRAIG). Under a previous order, the question is on agreeing to the amendment numbered 1807, offered by the majority leader, to the amendment numbered 1803. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—91

Abraham	Brown	Coverdell
Akaka	Bryan	Craig
Ashcroft	Burns	D'Amato
Baucus	Byrd	Daschle
Bennett	Campbell	DeWine
Biden	Chafee	Dole
Bingaman	Coats	Domenici
Bond	Cochran	Dorgan
Boxer	Cohen	Exon
Bradley	Conrad	Faircloth
Feingold	Kempthorne	Pell
Feinstein	Kennedy	Pressler
Ford	Kerrey	Pryor
Frist	Kerry	Reid
Glenn	Kohl	Robb
Gorton	Kyl	Rockefeller
Graham	Lautenberg	Roth
Gramm	Leahy	Santorum
Grams	Levin	Shelby
Grassley	Lieberman	Simpson
Gregg	Lott	Smith
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Hatfield	McCain	Stevens
Heflin	McConnell	Thomas
Helms	Moynihan	Thompson
Hutchison	Murkowski	Thurmond
Inhofe	Murray	Warner
Jeffords	Nickles	Wellstone
Johnston	Nunn	
Kassebaum	Packwood	

NAYS—8

Breaux	Hollings	Sarbanes
Bumpers	Mikulski	Simon
Dodd	Moseley-Braun	

NOT VOTING—1

Inouye

So the amendment (No. 1807) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. 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. 1808

Mr. MOYNIHAN. Mr. President, I rise simply for the purpose of expressing the appreciation of this Senator—and I think I can speak for the Joint Committee on the Library—that the proposal pending by the distinguished senior Senator from South Carolina will not affect the Library of Congress. It has taken very severe budget cuts and budget freezes over the years. Its world function, its national role, and its indispensable service to the U.S. Congress would be in jeopardy were more to take place.

Our distinguished Librarian, Dr. James Billington, has made this clear in forceful, in cogent, and in concise terms. His argument has clearly prevailed.

I want to express my appreciation to the Senator for this purpose, and to state just incidentally my agreement—I am sure most of us will also agree that the Office of Technology Assessment has an important role. It has been here a quarter century. It was established for a role and it ought to continue. I simply want to make those comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, let me just indicate what I am doing here.

I am trying to determine whether or not we will go to S. 343, which is regulatory reform, which I had a right to do under the order. That is why I do not want to get bogged down with some other amendment because I need to give an hour or so, or some advance notice to the minority leader, Senator DASCHLE. Then there would be 1 hour of debate and then there would be a vote on cloture on S. 343.

Following that, we would, if cloture is not invoked, either move on to something else, or I assume somehow we get back to this bill, which I thought would take 2 hours. We started at 10 o'clock.

I want to accommodate the Senator if I can. Does he want to speak for 10 minutes or 15 minutes?

Mr. KENNEDY. Less than that. I know the Senator from Utah was addressing this issue as well. I am more than glad to either proceed or wait until after the Senator from Utah, and then at a time that the leader wants to gain control of the floor to make a request, I would withhold.

Mr. DOLE. If I could request that I be recognized at 5 p.m.

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

Mr. KENNEDY. Mr. President, I wanted to speak briefly——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. But I understood from the Senator from Florida that the Senator from Utah was in the middle of a statement. I will be glad to wait until after he concludes.

Mr. President, I will yield the floor, but before doing so, I ask unanimous consent that when the Senator from Utah concludes, I might be recognized.

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

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator for his courtesy.

It is true I was in the middle of a statement when the regular order intervened and we had the vote. I do not have much more to say, but I was in the middle of making the point that every organization inevitably ends up growing more than it really needs to. There is an inertia—it is almost organic—in organizations that says we start this, which is a good thing, and it grows a little, and then we start another, which is a good thing, and it grows a little. And just like a plant, organizations need to be pruned back every once in a while. I have done it in my business. I know there are others here who have business experiences who have had to do this.

As we address this OTA circumstance, it is my feeling that this is what we have here. OTA in my belief has been a good agency. It has done good work. I hear the Senators talk about its work, and I agree. If you look at just the OTA, you would come to the conclusion that it deserves to remain.

At the same time, Mr. President, that OTA was doing its work, the Library of Congress was building a capacity to deal with technology issues. At the same time, the GAO was looking into many issues that were the same kinds of issues as OTA. And as we looked at this within the committee, I came to the conclusion that we have simply proliferated capacity in this area throughout the Government, that it is time to prune the bush.

Now, I am sorry personally for those who are connected with OTA that they are the ones who have felt the pruning shears and that the function will be transferred, if we continue with the actions recommended by the subcommittee, to other agencies. This is always a wrench for the individuals involved, and they say, with some degree of fairness, ''Why me? I have done a good job. I have done what the Congress has asked me to do. I have produced a report that is of sound value. Why are you cutting back on me?''

Those of us who are in this position must look at the entire Government, not just one agency at a time. When we do that, we have to say to those who are feeling the effect of the pruning shears, if it were not you, it would have to be someone else because there is redundancy here.

We have the responsibility in the overall budget circumstance to do as the CEO I was referring to in my beginning remarks, go through and clean out the duplication and sharpen up the organization.

I realize this is not an exact analogy, but nonetheless it illustrates the point. I read a column recently where the columnist was talking about a television station that went off the air because of financial difficulties. They did not want to lose their license, so they said we in fact will keep broadcasting a signal while we work out our financial difficulties. They put on the air the picture of fish, tropical fish, and broadcast that 24 hours a day to keep their place. When they solved their problems financially, and they could go back to regular programming, they took the fish off the air and put on the regular programming. And what happened, Mr. President? They were deluged with phone calls complaining about the fact that they had canceled the fish.

It seems that once something gets started, it develops a constituency regardless of whether or not there are other options.

Now, I am not, as I say, suggesting in any way that the OTA is simply broadcasting of the fish, but they have developed a constituency that is appropriately calling for their preservation in an atmosphere when there are other facilities capable of doing this.

So painful as it is, Mr. President, difficult as it is to explain to the individuals who are doing a good job, I have come to the conclusion that as a total Government we have the capacity elsewhere to do what we have been doing in the OTA. It has become redundant because of what we have funded in the Library of Congress and in the General Accounting Office, and I support the subcommittee's report that says this is the place we shall prune.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that there are other Members who want to speak, so I shall not take much time.

Mr. President, I wish to just review for the Senate where we are on this issue of OTA. The issue no longer is the size of the budget. That issue has been basically agreed to. So this is not something that is in addition. This is not something that we are adding. The total amounts in terms of the budget have effectively been agreed to and that really is not before the Senate.

The issue that is before the Senate is whether we are going to retain the capability of OTA to deal with technological issues which can be helpful to the Congress and to the American people generally. That is only the issue.

So we have to evaluate now whether that can be done with the existing agencies, the Congressional Research Service, or other agencies, or whether it is best to try to hold together the capability that has been developed in OTA, to be able to give advice, counsel, and judgment to the Congress on matters of technology that we are going to face in terms of the future.

That is basically the issue. Now, I say to my good friend from Utah, the fact is we have had the expression of the American Academy of Sciences, the Institutes of Medicine, American Academy of Energy, and science advisers to Republican and Democrat Presidents alike. All are in agreement that this function ought to be maintained. They had an opportunity to say no, let us separate out OTA and let it go to CRS or let it go to other agencies; we do not believe that it will really make much difference in the ability of Congress to get this information.

They were asked that very question, and the most important, prestigious institutes that deal with the most complex issues of technology and new technology and advanced technology have recognized and respected OTA for being the center of excellence for technology, to advise us in the Congress and Senate.

So if the issue of the budget is out of the way, we have to ask ourselves what is in the best interests really of the Congress generally, the House and the Senate, and even the executive and the public because these studies are made available to the public, and what is really the best way to do it, because you have to face the fact that we in the Congress are going to be faced with these technology issues into the future of this country—increasing technology, cutting edge technology, technology that is going to be at the heart of the American economy after the turn of the century and in many respects is there even now.

I can see in my own State with biotechnology, telecommunications, fiber optics, the wide range of new kinds of technology. And the question is, how does that impact the lives of the American people? And how will it affect that?

We do have a resource that is special, that has been recognized, not just by Members of Congress, but by the most prestigious, important and significant institutes that are dealing with these issues, that have made their judgment. And so whether it has been in those institutes or whether it is the CEO's of the top companies in this country that are devoting the greatest amount of their own resources in terms of technology that respect this expertise, whether it is the former science advisers under Republicans and Democrats alike, they have all come virtually to this conclusion: It is important to maintain OTA as an institute. Where it is going to sit and within the various framework of existing agencies is a matter of administration. And I think that could be worked out by reasonable individuals in the course of the conference with the House of Representatives.

But what we should not lose is that capability, that capacity, that kind of integrity which has been of value to this Congress on issues involving DNA, on new technologies in education, on the issues of polygraph. Their recommendations that they made to the Congress were later taken and put into law by Senator HATCH and myself. On instance after instance so many areas of important technology, OTA has been there. I have agreed with some of their conclusions, differed with others. I think every Member of the Congress realizes it really represents an extraordinary degree of knowledge and awareness and background and experience and really the best in terms of bringing evaluations of technology. It is an asset that we cannot afford to lose. And I hope very much that the amendment will be accepted.

I strongly support the amendment to maintain the Office of Technology Assessment as a valuable and needed arm of Congress.

OTA was created 23 years ago by the Technology Assessment Act of 1972. In the years since then, OTA has become a world-renowned source of information and analysis on current technology issues. It plays an invaluable role in helping Congress assess and apply scientific and technological advances for the benefit of the American people.

OTA's budget is currently $22 million. Clearly, OTA is prepared to tighten its belt substantially along with the rest of the Federal Government. In fact, under the able leadership of Dr. Roger Herdman, OTA has already taken major cost-cutting measures on its own initiative.

But regrettably, the bill before us proposes to eliminate this needed and unique agency.

Each year, OTA prepares dozens of formal assessments, background papers and case studies on subjects ranging from adolescent health to nuclear disarmament. OTA's well-researched and carefully reasoned reports are must-reading in the committees of Congress that address scientific issues, and in the executive branch and private industry as well.

OTA enjoys the full support of the scientific community. The American Association for the Advancement of Science has called it:

> Unique and highly respected . . . [a] model for legislative bodies around the world . . . Its demise would have serious negative impacts on Congress' ability to do its job well, and on the national interest.

The prospect that OTA might be abolished has also brought expressions of alarm from the National Academy of Sciences, the Institute of Medicine, and the National Academy of Engineering. It would be difficult to find any serious scientific organization that is not deeply concerned about the impact of this proposal on the quality of technology-related legislation.

The chief executive officers of Monsanto, Eastman Kodak, and many other Fortune 500 companies have expressed support for the agency. Science advisers to Republican and Democratic Presidents alike have endorsed OTA's preservation. These are not the reviews one would expect for an irrelevant or superfluous or unneeded organization. The experts outside the beltway know that modest funding for OTA is a wise investment for Congress and an excellent bargain for the Nation.

OTA's large impact on the legislative process is out of proportion to its relatively small size. Let me offer just a few examples:

In the wake of the Oklahoma City bombing, Congress debated a bill promoting technologies to help prevent terrorism and enhancing the ability of law enforcement agencies to apprehend those who commit such crimes. OTA had already laid the groundwork for this discussion. In July 1991 and in January 1992, OTA issued a pair of reports that evaluate technology for bomb detection and target hardening, airline passenger profiling, and other antiterrorism strategies. Not only were these reports helpful to those drafting counterterrorism legislation, but within days of the Oklahoma City bombing, OTA staff conducted indepth briefings on the subjects for Members of Congress and their staffs.

During the floor debate on medical malpractice 2 months ago, OTA's landmark studies on medical negligence and defensive medicine seemed to be in the hands of every Member. Senators KYL, MCCONNELL, and others made much of OTA's conclusion that ''the one reform consistently shown to reduce malpractice cost indicators is caps on damages.'' I was on the other side of that debate, but I had no cause to challenge OTA's credibility or impartiality.

OTA's study in the 1980's on polygraph testing is also a landmark document. It is recognized as the definitive review of scientific research on this topic. The report was used and cited extensively by the Senate Committee on Labor and Human Resources, then chaired by Senator HATCH, during the legislative process that led to enactment of the Employee Polygraph Protection Act. That bill was signed into law by President Reagan in 1988.

OTA has been in the forefront of efforts to evaluate the cost effectiveness of medical technologies. It produced the first report documenting the health and economic benefits of vaccinating the elderly against influenza. Based directly on these findings, Congress included coverage for these vaccinations in Medicare, a step that has prevented thousands of deaths and saved millions of dollars that Medicare would otherwise have spent on hospital costs.

On the other hand, OTA documented in 1989 that cholesterol screening of the elderly would not be cost effective. That report was a major factor in the decision not to cover this screening under Medicare, saving the program substantial amounts.

In the late 1970's research on recombinant DNA was considered potentially dangerous and had aroused widespread public concern. More than a dozen bills had been introduced in Congress to halt genetic research. But OTA's 1981 analysis, ''Impacts of Applied Genetics,'' helped to convince key Members of Congress of the economic potential of this emerging science. Today, biotechnology has expanded the boundaries of medicine, agriculture and commerce. The United States leads the world in this field, and OTA deserves a share of the credit.

In its report, ''Building Future Security: Strategies for Restructuring the U.S. Defense Industry,'' OTA conducted a comprehensive analysis of defense technology and the Nation's industrial base. It proposed a major restructuring of the military industrial complex, in order to maintain defense capabilities during the transition to the post-cold-war economy, while meeting pressing domestic needs. The report has greatly assisted deliberations on this subject in both the legislative and executive branches.

There are many other fields in which OTA's influence has been substantiated. Its work on computer technology in the classroom has helped to shape important legislation on education. Over a period of many years, OTA has been deeply involved in Congress' evaluation of the Clean Air Act. When the *Exxon Valdez* disaster occurred off the coast of Alaska in 1989, OTA's suggestions on maritime precautions were incorporated in the Oil Pollution Act of 1990.

These are just a few examples of timely and incisive OTA reports that have improved the quality of legislation.

Some contend that OTA's work can be handled by other congressional support agencies. I have the utmost respect for the Congressional Research Service and the General Accounting Office, but neither agency is equipped to take on the exceptionally challenging and specialized tasks of OTA. Although CRS and GAO existed 23 years ago, we recognized the need at that time for a smaller but expert agency with the specific mission of advising Congress on science and technology. That need is even greater today. It would be a tragic mistake to drain the reservoir of expertise that OTA has developed over the past 23 years, and try to reinvent it in some other congressional support agency.

Let's be clear. This is not a budgetary issue. The amendment proposes no new expenditure of funds, only that a very small portion of the money already allotted for the support agencies under this bill be used to preserve OTA. The sole question now is structural—whether we should keep OTA's expertise intact and centralized, or whether we should disperse OTA's responsibilities among the other support agencies and suffer the consequences.

One way or another, the work of technology assessment must go forward. It is simply a matter of common sense to keep intact the one agency that already knows how to do this job and meet the needs of Congress in this highly specialized field. Breaking up OTA in the name of streamlining Congress makes no sense.

It should also be emphasized that this amendment involves no cut in funds for the Library of Congress. The concerns of Library supporters have been completely addressed—the Library will not be cut.

In the years ahead, as we move into the 21st century, there will be even greater need to rely on OTA for impartial assessment of technology-related policies. The world of science and its impact on public policy are becoming more complex, not less. Technology is central to every aspect of American life, from biotechnology to law enforcement, from agriculture to education. It would be a serious mistake to limit our ability as a legislature to evaluate and respond to the scientific and technological challenges facing Congress, the Administration, and the Nation.

The Office of Technology Assessment has performed the task we assigned to it superbly. It continues to serve an indispensable role. It should bear its fair share of the current budget crisis—but it should not be abolished.

I urge adoption of the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah,

Mr. HATCH. Mr. President, I have been listening to my colleague from Massachusetts. As everybody in this body knows, we do not always agree. In fact, there are some that think we disagree quite often.

But I have to say he is right on this issue. I have watched what OTA has done for the whole time I have been in the Congress. And I have to tell you, if you are going to shift that burden to CRS or some other support group, you are going to spend more money than you spend on OTA and you are not going to have the congressional benefits that come to Congress as a whole that you get from OTA. As a matter of fact, we have all kinds of Ph.D.'s at OTA. Over half, 58 percent of OTA staff hold doctorates. And all of the support people that are volunteers from outside are the greatest scientists in the world—at least from this country—who also support OTA. And that is a benefit you cannot quantify because if we had to pay for all that what it is really worth, we could not afford to pay for it.

So there is a lot to this. I do not think we should make the mistake of cutting OTA yet. I am the first to admit that we have to make cutbacks here. I think OTA has to suffer its fair share. So I am not arguing for 100 percent of OTA's budget. I wish we could because I think it is working over the long run, because this is the one arm of Congress that does give us, to the best of their ability, unbiased, scientific and technical expertise that we could not otherwise get where most everybody has confidence in what they do.

Mr. President, I support the amendment offered by Senator HOLLINGS to restore some funding for the Office of Technology Assessment [OTA] during the next fiscal year.

Mr. President, my support for this amendment should not be confused with a failure to recognize the very difficult task the Legislative Branch Subcommittee is faced with this year in making its share of budget reductions. There is no question that Congress must contribute its share to deficit reduction, especially in light of the budget resolution we have just passed. I commend the managers of this bill on what they have been able to bring to the floor.

However, I am concerned about one of the rationales used to justify the elimination of OTA. I do not agree that there is no longer a need for OTA. On the contrary, I believe that Congress' need for technical scientific analysis will increase.

As our economy becomes increasingly complex and technologically oriented, Congress will require, more than ever, an ability to effectively analyze technology in making policy decisions. The question is, Mr. President, can another support agency do the work for which OTA has become recognized? Some of our colleagues believe the answer is a simple yes.

I respectfully disagree.

Fifty-eight percent of OTA's staff hold Ph.D., half of which are in the hard sciences. No other agency can make this claim. Nor can any other agency make the claim that it has the ability to call upon a network of in excess of 5,000 technical experts from all over the country who provide the best information available on science- and technology-related topics. Nor is there the level of scrutiny and review placed upon any other support agency from the time a request is made to the time the product is officially released in final form.

The product expected from OTA and the type of review that this small, specialized agency is mandated to undergo produces what I believe everyone in this body would agree is desirable: thorough, objective, and accurate analysis.

Relying on other, existing agencies to fulfill this mission asks these organizations, whose specialty is a highly specific quick turnaround study, to expand capability to do more comprehensive assessments in areas for which they may not even have in-house expertise.

Let me state this another way: The primary mission of OTA is not to do studies for immediate use by the Congress. OTA's charter is to be more forward-looking, more comprehensive, and more technical.

With fewer than 5 percent of Congress' membership having technical training, we cannot afford not to have this capability. Needless to say, I would not be making this argument if the proposal were for a legal research office.

This brings me to the budget implications of this amendment. And, let me state strongly for the record that I absolutely agree that reductions have to be made everywhere. I do not advocate that OTA be restored to 100 percent of its current level. OTA, like all other federally funded agencies and programs has to absorb its share of the necessary reductions.

My distinguished colleague from South Carolina, Senator HOLLINGS, has done an excellent job in finding the necessary offsets so as not to disrupt the overall budgetary outlays already contained in this bill and in the budget resolution. He has gone the extra mile to make sure that these offsets are germane, that they are fair, that they are cognizant of the concerns that have been expressed by the affected agencies whose budgets will further be reduced by this amendment.

But I have to say, for example, under the House proposal, the Congressional Research Service would be required to provide the entire $15 million outlay for the continuance of OTA's functions, a burden that is understandably quite overwhelming and, quite frankly, unfair to the Library of Congress. CRS's burden under the House proposal takes on added significance when you know time has been taken to ensure that the structural changes required by the provision will maintain the integrity of both support agencies.

In contrast, the Hollings amendment not only maintains OTA's independence, but it does not require any additional budget outlays be taken from the Library of Congress, as stipulated in the chairman's mark. This provision also eliminates the additional need to make the House-required structural adjustments that would create an even greater burden upon the Library of Congress.

Now, we recognize the reality that the structural adjustments will be necessary as overall budget outlays shrink over the next several years. The Hollings amendment stipulates that the Library of Congress undergo an evaluation of how the services of GAO, OTA, GPO, and CRS can be consolidated by the year 2002. This is a responsible approach under the circumstances. That will allow us time to ensure that the services provided by OTA can be most effectively maintained over the long term while recognizing that inevitable structural and budgetary changes will continue to be necessary for the years to come.

All I can say is that, as a conservative who believes that we have to cut back, who believes we need to reach that balanced budget by the year 2002, having served with OTA and understanding the interworkings of OTA and having watched what they have done for all the 19 years I have been in the Congress, I have to say it would be a tragedy for us to cut it out completely. And I do not think you could find any other area of Government that will provide the services that we need that OTA provides. And Heaven knows, in this very complex world, this complex present time, we in Congress have got to have that kind of equity at our beck and call. OTA has provided it for us. And I hope that folks will vote for the Hollings amendment.

Therefore, Mr. President, I commend Senator HOLLINGS for his leadership on this amendment, of which I am pleased to be a cosponsor.

I encourage all of my Senate colleagues to support this important measure.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I served on the Office of Technology Assessment Board from January of 1974 to January 1992. Since it was established, OTA has completed 721 studies to date. During the period I was there, 18 years, I obtained board approval for four studies that addressed Alaska's needs.

For instance, we had one study that addressed our rural village sanitation problem in Alaska. We had another that addressed the technical feasibility of transporting some of our very abundant fresh water from Alaska to California, which had been suggested to alleviate water shortages there. It did not prove to be economically feasible.

We had another one concerning the technological considerations of generating power in very remote arctic villages. And another was the review of oil production challenges in an arctic environment.

There were three others that touched my State in that period of time. One addressed the *Exxon Valdez* disaster; one for oil and gas development in deep water, and in arctic waters in particular; and another one, addressing nuclear waste in the former Soviet Union. They were not particularly at my request, but I did support them.

I want the Senate to know that in my time on this board I became convinced that this is a shared staff. And I have often referred here on the floor of the Senate to the benefits derived from this shared staff in the Office of Technology Assessment. Not only do we share staff, but by virtue of the professional staff we have in the Office of Technology Assessment, they attract onto Washington boards and panels the leading experts of our Nation, if not the world, in the development of new technology.

I think that without this OTA, what will happen is—and now I am speaking in my role as the chairman of the Rules Committee—that we will face increasing demands from individual committees for funds to hire people to do the same thing that the OTA does. The only difference is we will have, as we did before OTA, several committees exploring the same subject with people who are not the experts of the country and without the basic experience of the OTA in framing the issues for review by Congress.

As I came over here today, I picked up from the edge of my desk some of the OTA reports that I have reviewed over the years. This is ''Critical Connections, Communications for the Future, A Summary,'' prepared for the Congress in January 1990. It addressed, as my friend from South Carolina mentioned, the frequency spectrum problem. It was this summary that got me thinking about frequency spectrums. And for three Congresses, I asked Congress to change the policy of dealing with the spectrum that the FCC has under its jurisdiction in our airwaves.

They used to have a policy of having a lottery when a block of frequencies from the spectrum was available. It was announced, and people filed an application. It was literally a lottery. There was a drawing. And for $20 you got a slice of the spectrum that could be worth anything from nothing to $1 billion.

I felt that this summary would convince anybody that this system of disposing of a very valuable commodity, if maintained in the future, was wrong. It led to, as the Senator from South Carolina has stated, action finally in 1993 by the Congress. Last year we received $12 billion for the sale of units of the spectrum. We have OTA to thank. At least the people who have paid any attention to what is done with OTA's work understand where the credit belongs.

Here is another one, March 1992, ''Global Standards, Building Blocks for the Future.'' I keep that on my desk and find it interesting.

''Finding a Balance: Computer Software, Intellectual Property and the Challenge of Technological Change.''

They have another one that I keep and I think other Senators might be interested in it. It is dated June 1993: ''Advanced Network Technology.''

They went into another background paper at our request: ''Accessibility and Integrity of Network Information Collections.'' That was later in 1993.

Incidentally, one of OTA's members referred me to this. It was a cover story of the fall issue of Up Link. Anyone who wants to catch up with what we are talking about should read ''Digitally Speaking,'' a very interesting article.

All I am telling you is, Mr. President, and Members of the Senate, that this entity has led us to become aware of and become interested in and to try to utilize developing technology to meet the needs of the United States. I know of no other way we can get that except through shared staff.

The House has access to OTA. The Senate has access to it. We have equal representation on this body, Republicans and Democrats, and we always have, since its inception, without regard to which party controlled the House or the Senate.

Now we face a challenge to the very existence of OTA, and I am compelled to rise and say I think that OTA is a misguided target. I do believe, as the Senator from Utah said, we can make reductions in the expenditures by OTA. We have made a 15-percent reduction in the staffs of every committee in the Senate. There is no reason why we could not make a 15-percent reduction in OTA, and that was the intent.

But now we face a question of obliteration of the OTA. I want to tell the Senate that I believe the studies that I have seen by OTA have been at the request of a Senate committee or a House committee or by individual Senators, but none of them goes through without approval of the OTA board. None of them go through without a majority of the vote of three Members of each party from each House.

This is a very restrained board in terms of committing money of the United States. I have not agreed with some of the studies, and the record will show I voted against some of them. I voted against some of them because I did not think they involved the assessment of technology. They involved trying to pursue the application of technology. But if we keep to the subject and restrict the OTA to what it was intended to do, it is one of the most valuable entities I have found in the Senate to get access to material that is current about technology.

We are entering an era now of technology expanding at an explosive rate, the likes of which the world has never seen. We are going to see developments—and I saw AMO sitting here a while ago, our good friend Mr. HOUGHTON from the House. Talk to him sometime about fiber optics and how it came about that we have that concept now in the world.

We are looking at technology. We are at the edge of a precipice, Mr. President. The precipice is one that we can fall down into a chasm or we can analyze the way to get across that chasm into a future that is so bright you can hardly imagine it.

I was talking to some of my interns today, and they asked me about what we are going to do in my State when the oil runs out, what happens to our State, supported primarily by oil revenues. I remarked to them about Mr. HOUGHTON's company. Who would have thought in the days gone by we would take grains of sand from a beach and turn it into the most capable means of conveyance of communications known to man.

When it comes down to it, we have used technology in this country to stay ahead militarily, to stay ahead economically, to meet the needs of our people, and yet here we are about ready to do away with the one entity in the Congress that tries to collate and analyze and deliver to Members of Congress credible, timely reports on the development of technology.

I believe, more than most people realize, that we are changing the course of history in this Congress, but this is not one of the hallmarks of that change. This entity ought to be out in the forefront of that change, and it will not be unless it is properly funded and maintained. I support this amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent that the recognition of Senator DOLE at 5 p.m. be postponed for 15 minutes.

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

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of retaining the Office of Technology Assessment. I support the agency and hope that my colleagues will consider it favorably.

OTA is a unique and valuable asset of the Congress. For many years it was also unique to the United States; but within the past few years, it has been used as a model by many democratic nations for establishing their own technology assessment organizations.

OTA is a small agency with 143 permanent employees and an annual budget of $22 million. The agency analyzes science and technology issues in depth for the Congress. It provides Congress with objective, nonpartisan reports and offers options for Members in dealing with related public policy issues. Its

studies are initiated by full committees of the Senate and/or House and are approved by the Technology Assessment Board, TAB, which oversees the agency. That Board consists of six Senators and six Representatives, equally divided by party.

OTA is a first rate scientific organization. Its retention has been supported by the National Academy of Sciences, the American Association for the Advancement of Science, the American Physical Society, Dr. Sally Ride, and a host of important companies, such as TRW.

OTA is unique on the Hill because of the bipartisan Technology Assessment Board. No other support agency has such a mechanism to ensure balance between the interests of both Houses and of both parties. This structure is instrumental in keeping the work objective and balanced, as well as acting as a priority-setting mechanism for the work that is conducted, ensuring that it has broad interest. It enables Congress to leverage OTA's limited resources to greatest effect.

OTA works almost entirely on a bipartisan basis, doing major projects requested by both chairmen and ranking minority members. Since 1980, 79 percent of OTA reports have been requested on a bipartisan basis.

OTA is unique to the Hill in that no such bipartisan organization could exist in the executive branch. For many years, the party holding the majority in Congress did not control the White House. That is again the case. Many of us find OTA's independent, bipartisan analysis very helpful under these circumstances; we do not have to rely on the information and analysis supplied by the executive agencies. Furthermore, over the years, OTA has developed an excellent working relationship with executive agencies—based in part on their bipartisanship, in part on their impartiality, and in part on their professionalism. No other congressional entity elicits this type of cooperation from Federal agencies.

I want to illustrate this with an anecdote. A few years ago the National Institute of Justice at the Justice Department was at odds with industry over standards and testing for police body armor, known as bullet-proof vests. They consulted with Republican and Democratic staffs of the Senate Judiciary Committee to try to break the impasse, but the committee realized it was dealing with technical issues beyond its depth. Finally, the NIJ suggested—and the committee readily concurred—that the problem should be turned to OTA. OTA's reputation for impartiality would give it the credibility to solve the problem, which it did.

OTA leverages its core staff by making extensive use of outside advisory groups, workshops, contractors, reviewers, drawn from both Government and the private sector, here and abroad. Unlike many other agencies, the OTA process ensures that OTA gets extensive input from outside the beltway. Every year, over 5,000 experts help us better understand the complex issues that we need to understand to legislate effectively. But unlike some executive agencies or institutes like the National Academy of Science, OTA does not impanel groups that get together to deliver wisdom while the staff merely writes what they say.

In OTA assessments, it is the staff that writes the reports. They listen to advice, get outside review, and eventually pass products through the TAB to certify that they are unbiased. Outside experts and stakeholders do not write the reports. They provide guidance and advice and collective expertise often well beyond OTA's. But OTA staff filters and assimilates this, uses it in conducting analyses, and seeks further review.

OTA's work differs from other congressional support agencies because its work is based only in the science and technology area; the information is not readily available for look-up in the immediate scientific literature; it is not an audit of a current issue or a project of costs. The indepth process and review of the issues is unique only to OTA, and the scientific and technological expertise of OTA's staff facilitates this approach. With the budget reductions other congressional support agencies are making, it is unrealistic to assume they could pick up OTA's work.

I come from a region that understands that high technology is the area of the future that will provide us the jobs and information that we need. That is what OTA is all about. It does not get information from here. It goes all the way across the Nation to my State to help establish the policies and procedures we need in this Senate. It has been highly reliable, and I think it would be a grave mistake for this Congress to lose it.

I did hear one of my colleagues say that we need to consolidate. Who would not agree in this time of budget cuts? But I remind my colleagues that in the Hollings amendment he requires the Librarian of Congress to report to Congress within 120 days on how they could consolidate the OTA, GPO, and GAO. I think that amendment looks to their recommendations, which I think is reliable. We need the agencies to tell us how they can be efficient and reach those goals. I remind my colleagues, also, that I have heard some say, ''If we cannot cut here, where can we cut?''

This bill in front of us cuts $200 million. It shows where effectively we can cut. I remind everyone that OTA is cut by 25 percent in this amendment. This is a very important agency to me. I hope we do not lose it this year, because I think we will see what the future brings us, and that technology and science is even more critical in the years to come.

Mr. MACK. How much time do we have remaining?

The PRESIDING OFFICER. I believe until 5:15, which is approximately 10 or 11 minutes.

Mr. MACK. I ask the Senator from South Carolina how much additional time he would need?

Mr. HOLLINGS. As the distinguished Senator from Florida knows, I do not need very much time. I am trying to respond to a request that we have on this side to vote around 5:45. Is that agreeable?

Mr. MACK. I must say to the Senator that I was under the impression that he and I would be the last to speak on this issue, and I had asked for a delay of recognition of Senator DOLE until 5:15, with the intention of having a vote at 5:15. I understand that it would be the intention of the Senator to delay his vote until 5:45.

Mr. HOLLINGS. I have a request on this side by the leader here.

Mr. MACK. Then at this point, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. 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. MACK. Mr. President, this debate has gone on for some time now with respect to OTA. I will attempt to make my comments brief. While it was mentioned a moment ago that OTA is unique to the Hill, or to the Senate, it is not unique, though, in what has happened to it.

The Office of Technology Assessment was begun, I believe, in 1972. The idea was that it would be a small cadre of individuals, to make some decisions, would gather information together as to what scientific and technical data is available and provide that to Members of the Congress.

We now have an Office of Technology Assessment that has 203 people, with an expenditure of over $23 million annually. Again, those folks have said that we need a counterbalance to the administration. Well, it is interesting that the administration has something like just under $5 million in its budget for its science advisor, with 39 people.

Another point I will make is that I was called by a number of people asking me to reconsider the proposal to eliminate the Office of Technology Assessment. One of those individuals that called me said, ''Frankly, after I found out what was going on at OTA, I thought it was a small cadre of individuals, a small tight-knit group that would get this information out to Members of the Congress, and I found they had $23 million for their budget.'' He said, ''That should not be.''

There is a sense that if we eliminate OTA, somehow science and technology in America will come to a crashing halt. Again, earlier today we heard about the significance of a grain of sand, if you will. A grain of sand has

turned out to be a very significant item on this planet, which is, in essence, responsible for the computer. Is it not interesting that the computers we deal with today, somehow or another, magically occurred without the Office of Technology Assessment in the Congress of the United States?

During our committee hearings, we had testimony and review of a number of documents. Again, this is the Office of Technology Assessment. Here is a report entitled ''Understanding Estimates of National Health Expenditures Under Health Reform.''

I make the claim that, frankly, that has very little to do with the Office of Technology Assessment.

There is study after study where there is duplication, where we basically—when I say duplication, I mean duplication in the sense of the outside, where we can turn to America and ask them for information that is available. We do not need to spend $23 million in a year in order to bring that about.

Another point: I think that probably one of the most significant scientific debates or debates about technology that we have had in the Congress in years is the issue of the super collider. Interestingly enough, there was no report from OTA on the super collider, again, one of the most significant new technologies that the Congress was considering.

There are those who say that now that we have the budget battle out of the way, this is really not an issue about whether we will cut $200 million; it is a question of where.

Mr. President, I refer to a chart behind me showing the history of GAO's full-time equivalent. We began the process in 1993 to reduce the staff and the size of GAO. It has gone from 5,150 down to 3,865 as proposed under this bill. It is going to go further as a result of what we do in 1997, and what is proposed in this bill as well. This amendment says we ought to go further.

Chuck Bowsher, the Comptroller General of the United States, was not happy to learn that over a 2-year period we would reduce his budget by 25 percent, but he worked with us. We asked him the best way to go about it, and we worked out a plan. We will cut $68 million from GAO this year. Now, with this amendment, GAO will be asked to cut an additional $7 million out of their budget.

This is the wrong way to do it. Mr. President, I urge my colleagues to vote against this amendment. This is only the beginning of the debate. Imagine, here it is, the first appropriations bill, we have suggested eliminating the OTA, an agency, in essence, which we believe is not necessary because we believe we can get the information from a whole series of sources. And we are hearing stories here on the floor of the Senate that basically say if we eliminate OTA, we will end the technology revolution in America. Mr. President, that is impossible because the technology revolution in America is driven in the private sector, not in Government. I yield the floor.

Mr. HOLLINGS. Mr. President, I understand we are trying to terminate debate on this particular amendment and then the leader wishes a vote on another matter.

Let me thank Members for the bipartisan support and the experts that we have heard in the debate, especially the distinguished ranking member of our committee, who has studied it closely. We made the cuts. We were using a $22 million figure. The distinguished chairman now of that subcommittee says it is $23 million, so now it amounts to more than a 30-percent cut that we are cutting the Office of Technology Assessment.

When he talks of the number of employees, Mr. President, there are 4,707 employees over there at GAO. I think we perhaps ought to consolidate it a little bit more.

These arguments that we have heard out of the whole cloth, never have I heard that the Office of Technology Assessment never studied one of the greatest advancements in science and technology, the super collider. They certainly did not, because they have to be asked by these committees, and the committee chairmen were already in favor of it, and they did not want that study. Now, if we had that studied, and they asked, we would have had it, and we might have done away with the super collider a lot quicker, which perhaps the Senator from Florida and I and the Senator from Nevada and I agree on. It is $36 billion in research and studies and development over in the Pentagon—billions. The distinguished Senator from Nevada says we have to economize. But then the Senator from Utah says, ''Wait a minute. We have to look at the entire Government.''

I do not know how to satisfy these arguments. We have worked to protect the Library of Congress in this amendment and hope that our colleagues will support us.

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the hour of 5:15 having arrived, it is time to recognize the majority leader.

Mr. MACK. Mr. President, I move to table the Hollings amendment.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. DOLE. Before we start the vote, I will enter a unanimous-consent request. I am waiting for Senator DASCHLE. In that request will be that, regardless of the outcome of the cloture vote, notwithstanding rule XXII, immediately following the cloture vote, Senator MACK be recognized to move to table the Hollings amendment. He has done that. So the vote will occur on the motion to table the amendment No. 1808.

Mr. DASCHLE. Mr. President, as I understand it, the unanimous-consent agreement just propounded by the majority leader would then require two recorded votes beginning at 6:15.

Mr. DOLE. I did not propound it. I wanted to wait until the Senator was on the floor.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. DOLE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. DOLE. I exercise my right to call for the regular order, thereby beginning 1 hour of debate prior to a cloture vote on the reg reform bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Ashcroft amendment No. 1786 (to Amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as regulatory relief zones and for the selective waiver of Federal regulations within such zones.

Hutchison/Ashcroft amendment No. 1789 (to Amendment No. 1786), in the nature of a substitute.

Mr. DOLE. I ask unanimous consent that all second-degree amendments under rule XXII must be filed by the time of the cloture vote.

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

Mr. DOLE. I further ask unanimous consent that regardless of the outcome of the cloture vote, and notwithstanding rule XXII, immediately following the cloture vote, the motion to table by Senator MACK be voted on, on amendment No. 1808, the legislative appropriations bill.

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

Mr. DOLE. I also ask unanimous consent that if cloture is not invoked, the Senate resume the legislative appropriations bill.

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

UNANIMOUS-CONSENT AGREEMENT—S. 21

Mr. DOLE. Mr. President, I think we have an agreement on Bosnia.

Let me indicate, as I said last night, I did have a phone visit with the President of the United States, and obviously I want to cooperate with the President. I think we now have an agreement that does that. I thank the Democratic leader.

I ask unanimous consent that S. 21 be temporarily laid aside; that on Tuesday, July 25, the majority leader, after notification of the minority leader, may resume consideration of S. 21, the Bosnia Self-Defense Act, and the following amendments be the only first-degree amendments in order to the Dole substitute, and they be subject to relevant second degrees, following a failed motion to table: There be a Nunn amendment, relevant; Nunn amendment, U.S. participation; Nunn amendment, multilateral embargo; Nunn amendment, relevant. Two Nunn relevant amendments. Four amendments by the distinguished Democratic leader or his designee, relevant amendments; a Byrd amendment, relevant; Kerry of Massachusetts amendment, relevant.

I further ask unanimous consent that, following the disposition of the above-listed amendments, the Senate proceed to vote on the Dole substitute, as amended, if amended, to be followed by third reading, and there be 4 hours of debate equally divided between Senator DOLE and Senator NUNN, and then final passage of S. 21 as amended, if amended.

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

Mr. DOLE. So, Mr. President, now we have the 1-hour debate before the cloture vote. Senator JOHNSTON is here, Senator ROTH is here, and there will be a cloture vote and then we will be back on the legislative appropriations bill. Hopefully we can finish that tonight.

Then, we will have the debate, hopefully, on the rescissions bill tonight. I will be talking with the Democratic leader about that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think the two unanimous-consent agreements are ones we feel very, very encouraged by. I think there is little likelihood that all of the amendments that were listed in the unanimous-consent agreement dealing with Bosnia will be utilized, but I think it does allow for whatever extenuating circumstances may occur as a result of the ongoing meetings. But I certainly appreciate the cooperation and the sensitivity demonstrated by the majority leader on this issue. I hope at some point next week we can finalize our work on this resolution, however it may turn out. So tonight, I hope we can have a good debate on the cloture motion and also complete our work on the rescissions bill so we leave nothing other than the votes tomorrow morning on the rescissions package.

There is a good deal of work we can do tonight. I hope Members are all aware that there will be additional votes, at least two additional votes tonight and perhaps more, subject to whatever else may be brought up as a result of legislative appropriations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 343, the regulatory reform bill.

Mr. BROWN. Mr. President, I call up my amendment 1550.

The PRESIDING OFFICER. The Dole substitute is not open to amendment at this time.

Mr. JOHNSTON. Mr. President, parliamentary inquiry: Who is it that controls the time?

The PRESIDING OFFICER. At this point, the time is controlled by the two leaders or their designees.

Mr. DOLE. Mr. President, I designate Senator HATCH.

Mr. DASCHLE. I designate Senator GLENN.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The Hutchison amendment No. 1789.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside that amendment so I may offer my amendment No. 1550.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, I hate to object, but I think we have the 1-hour debate before the cloture vote.

Mr. BROWN. Let me assure the Senator. My hope is this could be unanimously accepted but I would be happy to agree to a 5-minute time limit. Let me explain very quickly.

Mr. JOHNSTON. Mr. President, if one of the Senators can see if we can clear it, then we might not have any debate.

Mr. BROWN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield me 10 minutes?

Mr. HATCH. Could the Senator take 5 now and if he needs more I will be happy to?

Mr. JOHNSTON. Fine.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is like that tennis match I saw the other night, where the games were even and they were in the tie breaker. It is 6-all, in the tie breaker, and there is 1 point that is going to make the difference. And it is this vote. The question is, Does regulatory reform survive or not? Mr. President, it will survive if this cloture vote is granted.

We have been told that there is ongoing negotiation. I can tell you, there are at least three points which are not solvable, and upon which negotiation is not getting closer but is getting further away. Let me explain those three points.

First, can you review existing rules? All of those rules out there which have been adopted, some without consideration of science, some without the foggiest notion as to what they would cost, some defying logic, some being adopted in opposition to what their own scientists have said—can you review those existing rules?

In the Dole-Johnston substitute, you can review those existing rules. In the Glenn substitute, there is no right to review existing rules.

Second, the question of what we call decisional criteria. That is a very minimum, commonsense rule that says in order to have a rule you have to be able to certify that the benefits justify the cost. Mr. President, you would think that would be not only common sense but that would be a rule of logic, a rule of proceeding as to which all Federal bureaucrats would adhere. But there is a gulf between the two sides in this dispute. We have decisional criteria. The Glenn substitutes have what you might call standards for discussion. That is, you can discuss whether or not the benefits justify the cost, but it is not a test and it is not going to be used by anybody in determining the reasonableness or the arbitrariness of that regulation.

Finally, there is a question of whether the court can review the risk assessment, or the cost-benefit ratio for determining whether or not that rule is arbitrary and capricious. I will read the latest draft.

> The adequacy of compliance or failure to comply shall not be grounds for remanding or invalidating a final agency action.
>
> The adequacy of compliance or the failure to comply shall not be grounds for remanding or invalidating a final agency action.

In other words, it does not matter how bad this risk assessment is; it does not matter how central the science is to the question to be done; it does not matter whether it is junk science that uses all scientists on one side of a question; it does not matter how unreasonable, how outrageous the failure is to comply with the risk assessment or cost-benefit analysis—the court may not remand that case to cure that error. That is exactly what we are asked to do.

Mr. President, we are getting nowhere fast. In my view, it is a question of whether you want real regulatory reform or whether you want sham regulatory reform. If you want sham, really if you want business as usual, then vote no on cloture, because that is what you will get and you will be able to go around and say how great these bureaucrats are and what a good job they are doing, because they are going

to continue to do exactly what they are doing now.

If cloture is voted, and I hope and trust it will be, there are a lot of amendments we are perfectly willing to consider.

But there has to be an end to this process. We cannot have amendments out of the expanding file where they keep coming and they keep coming.

Mr. President, the things that we have solved here—judicial review, we thought we had solved that; supermandate, we accepted their language; we thought we had solved decisional criteria; we thought we had solved agency overload, had taken Sally Katzen's own concept; we dropped the Tucker Act; we dropped the chevron language; we upped the threshold from $50 million to $100 million; we gave new language on TRI; we are willing to do more; we are willing to discuss the Delaney rule; we did away with Superfund. Mr. President, we have done a lot. I think we have solved all the problems. Sally Katzen gave a list of nine faults with the original Johnston proposal. And I think we have solved all nine of them.

Now we have found that some of our solutions use the words of the opponents—conceding to them. They used those very words against us which they admitted, which they confected. They used those words against us. Mr. President, I do not think it is reasonable.

I hope my colleagues will bring this debate to an end so we can get on with the amendment process, and so we can pass a bill. Otherwise, it is R.I.P. It is so long to risk assessment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not really recognize what has happened here by the description we just heard on the floor. We have been negotiating in good faith. There has been a lot of progress made. We started out with decisional criteria. They wanted a least-cost. We wanted cost-benefit. The compromise was made that we go to greater net benefits.

Some of the departments still have some problems with that. We are working some of those things out. So we have made progress in that area.

Judicial review—it went to the final rule. But one of the real killers in this is the fact that we still have unlimited new petition processes. That is just a way of saying that anybody that has an interest in killing any particular legislation or any particular regulation will have the opportunity by the possibility of not just a few but hundreds and hundreds of potential routes in the petition process by which they can prevent legislation or prevent regulations being written that might benefit all of America. Yet, they can stop it with this particular bill with those petition processes. That is a killer. We made some proposals on that.

It was my understanding, in talking to the majority leader on the floor about an hour and a half ago, that maybe there was some give in that area and perhaps we would be willing to talk about the petition process, which they were not willing to do before.

Another one that is a killer on this is going to require that when an agency reviews the rule that all reasonable alternatives have to be considered. That is an infinite direction. That is a direction to do something that is probably not possible to do, to take all reasonable alternatives. We wanted to do what the distinguished Senator from Louisiana proposed back several days ago, and that was limit that to perhaps just three or four. We were willing to do that. That is fine.

The sunset provision on this, we made progress in that particular area.

On the special interest section, there were proposals made on that that they were willing to discuss. The toxics release inventory, we want to do that.

At each step along the way what has happened is when we have gotten a letter, a proposal that listed the real answers to some questions we had, we have responded. We are in that same position right now. We are responding. A letter will go back which we worked on early today and earlier this afternoon. That letter is going back right now proposing some give and take in these particular areas.

Why we have to go to a cloture vote now I do not know. My own personal bottom line on these things has narrowed down through all of this process over the last 2 weeks to the no new petition process, to limiting the reasonable alternatives to three or four, as was already agreed to, and to striking that section on special interests. That is the one that is a real killer as far as health and safety goes because it leaves the toxics release inventory. It takes it out. It takes out Delaney which needs modification but not just elimination. And food safety, health, things like that go by the board.

So I just disagree strongly that we have not made considerable progress on this bill.

Now let me start with some truths in this debate. We have heard lots of horror stories about bad regulations on the floor from the proponents of S. 343. I do not have to hear those on the floor. I get enough of them when I go back home. Many of the stories brought out on the floor here were just plain false. I gave the rebuttal to some of those things on the floor here where we think they went too far. Some of the ones were completely valid. We have pointed them out on the floor too.

Let me respond to several of the accusations that the Senator from Louisiana has made about the Glenn-Chafee bill.

He says our lookback provisions for review of existing rules has ''no teeth.'' That is wrong. We do have judicial review of the agency requirements to review rules, but we do not let special interests petition to put rules on the list. Instead, we provide a process where interest groups can appeal to Congress to have a rule reviewed. And that makes more sense. It is more fair.

He says our judicial review language allows more avenues into reviewing parts of cost-benefit analysis and risk assessment than the Dole-Johnston bill. I do not feel that is true. In fact, I think it is not true. We state explicitly in our language that ''the court shall not review to determine whether the analysis or assessment conformed to the particular requirements'' of cost-benefit analysis and risk assessment. We would like them to do the same. I think we are making progress in that area, too.

Senator JOHNSTON wrote a letter to me, Senator BIDEN and Senator BAUCUS in March of this year stating all of his concerns with the Dole bill as it was then. Many of the issues he raised —like too much judicial review and the petition process—are still valid problems in the Dole-Johnston bill. In fact, he stated explicitly in his letter that he did not agree with a petition process for the review of rules. Now he is calling the Glenn-Chafee bill weak for not having such a process.

No. 3, many have accused us of not really being serious about regulatory reform. Let me give you a little background on our good-faith effort to put together a viable regulatory reform package.

The Governmental Affairs Committee reported out a strong regulatory reform bill with full bipartisan support 15 to nothing, coming out of committee with 8 Republicans and 7 Democrats. This bill formed the basis for the Glenn-Chafee substitute. It is a strong, a balanced approach to regulatory reform. It will relieve the regulatory burden on businesses as well as protect the environment, the health, and the safety of the American people.

On the other hand, the Judiciary Committee, on which the Dole-Johnston bill is based, had a very divisive debate on this bill, and they ended up reporting out the bill without amendment.

Before bringing the Dole-Johnston bill to the floor, we sat down with the supporters of S. 343 and had very serious negotiations on two different occasions. We outlined our concerns; we provided written changes to their language. And for the most part our concerns were dismissed out of hand.

Now, after a strong vote on the Glenn-Chafee substitute and two losing cloture votes, they wanted us to come back to the table and negotiate one more time. And we did that yesterday because we want regulatory reform.

I am as dedicated to regulatory reform as anybody in this body. We need it. But we want commonsense reform. We do not want regulatory rollback that is disguised in the rhetoric of regulatory reform. We cannot tie the agencies up in unneeded bureaucratic

steps for a variety of new lawsuits. That is not regulatory reform. That is what this bill does.

We gave Senator HATCH a list of changes that were necessary before we could consider supporting the Dole-Johnston bill. They appear to be moving on a few important issues. Today they are proposing to:

First, change—this was yesterday—change the ''least cost'' language in decisional criteria and replaced it with ''greater net benefits.''

Second, modify a few parts of their judicial review language, including getting rid of ''interlocutory review,'' which is encouraging. However, there are still some questions in this area.

Third, they would possibly adopt the sunset language in the Glenn-Chafee bill.

Fourth, they said they would discuss the toxics release inventory.

But these are not definite changes, and, even so, this bill still has significant problems. First, it has six new petition processes. All, except one, are judicially reviewable and must be granted or denied by an agency within a certain period. This is just a formula to tie up the agencies and prevent them from doing their jobs effectively.

They do not change the effective date of this bill. That means that as soon as this bill becomes law everything on that date must immediately comply with the many rigorous requirements of this bill. This captures all the rules that are out there in the pipeline right now, and will send agencies back to square one on some regulations delaying them unnecessarily.

This is a poor use of Government resources.

Third, they still have special interest fixes. They say they are willing to discuss TRI, and we want to talk about that. But making a cloture vote now does not permit that to happen right now. We think these provisions simply do not belong in a regulatory reform bill. The Governmental Affairs Committee and the Judiciary Committee have held no hearings on these issues. In effect, we are taking jurisdiction away from the committees of normal jurisdiction in these areas. These are special interest fixes, clear and simple.

Fourth, they still have major changes to the Administrative Procedure Act, including adding new petitions. These are unnecessary. They will only add to litigation.

Fifth, too many rules are covered, given the Nunn amendment that sweeps in any rule that has a significant impact on small businesses. These are just some of the major issues still outstanding.

Now, we still want to work in good faith with Senator HATCH, Senator DOLE, Senator JOHNSTON, and others, but we do not want medicine that is worse than the disease itself. And we need sensible, balanced, regulatory reform. The bill as it is now would permit any interest group to tie up in legislation anything for an indefinite period of time that they did not want to see go through. That is not reg reform. That is regulatory favoritism for the favored few. I do not see that that does anything for the American people.

Under the Glenn-Chafee bill——

The PRESIDING OFFICER. The 10 minutes has elapsed.

Mr. GLENN. I yield myself another 2 minutes.

What we do in that bill is try to hit a balance. We provide redress for reg reform that has gone too far. We provide review over a period of time for every single law, every single rule and reg that is out there now. At the same time, we do not dump all of the health and safety regulations that have been built up over the last 25 years, just toss them out or have the possibility by the processes we are providing in this law of throwing them out.

That would be a mistake. We do not want to throw out the baby with the bath water. What we set up in our bill, the Glenn-Chafee bill, was an even-handed approach to this thing. All you can say when you are setting up a bill like the Dole-Johnston bill that provides means by which any interested party can prevent a rule or regulation from going into effect for an indefinite period of time—and that is exactly what this bill does—it cannot be termed anything except regulatory favoritism. That is not in the best interests of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 3 minutes to the distinguished Senator Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I would like to compliment my friend and colleague, Senator HATCH, from Utah and also Senator ROTH, from Delaware, for their patience in working on this bill. I will admit that they have shown greater patience than myself. They have, I think, done an outstanding job in managing this bill. It is a very difficult bill. I also want to compliment the majority leader of the Senate, Mr. DOLE.

I will tell you, we are going to have this third cloture vote, and I think this is the vote. I have heard some of my colleagues say, well, we need to make some more adjustments. We have made I think over 100 adjustments to this bill. I might go through a list, or maybe put a list in the RECORD, of some of the changes we made.

I remember 10 days ago they said we need to increase the threshold from $50 to $100 million. That has been done. We need to eliminate the provisions dealing with Superfund. That has been done. We need to clarify that it does not jeopardize health and safety. We have done that as well. We have had many people mention that it does have a supermandate in it. We said, no, it does not have a supermandate. It does not override the law.

Mr. President, my point is that we have bent over backwards to negotiate with our friends and colleagues who have different views, but we have to draw this thing to a closure. We have to have it come to a conclusion. We need to have, unfortunately, cloture. I say unfortunately; I do not like cloture. But if we are going to end this bill, we have to have cloture. We have over 250 amendments filed—250 amendments—many of which are very arbitrary. Some are serious.

I wish to compliment my friend and colleague, Senator JOHNSTON from Louisiana, because he has worked tirelessly to put this package together. Is it perfect? No. But is it a giant step toward reining in unnecessary and overly expensive regulations? Yes, it is. And it needs to pass. The cost of regulations today exceeds $6,000 per family. And that is growing out of control. We need to rein it in. This is the bill to do it.

We cannot do it if we do not get cloture. I do not think we are going to have another cloture vote. I think this is it. If we do not get cloture today, my guess is we are killing this bill for this Congress, and a lot of people have worked too hard for that to happen. For all my colleagues who say they want regulatory reform, if they want it, they need to vote for cloture. We will have the opportunity to make some adjustments to improve the bill if that is necessary.

I urge my colleagues to vote for cloture and let us pass a positive bill that will rein in unnecessary regulations.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am going to vote for cloture on the next vote, this vote coming up. If regulatory reform means rules that are more cost effective and based on better science and information, then I am for regulatory reform. I continue to believe that the Senate can produce a good regulatory reform bill. So I will vote for debate on this bill to go forward.

Now, I do not think this bill is perfect. There are over 200 amendments pending to this bill. Some of these amendments, if enacted, would roll back the progress that has been made to protect health and the environment over the past 25 years. Every Senator will be reserving judgment on that final vote to see the final package when the day is done. In other words, this is no commitment on my part to vote for the final bill. We will see what it looks like.

If cloture succeeds, I will be working to improve this bill. I have spoken to Senators HATCH and ROTH about provisions that continue to cause me concern, and they have agreed with some of those concerns and promised to work with me on those items.

Let me say I am grateful to the majority leader and to the Senator from

Utah Mr. [Hatch] and the Senator from Delaware, Mr. [Roth] for their willingness to address the concerns that I have expressed. We have put together a package of amendments that will be offered later. They have promised support for those amendments. They will make several changes to this bill that will resolve some of my major concerns.

This package of amendments will strike the provision in the bill that requires agencies to pick the least costly regulatory option. That will no longer be required. They will not be required to pick the least costly option. Instead, they are to select the option that provides the greatest net benefit. Now, this is a very significant change.

This package that we are talking about makes several changes to the judicial review provisions, including deletion of the item that would have required substantial support in the record for all the facts on which the rule is based. That is deleted.

The package also deletes the automatic sunset of existing rules. It scales back the large number of petitions that could be filed under the Administrative Procedure Act. These amendments will definitely improve this bill.

It is time, in my judgment, to complete work on this and move on to other important business in the Senate. We have a lot before us. If we work hard, we can get a good regulatory reform bill.

Mr. President, I will certainly be striving to achieve that.

Mr. COHEN. Will the Senator yield?

Mr. CHAFEE. I would.

Mr. COHEN. I would like to associate myself with the Senator's remarks and indicate that I wish to commend him for the effort he has made to try to persuade our colleagues to move closer to the position of the Senator from Rhode Island and the Senator from Ohio.

Mr. President, I have been engaged in the debate over regulatory reform since February when the Government Affairs Committee held a series of hearing on the issue. I was involved in the negotiations over the bill that emerged from the committee and held a field hearing in April where Mainers had an opportunity to express both support for and opposition to regulatory reform.

I have also carefully watched the debate that has transpired on the Senate floor over the past 2 weeks. Tuesday there was a vigorous debate on the Glenn-Chafee substitute, which, to my disappointment, was narrowly defeated.

I believe that there has been sufficient time for all views to be aired and that extended debate has let to substantive improvements in Dole-Johnson bill. S. 343 has changed a great deal since its introduction. Its supermandate has been significantly modified, its petition process has been narrowed, and the scope of judicial review has been reduced. Due to an amendment on the floor, the threshold for rules to qualify for cost-benefit analysis has been raised from $50 to $100 million, a change that will help agencies target resources at remedying rules that impose the greatest burden on the economy.

Additional negotiations have taken place during this week, since the first cloture petition failed, and some additional concessions have been made to opponents of the bill. I believe that both sides have negotiated in good faith, and I applaud Senators HATCH and others involved in the process for accepting a number of reasonable changes to the underlying bill.

While these changes do not go far enough to ameliorate the concerns I have previously expressed about the bill, there comes a time when the majority must be permitted to impose its will. I believe that time has now come.

I would prefer to see a bill that relied more on Congress to improve the regulatory system than the courts, and I would like to try more incremental reform instead of flooding our agencies with such burdensome analytical requirements that their effectiveness may be hampered.

Yesterday I had occasion to discuss this legislation with Philip Howard, author of the book that has been cited dozens of time during the course of this debate, ''The Death of Common Sense.'' To summarize his views, the man who wrote the book about common sense believes that the bill, in its current form, does not make sense. Its over reliance on litigation and Rube-Goldbergesque petition process will complicate the regulatory process instead of streamlining it. We might well do better to start all over again and try to come up with a bill that is less complicated, but would achieve the goal of meaningful regulatory reform.

Even though I have been unable to convince my colleagues on these issues, I will not stand in the way of permitting an up or down vote on the approach that they support. But if cloture is obtained, I will vote against the bill.

Even if the bill passes the Senate, there remains a long way to go before the bill becomes law. The legislation that passed the House is clearly unacceptable. By voting for cloture today, I am not suggesting that I will vote for cloture on a conference report that contains the same defects as the House bill or exacerbates the weaknesses of the Senate bill.

But the time has come for the process to move forward. I still hold out hope that the bill will continue to be improved and a bipartisan regulatory reform bill will be enacted into law during this session of Congress.

Mr. CHAFEE. Mr. President, I think we share those concerns. We do not have any idea what will emerge from conference, and we are not sure what is going to happen to these amendments that are before us that will be taken up. So my commitment is to vote for cloture. That completes my commitment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 7 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think most Members of this body want a strong regulatory reform bill. I hope most Members of this body also want to make sure that we preserve important health, safety, and environmental protections. The problem with the current version, the most recent version of the bill before us, is that it fails both tests. The bill before us has such procedural complications, so many grounds for litigation, so many appeals to court, that it will not cure the patient. And this patient is sick. It is going to choke this patient with litigation that for the first time will be permitted on just about every request that is made to an agency. Under this bill, for the first time, if you make a request to an agency for an interpretation of a general statement of policy, then the letter that you get back from the agency—and there are tens of thousands of these letters—is subject to judicial review.

We have not had judicial review of agency letters giving guidance, statements of policy, or interpretations of interpretive rules. For the first time; for the first time.

Probably 90 percent of the paper that comes out of an agency in terms of giving guidance to small business people is going to be subject to litigation. This is not curing the patient, this is killing the patient. This is choking the patient to death instead of giving corrective surgery. Now, that is the current version, the current version of the Dole-Johnston bill.

Now, we understand there are going to be some changes that will be offered in this as a result of negotiations, and that is fine, if, in fact, those changes are agreed to by the Senate, and if there is a chance to debate and review these things to see whether or not, in fact, it has happened. But we have just been informed of this in the last few minutes. In the last few minutes, we are now informed there is going to be a whole bunch of additional changes that are going to be made in the Dole-Johnston bill, and changes are needed.

The problem is, there are a lot of additional changes which are needed, as well. There are amendments at the desk which are relevant, which will be precluded from being offered if cloture is invoked. That is a critical distinction, because cloture will prevent the sponsors of relevant amendments which are not technically germane from offering those amendments. And may I say, that is also going to be true of changes in the proposals which are going to be offered by the Senator from Rhode Island. That language has not been offered yet. Amendments to that language presumably are not going to be in order because that language was

not even in the bill at the time the cloture motion was filed.

Yet, if cloture is invoked, amendments which are relevant to the bill which was on file when cloture was filed will be precluded, as well as amendments to these new changes which have been discussed in the last few minutes.

Now, we have made too much progress to legislate this way. We have had negotiations which have been fruitful. We have made progress which I think is reflected by the fact that the Senator from Rhode Island is now saying that many of his concerns have been addressed. That represents progress because many of the Senator's concerns are the same concerns that this Senator has and many other Senators have.

But there are other concerns which we can address if we will continue a process which has made some progress. To suddenly terminate these negotiations by voting cloture and to rule out probably dozens of relevant amendments that many of us have filed in this bill is not the way to address regulatory reform.

Mr. President, whether or not cloture succeeds—and I hope it fails—these negotiations should continue. I think all of us that have been involved in these negotiations, as long and as time consuming as they have been, at times as frustrating as they have been, can honestly say we have made substantial progress. The last thing that we did was to submit a package proposal, and as far as I know, we have not yet received a package response.

But rather than get involved in the debate over what the last item of negotiation was, let me simply say that we have made significant progress during these negotiations and that will be suddenly terminated and upset if cloture is invoked, which prevents relevant amendments from being offered. And amendments to language which has not even yet been seen, but which presumably will be accepted, according to the Senator from Rhode Island, are also going to be precluded, because that language which is going to be presumably accepted was not part of the bill at the time that the cloture motion was filed.

I do not know of anyone who has worked harder for regulatory reform in this body than the Senator from Ohio. As long as I have been here, he has fought for regulatory reform, including cost-benefit analysis, risk assessment, and other changes. The bill which he sponsored, along with the Republican chairman of the Governmental Affairs Committee, got unanimous, bipartisan support in Governmental Affairs. That bill represented significant progress. That bill got 48 votes, basically, in this body a few days ago.

There is, I believe, again, almost a consensus that we must do things differently in the regulatory area. The Senator from Ohio has been a stalwart fighter for regulatory reform. I think it is a mistake to derail the process which we now have, which is to negotiate a strong regulatory reform package, but one that does not choke the patient in the name of reforming regulations. We can have clean air, clean water, a safe environment, and we also can get rid of the abuses of the regulatory process. We cannot have both.

The version that I have last seen, at least—the last version that we have—does not yet achieve those goals. Therefore, I hope that cloture will not be invoked, and that we will then pick up that negotiating process and conclude it. It was moving along quite well until this cloture motion was filed. I am afraid that this cloture motion, instead of advancing the goal which we all share of strong regulatory reform, will derail those negotiations. And that would be too bad.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Missouri 2 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of this bill. He has done an excellent job with respect to the negotiations. They have been going on since February. We have been working on this bill for over a month. The last package that was presented to us by the other side actually gutted the provisions that small business needs in regulatory flexibility. They took out three other main provisions that small business wants.

As I have said on this floor before, small business has made regulatory reform a top priority. The number three item of the delegates to the White House Conference on Small Business was making regulatory flexibility work for small business. We have just successfully negotiated with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, a commonsense change in regulatory flexibility that harmonizes it with the provisions in cost-benefit. So you have cost-benefit and regulatory flexibility for small business. So they work together.

Mr. President, we have gotten down to what we call in Missouri ''Show me time.'' We have had a lot of talk, a lot of nice words. But the time has come to show me whether you are for small business or against it. Small business and agriculture, working men and women in America today want reasonable, commonsense regulations. We have had good input from both sides in this body. We now have a bill that ought to move forward. We are in a position to do so.

So I urge my colleagues to invoke cloture, to cut off the filibuster. Let us get about the job of reforming regulations and see that we can have the commonsense protections that regulations give us without unnecessary burdens.

I thank my colleague from Utah.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 7 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to begin by sharing with our colleagues a statement by the Vice President this afternoon:

> This afternoon, the Senate will consider shutting off debate on the Dole regulatory reform bill. I urge Senators to reject the motion and continue debate. The bill sells out to special interests and puts the health and safety of all Americans at risk. It creates more bureaucracy and more loopholes for lawyers and lobbyists to challenge and weaken health and safety standards. In essence, it threatens the progress we have made over the past 25 years to protect us from unsafe drinking water, contaminated meat and dangerous workplaces.
>
> The American people expect and deserve better. The President supports passage of true regulatory reform legislation. However, this bill fails to achieve it. It should be opposed if it cannot be changed, and should it come to the President's desk, he would veto it.

So the choice here, Mr. President, is whether we go through an exercise which will end up in a Presidential veto or whether we recognize what is really the choice here. The Senator from Louisiana suggested the choice is whether you want regulatory reform or not. That is not the choice before the U.S. Senate.

The choice is whether you want to have a bill that, in the guise of regulatory reform, tears at the capacity of the regulatory process to work and undoes years of progress with respect to the health and safety and environment on behalf of special interests, or whether you want to continue to negotiate in an effort to come up with a bill that is fair and reasonable.

Let me answer the questions of the Senator from Louisiana himself. He suggested to the Senate the question, can you review existing rules, and said, under Dole-Johnston, you can, but under Glenn you cannot. That is not true. That is just not true.

Under the Glenn bill, you have the ability to get on to the schedule through the agency, and even if the agency turns you down you have the ability to have judicial review, and if judicial review turns you down, you have the ability to come before the U.S. Congress and have the Congress put you on the list. That is review: Congressional review, judicial review, and agency review.

The Senator suggested that on decisional criteria, there is somehow a gulf between both sides. He said that in Dole-Johnston there is decisional criteria, but in Glenn-Chafee there is not. But the truth is, we have come to a point of compromise on decisional criteria, and we have given by accepting something that is not even in the Glenn-Chafee bill. We put into our

compromise an acceptance of the concept of decisional criteria so that you will, for the first time, have risk assessment and cost evaluation. That is a giving by both sides, which is reflective of what the compromise process ought to be.

The last question the Senator asked was whether or not you can review in the end. He suggested that somehow we are trying to set up a process that will preclude review of the cost evaluation or the risk assessment. I say to my friend, that is not accurate. We are prepared to accept, and have accepted, the concept of cost analysis review taken into the whole record and judged for arbitrariness and capriciousness, and we have accepted the notion of risk assessment being reviewed as part of the whole record and taken into consideration for arbitrariness and capriciousness.

What we disagree on to this day is whether or not the language set out in the Dole-Johnston bill sufficiently precludes the procedural aspects from being thrown into the mix in a way that increases more regulatory process.

Mr. President, I have shown this before. I show it again because it is not heard. If Philip Howard's book about the death of commonsense suggested that the current regulatory process represents that death, this bill is the funeral, not just for commonsense but for the progress we have made on the health and safety and the environment, because it creates 88 different standards, formal standards, which will become part of the record which will then be subject to the review that the Senator will not assist us in guaranteeing will draw the distinction between procedure and the overall record.

I respectfully say to my colleagues, this is not a vote about whether you want regulatory reform or not. It is a vote about whether or not we are going to continue to put this bill in a position to become a sensible bill that represents the resurrection of commonsense as opposed to its death.

This bill, in its current form, has more petition processes than any agency could conceivably live under. If you are in favor of streamlining Government, if you are in favor of reducing bureaucracy, if you are in favor of taking the maddening chase of Washington out of the process, then you should not vote for cloture, because the fact is that this bill has such a tier of petitioning processes with so many requirements for evaluation, with so many time periods of a fixed certain time that you are going to have this bureaucracy tangled up on top of each other without the ability to serve the American people, which is their purpose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I hope our colleagues will allow us to try to continue and to negotiate a reasonable bill.

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to say that I am pleased we are making, I think, constructive progress on this bill. I have watched the bill as it has progressed, and I have not supported cloture up to this point, because I felt it was necessary to keep pressure on to make sure that constructive progress was made.

I have seen things with respect to cost benefit, to net benefit and matters of change relative to judicial review and substantial other improvements. There are also other amendments pending which I believe can improve this bill. Whether they will improve this bill to the point that I could vote for it, I am not at all sure. But I will watch the progress as we go along.

The filibuster should not be used purely to prevent passage of bills, but it should be used in a meaningful way to ensure that an opportunity is made for constructive change and constructive passage of a piece of legislation.

So although I have not supported cloture in the past, it is my view that it is time to allow us to continue, recognizing that by granting cloture does not mean the debate closes, but rather that we will have amendments which are already filed and are relevant to be taken up.

So I look forward to seeing what kind of progress we have made, what the bill looks like and, therefore, it is my intention to vote for cloture this time, whereas I have withheld my vote in the past two attempts.

Mr. HATCH. I thank the Senator from Vermont. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to urge my colleagues to come together to support the ongoing effort to reform the regulatory process. We want to make regulations both more efficient and more effective. We want to protect health, safety, and the environment in a more effective way, and we want to reduce the cumulative regulatory burden that impacts on all of us as consumers, wage earners and taxpayers.

This is a call for progress, not retreat. Since the beginning of this session, I have stated repeatedly that regulatory reform should be a bipartisan issue and virtually everyone who has examined the regulatory process, regardless of their political bent, has concluded that it needs to be reformed.

Let me just take a moment to share some revealing statements.

President Clinton, in the preamble to Executive Order 12866 on regulatory planning and review, stated:

> The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable.

The Executive order then concludes that ''We do not have such a regulatory system today.''

In a seminal report, ''Risk and the Environment,'' a bipartisan, blue ribbon panel of the Carnegie Commission has emphasized:

> The economic burden of regulation is so great, and the time and money available to address the many genuine environmental and health threats so limited, that hard resource allocation choices are imperative.

Justice Stephen Breyer, who was nominated to the Supreme Court by President Clinton, has testified:

> Our regulatory system badly prioritizes the health and environmental risks we face.

Paul Portney, vice president of Resources for the Future, has observed that ''Much good can come from a careful rethinking of the way we assess risks to health and the environment and the role we accord to economic costs in setting regulatory goals.''

All of these quotes show quite clearly that there is a very real and pressing problem with Federal regulation. This is not about rolling back environmental, health, and safety standards. This is about reforming the regulatory process so we can achieve more good with our limited resources. This is not a one-party issue.

Mr. President, let me point out that today, the managers of S. 343, again, have agreed to many changes to accommodate the concerns of our colleagues. I doubt that our distinguished Vice President has had the opportunity to review these changes. But I hope he will, because I think if he did, he would see that this legislation that we are proposing today means real reform to a system that is badly out of kilter.

Let me point out that we have agreed, for example, to add new language to make perfectly clear that S. 343 does not contain a supermandate. We have also agreed to amend the cost-benefit decisional criteria of section 624 to replace the least-cost test with a greater net benefits test. Moreover, we have agreed to streamline the petition provision to section 553; to delete interlocutory appeals; to replace the automatic sunset in section 623 with a provision in the Glenn-Chafee substitute providing for a rulemaking to repeal a rule; and to delete the requirement that a rule have substantial support in the rulemaking files.

Mr. President, these changes show clearly that we are acting in good faith to meet the concerns of our colleagues who want regulatory reform. I now call upon those who want to help this effort to step forward and support cloture. We must reform the regulatory process in a meaningful way, and the Dole-Johnston compromise would provide the reform we need. It would be a terrible waste to destroy this unique opportunity to reform the regulatory process.

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

CLEAN WATER ACT PENALTIES

Mr. PRESSLER. Mr. President, it is my intent to offer an amendment to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, the goal of the underlying legislation is to bring common sense to the regulatory process. That is the goal of my amendment.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency [EPA], or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I talk with South Dakotans, few topics raise their blood pressure faster than their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against cities and towns that are trying to comply in good faith with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city, and the State of South Dakota in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to $25,000 per day.

The city of Watertown has entered into a municipal compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I do not know of any cities in South Dakota that can afford those kinds of penalties.

My amendment would offer relief to cities like Watertown. Under my amendment, local governments would stop accumulating civil and administrative penalties once a municipal compliance plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my amendment would act as an incentive to encourage governments to move quickly to achieve compliance with the Clean Water Act.

This amendment simply is designed to address an issue of fairness. Local governments must operate with a limited pool of resources. Localities should not have to devote their tax revenue both to penalties and programs designed to comply with the law. It defies common sense for the EPA to be punishing a local government at the same time it is working in good faith to comply with the law. My amendment restores common sense and fairness to local governments. By discontinuing burdensome penalties, local governments can better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

Mr. President, I see the distinguished chairman of the Environment and Public Works Committee on the floor. I know my colleague is aware of my amendment, and that it would affect the Environmental Protection Agency, which is within the jurisdiction of his committee.

Mr. CHAFEE. I thank the Senator from South Dakota. The Senator raises some understandable concerns regarding the imposition of civil and administrative penalties on municipalities working to comply with the Clean Water Act.

As my colleague knows, my committee will soon begin consideration of the reauthorization of the Clean Water Act. I believe the Senator's proposed amendment is worth considering as part of the Clean Water Act. In fact, in August, I intend to hold a hearing to discuss changes to the Clean Water Act.

Rather than offer the amendment to the pending legislation, I invite the Senator from South Dakota to testify at this hearing on the very issue addressed in his amendment. Further, the Senator from South Dakota has my assurance that the Environment and Public Works Committee will give his proposal full consideration during its deliberation of the Clean Water Act.

Would that be satisfactory to the Senator?

Mr. PRESSLER. The suggestions of the Senator from Rhode Island indeed are satisfactory. I look forward to testifying before his committee on the issue of allowing the waiver of civil and administrative penalties for municipalities working toward compliance with the Clean Water Act.

I would like to emphasize that the National League of Cities, the National Association of Counties, and the South Dakota Department of Environment and Natural Resources have expressed strong support for my proposed amendment. In addition, my amendment is supported by the Democratic leader and by the chairman of the Subcommittee on Drinking Water, Fisheries and Wildlife.

My chief concern in seeking to enact this measure is to prevent Watertown, SD, from being forced to pay penalties that are accumulating while the city is devoting its limited resources to compliance with the law.

Mr. CHAFEE. I understand the distinguished Senator's concerns. I recognize that his measure already has bipartisan support and the backing of a number of local government organizations. I also recognize the strong desire of the Senator from South Dakota to assist the people of Watertown. For those reasons, I intend to work with my friend from South Dakota and give his proposal full consideration in my committee.

Mr. PRESSLER. I thank my friend from Rhode Island for his willingness to consider this important measure. I look forward to working with him to ensure that local governments are treated fairly under the Clean Water Act.

Mr. HATCH. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, within the last 48 hours, I heard a story I want to share with the Senate. Two businessmen, who, 15 years ago, were working people, got into a business. They worked hard. The banks lent them some money. In both cases, they are very wealthy today, and they have families. They struggled through 15 to 18 years of hard work in businesses.

One of the most deplorable statements I have ever heard is that these two men have both said openly and publicly, ''I do not want my sons to go into business. Business is not worth it anymore.'' That is what we are talking about here. They did not say that because business was too hard for them, but because Government had made it too hard for them, and it did not justify their hard work and dedication sufficiently for them to want their sons to join and go into the private sector as young businessmen and struggle in the American regulatory environment of today.

That is what this evening is about. We are choking that kind of enthusiasm. And I can tell you—I do not know if it is widespread, but I am frightened to hear it. If it becomes widespread in America, it will choke what America needs most—risk-takers, small business people who are thrilled enough about it, that they would love to have their kids join them and go into business.

So if we wonder who we are working for—the Vice President's letter says ''special interests.'' Whenever there is nothing else to talk about, the Vice President or somebody in the White House says, ''special interests.'' Our special interest is the small business men and women in America, who create the jobs, create the wealth. They cannot stand it anymore. How much longer do we have to stay on the floor before we send them a little hope that

what we are doing is not going to continue as it has been? You know, I do not think they would believe us anyway. The more they watch what is going on here on the floor, I am confident that if any of them did, they are even more sure that we do not know whether we are ever going to help them or how we are going to help them.

SMALL BUSINESS ADVOCACY AMENDMENT

Mr. DOMENICI. Mr. President. I am pleased the Senate has accepted my small business advocacy amendment to the regulatory reform bill. Several issues have been raised relative to this amendment that I believe warrant clarification.

First, a concern has been raised about the issue of timing; that small businesses will have input into the regulatory process prior to a notice of proposed rulemaking is issued and that other affected interests do not have this special treatment. In response to this concern, let me quote several findings from the July 1994 ''Small Business Forum on Regulatory Reform—Findings and Recommendations of the Industry Working Group:''

> The work groups clearly felt that early communication and input from small business owners and other stakeholders would be key ingredients in the achievement of the dual objectives of participation and partnership. . . . Many agencies track in-house, by computer, the progress of all proposed regulations which have reached the drafting stage. Each agency presently prepares and submits to OIRA a regulatory agenda every six months which includes all regulations proposed by the agency.
>
> Much discussion and deliberation took place in the work groups regarding the earliest date at which input should or could be solicited from stakeholders affected by a proposed regulation. At any given moment in time, there may be hundreds of ideas and concepts afloat in an agency. To solicit input at the very inception of the idea would impose too much of a burden upon the agency and the small business community. Often one, two or even more years pass while a regulation is in the development stage, supporting information is being gathered and analyses are being made. At the same time, waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

Let me emphasize, the working groups—which included participants from the Environmental Protection Agency and the Department of Labor—met in multiple sessions over a 3 month period of time. A total of 70 Government representatives participated in the work sessions. The report stated that although the interagency groups worked independently, their reports reached similar conclusions:

> Their similarity suggests that the problems facing both small business owners and the agencies in the regulatory process may be universal, extending across industry and agency lines. The groups all agreed that a comprehensive, multi-agency strategy, with improved public involvement, is likely to be the most cost-effective way to improve the quality of regulations and to enhance regulatory compliance.

As the working groups noted:

> . . .waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

The working groups explored various ways to address the need for early input, suggesting an Electronic Regulatory Information Center [ERIC] or electronic dockets to advise the most interested parties of forthcoming regulatory initatives. These suggestions have considerable merit, not only for small businesses but for any others who are interested in the impending regulations.

It is absolutely true that the small business advocacy amendment has singled out small businesses as important entities deserving early participation in the regulatory process. I believe the specific requirements for input, as articulated in the amendment, are wholly consistent with existing statutes, various Executive orders, and countless studies and reports that require or recommend small business collaboration in the process. And, as evidenced by the agency working groups in the small business forum on regulatory reform, early participation has a beneficial impact on the relationship of the stakeholders and the Federal Government.

I believe I speak for millions of small business men and women when I say that a ''partnership'' with their government is what they are after, not the present ''adversarial'' relationship. Let us not be afraid to change the present system—we know it is not working at its optimum. If we need to change the entire system so other affected members of the public have a means of voicing their particular concerns early in the process, then let us do it. Let us not, however, be fearful that early input or early participation by small businesses is detrimental to the process or gives them an unfair advantage. Early participation is already supported as one of the best ways to address potential problems.

It was my intent, and the intent of those who cosponsored this measure, to provide a much-needed mechanism for two federal agencies to be able to address what they, themselves, have already recognized as a deficiency in the present system: The need for early input for information and discussion purposes to make the process more efficient and effective.

I am pleased that this principle of reaching out to affected citizens is one with which we seem to all agree. I suggest, therefore, that if this mechanism works as we all believe it will, that it may just have a positive impact on the way all regulations are developed in the future, for all of our citizens who wish to make things work more efficiently and effectively. The bottom line is that the regulatory process should be a collaborative effort between the public and the Federal Government.

As important, small businesses should not be seen as autonomous, faceless, inhuman entities trying to skirt the health, safety and well-being of their fellow citizens. These are men and women—and in my State, the majority of new businesses are small businesses, and the majority of those are women-owned businesses—who are trying to make a living, with fairness and good business practices. They may hang out their shingle as a CPA firm, establish a women's magazine for the local community, set up a hardware or supply company, or make salsa to sell at the local museum—they all fit the definition of small businesses. When there is criticism that the workers may be shortchanged in a new regulatory process, I suggest we should consider changing our definition of workers. These men and women are workers, and their voices are as critical to the process as are, for example, the voices of a 20,000-plus member labor union.

The second issue I want to clarify is that a post-regulation survey may be a burden on an agency. I strongly support efforts to reduce the paperwork burden on all Americans, including our federal agencies. Relative to this survey, I cannot believe that agencies are disinterested in how their regulations are working. We, in Congress, certainly receive enough inquiries requesting revisions to various regulations to know that some regulations need changes. And, we certainly know that small businesses find complying with multiple regulations imposes an incredible burden on them because a company of 25 employees must comply with most of the same regulations as a company of 1000 employees: this costs time and money a small company often does not have.

To better understand the impact of a major regulation on small entities, a survey will provide vital information as to how well it is working and whether there are ways to adjust the regulation to meet changing circumstances or needs. Why should such a survey be a burden or incur a frightening scenario to an agency? The agency does not have to be involved with the survey—it will hire a firm to conduct the survey and provide its findings. And, there is nothing in this amendment that mandates a small business must respond to a survey or that the agency must adhere to any of its findings. In fact, from all of the information I have received from the New Mexico Small Business Advocacy Council—which I established 2 years ago—and other small business suggestions, small businesses would love the opportunity to provide an assessment of how a regulation is working, either pro or con.

Mr. President, I and others have been listening to the men and women in our

States who have said there is a problem with the regulatory process. In effect they have been telling us in every possible way they can that they need to be a participant in this process; they would like to offer suggestions that will make regulations work better; that they have some common sense suggestions that can make the regulatory process a participatory one. But, there is no mechanism that provides an informal way of getting their message out. Everything is complicated. Everything is rigid. And, nobody cares.

We are offering a possible solution so that the voices of millions of men and women-owned small businesses can be heard. We are offering a mechanism for a question and answer survey to be conducted that may provide some meaningful insights as to how regulations, including, for example, how health and safety standards can be better implemented.

I am proud of this amendment. I do not believe the majority of Americans are fearful of this approach; it is an inventive one that we hope is responsive to legitimate concerns.

I believe the revisions worked out prior to the amendment's acceptance helped clarify its intent. I hope we can wholeheartedly embrace this innovative approach to ''hearing'' from our American men- and women-owned small businesses. Their voices—their counsel and advice—can help make our regulatory process more responsive and workable. Everyone will benefit.

SOUND SCIENCE AND RISK ASSESSMENT

Mr. DOMENICI. Mr. President, I would like to register a small historical footnote during the debate on the regulatory reform bill. During consideration of the Clean Air Act Amendments in 1990, Senator DOLE and I started to ask questions about how the Environmental Protection Agency did risk assessments and what those risk assessments meant.

We and many of our colleagues were surprised, and somewhat incredulous, as we learned that these risk assessments involved unrealistic assumptions about human exposure and overly conservative assumptions multiplied by other overly conservative assumptions. I still refer with wonderment—and I know Senator DOLE does this as well—at the so-called mythical man standing at the fenceline breathing a pollutant continuously for 70 years, never bothering to leave for work or to raise a family—or even move 20 feet away.

As a result of this inquiry, we established under the Clean Air Act a Commission on Risk Assessment and Management to advise the Congress and the administration on appropriate principles of risk before the residual risk section of the air law takes effect. We also commissioned the National Academy of Sciences to do a report on current risk assessment practices. That report, entitled ''Science and Judgment in Risk Assessment,'' was issued last year, and contained a number of criticisms in the way that the Environmental Protection Agency presently conducts its risk assessments during rule promulgation.

As a result of this activity, I sought and got an amendment during reauthorization of the Safe Drinking Water Act last year that would have required regulations issued under that act to be based on the best available peer-reviewed science. Such good science was clearly needed with regard to the operation of the Safe Drinking Water Act. For example, EPA has consistently proposed a minimum contaminant standard for radon in drinking water which could cost water systems upward of $12 billion in capital cost alone, even though EPA's own Science Advisory Board criticized that standard for not focusing limited resources on more important risks.

My good science amendment was a specific remedy in one law. But I believe that there is an urgent need for realistic and plausible exposure scenarios and sound science in all risk assessments. I am pleased, therefore, that the Dole bill requires that risk assessments be based only on the best available science, a basic requirement which has been sorely needed for far too long.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time is left?

The PRESIDING OFFICER. The Senator from Utah controls 8 minutes. The Senator from Ohio has 4 minutes.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. HATCH. I would like to yield the last 2 minutes to the distinguished Senator from Louisiana, if I can. First, I will yield myself all but the last 2 minutes. I would like to have notice when 6 minutes is used.

I really have to say that I am very upset right now with some of the arguments that I have heard from the other side, because they could not have read this bill, could not understand the concessions that we have made time after time, day after day, meeting after meeting, hour after hour, and make the statements that were made today.

Some on the other side are so worried about subjecting the bureaucracy to too many ''hoops,'' that they forget the American public out there and how many hoops they have to jump through.

Let me tell you, we are being regulated to death in this country. What about the hoops that the American citizens have to jump through because of a bureaucracy inside this beltway that does not consider their needs and enacts silly, stupid, dumb regulations that are wrecking our country. On this bill, we have had it with some in the media, who continue to completely misrepresent, in the most despicable way, what this bill means.

I assure you that we would not have some of these Senators voting for cloture today if they thought for a minute that some of these representations were true. Now, we do not believe that the latest Kerry-Glenn proposals are right. They not only do not address our offers made on Tuesday, which were made to meet both side's concerns, in words that we thought we had agreed on in the meetings; but then their counteroffer significantly expands the areas of disagreement by adding new issues. That is what we have been going through the whole time. We get to where we think we have it, and the next thing you know, 10 more issues are on the table.

Let us worry a little more about the American people. This bill takes care of providing that the best science will be applied, and that the right decisions will be made, and that the bureaucracy will have to be accountable for the first time in the history of this country. This is one of the most important bills in the history of this country because it means getting the status quo, the overwhelming, unthinking bureaucracy, off of our backs and makes them become more responsible to issue good regulations, rather than bad, based upon the best science available.

It gets the American public from underneath the horrendous burden of unnecessary, silly, and dumb regulations. If there is a funeral, to use the metaphor used by one of my colleagues, it is ''a funeral for common sense'' if we do not pass this bill. If there is a funeral on the other side of that quotation, then it is the celebration of the status quo. I would have to say that most of the opponents of this bill have not even read it. They could not have read it and made some of the comments that they made.

We have tried and we have worked very, very hard to bring people together. We have been criticized—Senator ROTH and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.

We think we are there. That does not mean if we invoke cloture that we will not continue to work to try and satisfy our sincere colleagues on the other side, not the least of whom is Senator GLENN, who has worked very hard to try and resolve this. I know he is very dedicated, and sincerely so, to resolve these problems. There are a number of others who are as well, and I want to pay tribute to them.

This is a key vote for small business. Every small businessman in the country has to be watching this vote. I have to say even harmonized reg flex has cost-benefit criteria. We have done so much to try and make this bill acceptable to both sides. I think it should be acceptable. We will continue to work, but I think we need to invoke cloture. It seems to me the time is now. We have waited long enough. Frankly, it is time to do this.

The other side is so worried about subjecting the bureaucracy to too many hoops. What about the American public? What about the hoops that the American public has to go through to satisfy the horrendous burden of regulation?

If this is a funeral for common sense and a celebration of the status quo, most of the opponents of this bill have never read it.

We believe that the latest Kerry-Glenn-Levin proposals not only do not address our offer made Tuesday in good faith to meet that side's concerns, but significantly expands the areas of disagreement by adding new issues.

First and foremost, the proposal to strike the decisional criteria section and replace it with a certification process is unsatisfactory. The decisional criteria section is at the heart of Dole-Johnston because it is the mechanism that both sets the standard for cost-benefit analysis and assures that the analysis is done by the agencies. We believed that their side had agreed to the concept of a decisional criteria section, but that the language of the standard needed to be negotiated. Their proposal to strike this section constitutes the most significant area of disagreement.

Other significant areas of disagreement include their proposal to limit the reasonable alternatives that an agency must disclose in a rulemaking to three or four. While the number of options for a particular rulemaking may be small, in certain circumstances it may be greater, and disclosure of all relevant options is necessary for effective public participation in the rulemaking process and for judicial review.

We also object to the elimination of the petition processes. The right of the American people to petition their government is a fundamental constitutional right. We believe that Congress has a duty to assure the efficacy of this right. Consequently, we object to the deletion of these provisions from S. 343. As to eliminating the petition for review of a major rule, we believed that we had already reached an agreement to keep this provision as part of the agency review of rules section and are disappointed and somewhat surprised at your suggestion to eliminate it. As to the section 553(1) petition process for nonmajor rules, the suggestion to strike this subsection will render this longstanding APA petition process virtually useless. This is because the section 553(1), for the first time, establishes an 18-month time limit for agencies to answer the petitions. The lack of a time limit has rendered the present APA petitions moribund.

Other significant areas of disagreement with their most recent proposal includes striking TRI, the Delaney Clause reformation, and the section 707, the consent decree reform provision.

Furthermore, new issues have been raised for the first time which makes closure even more difficult. These include weakening the regulatory flexibility judicial decisional criteria, and, as stated above, the limiting of the reasonable alternative requirement to a few options. The raising of these new issues contravenes our understanding that we had just a limited universe of four items—decisional criteria, judicial review, sunset, and petitions—to negotiate. Obviously, we cannot continue these negotiations forever; we have already in good faith made over 100 significant and technical changes to the bill.

CHANGES WE ARE PROPOSING TO S. 343

First, judicial review. Language is changed in section 625 to clarify that there is no independent review of the procedures of the bill, but that judicial review will be of the rulemaking file as a whole under an ''arbitrary and capricious'' test.

Second, decisional criteria. Further language is suggested to clarify that there is no supermandate in the decisional criteria section; and adopt the greater-net-benefits test.

Third, section 553(1) petition. Strike language providing for petition of interpretive rules and guidance documents.

Fourth, section 623 petition—agency review. Add requirement that the court, to the extent practicable, shall consolidate petition review in one proceeding.

Fifth, reg flex. Amend section 604, subsection (c) of title 5 to change the standard to one of compliance burdens.

Sixth, substantial support test. Strike substantial support test in section 706.

Seventh, sunset. Adopt language of Glenn-Chafee substitute on sunset.

I ask unanimous consent to have printed in the RECORD a letter and attachment on this subject.

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

U.S. SENATE,
Washington, DC, July 20, 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, Hart Senate Office Building, Washington, DC.

Hon. J. BENNETT JOHNSTON,
Ranking Member, Committee on Energy and Natural Resources, Hart Senate Office Building, Washington, DC.

DEAR ORRIN, BILL AND BENNETT: We have received your letters dated July 19, and are pleased to see progress on several of the key regulatory reform issues. As you know, however, our July 18 list of major issues was a package, and several of our key issues were not addressed in your letters.

Attached is a list of amendments we need included in our package of amendments. This list represents a revision of our July 19 proposed amendments. The major issues are as follows:

First, we cannot accept a bill that provides new opportunities for litigation, or delays or stops needed health, safety, or environmental protections. We have always opposed the new judicially reviewable petition processes contained in Dole/Johnston, which will result in bureaucratic gridlock and excessive litigation. Glenn/Chafee contains a workable review process. In the interest of compromise, the attached amendments would modify the Glenn/Chafee review process in order to provide for judicial review of the agency schedule and for review of major free-standing risk assessments. Your proposal to accept the Glenn/Chafee action-forcing rulemaking provision, as opposed to an automatic sunset, is an important, positive step. It does not, however, address our concerns about the new petitions and the review process.

Second, our July 19 offer included cost-benefit analysis, but not a new and inflexible decisional criteria. While your counteroffer proposed a revision to the decisional criteria that we are willing to consider, continuing concern about the effect of decisional criteria recommend that we discuss this issue further before making any final decisions.

Third, with regard to judicial review and unwarranted litigation, we propose a variation on standards for judicial review. The elimination of the interlocutory review language in Dole/Johnston sec. 625(e) is a good step, and we assume this includes the elimination of the Reg Flex interlocutory appeal provisions. Also, the elimination of the ''substantial support'' language in Dole/Johnston sec. 706(a)(2)(F) is a welcome change.

Fourth, on the subject of special interest issues, while we continue to believe that it should not be included in the legislation, we are certainly willing to discuss the Toxic Release Inventory. We remain equally concerned with the other special provisions we have identified, as well.

Finally, important issues not addressed in your July 19 letters include a limitation on ''reasonable alternatives,'' a future effective date, a limitation on extension of deadlines, the number and scope of rules covered under the law, and revisions to the Regulatory Flexibility Act. The specific language and/or filed amendments for each of these issues is contained in the Attachment.

While we are pleased to see progress on key regulatory reform issues, each of these issues is part of a package. We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole. We hope you will look closely at this letter and the attached language, and respond to us. Working together in this way, we are confident that we can develop a regulatory reform proposal that can be accepted by the vast majority of our colleagues. We look forward to hearing from you.

Sincerely,

JOHN GLENN,
CARL LEVIN,
JOHN KERRY.

SPECIFIC LANGUAGE, 7/20 RESPONSE TO 7/19 ROTH/HATCH AND JOHNSTON LETTERS

1. Decisional criteria.

A. Discussion needed on decisional criteria standards and relation to underlying statutes.

B. Limit alternatives agencies must consider to a limited number of alternatives.

C. Strike regulatory flexibility decisional criteria and replace Regulatory Flexibility Act judicial review (Glenn Amendment #1656).

2. Litigation opportunities.

A. Strike petition processes (Levin Amendment #1648):

On page 11, strike lines 5 through 19.

On page 12, strike lines 9 through 12.

On page 59, strike line 10 and all that follows through page 60, line 23.

On page 44, strike line 14 and all that follows through page 46, line 4.

B. Standards for Review:

Offer—revise D/J s. 625(d):

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).''

Response—substitute the following:

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, the information contained in any cost-benefit analysis or risk assessment required under subchapter II or III may be considered by the court as part of the administrative record solely for the purpose of determining whether the final agency action is arbitrary, capricious, or an abuse of discretion. The adequacy of compliance or the failure to comply with subchapter II or III shall not be grounds for remanding or invalidating a final agency action, unless the agency entirely failed to perform a required cost benefit analysis or risk assessment.''

C. Interlocutory Review:

Offer—strike D/J s. 625(e).

Response—Accept, provided that this includes striking the Nunn/Coverdell Reg Flex interlocutory review provisions.

D. Scope of Review:

Offer—strike D/J s. 706(a)(2)(F) re: ''substantial support in the rulemaking file''.

Response—Accept.

3. Agency review of rules.

Offer—Replace Dole/Johnston sec. 623(i) with Glenn/Chafee sec. 625(g) language re: agency initiation of rulemaking to repeal a rule.

Response—Judicially reviewable petitions for review are unacceptable. Substitute G/C sec. 625 for D/J sec. 623 with changes as proposed in 7/19 follow-up to the 7/18 ''Proposed Package'', i.e.:

A. Strike sec. 625(c), and insert in lieu thereof:

''(c) Agency decisions regarding deadlines for review of rules contained in a schedule issued pursuant to subsection (b) shall not be subject (b) shall not be subject to judicial review.'' [COE95.845—p. 18, 1. 4–10];

B. Strike sec. 625(h)(2) [COE95.845—p. 21, 1. 22–25 as modified];

C. Insert a new subsection at the end of sec. 625:

''(i) For purposes of this section, the term ''rule'' shall include a risk assessment, not associated with a rule, that has an effect on the United States economy equivalent to that of a major rule.'' [COE95.845—p. 21].

4. Special interest sections—Strike relevant sections: e.g., Lautenberg #1574 (TRI), Glenn/Levin #1658 (consent decrees), Kennedy #1614 (Delaney), and Kennedy food safety.

5. Other.

A. Provide for a reasonable future effective date of 180 days after enactment (Glenn Amendment #1657).

B. Limit the extension of statutory and judicial deadlines (to allow agencies time to implement new regulatory process requirements) to 2 years (Chafee Amendment #1591).

C. Limit the number of rules covered by the legislation under the Nunn/Coverdell amendment.

Mr. GLENN. I yield such time to the Senator from Michigan as he may need. The Senator from Michigan came here, and his No. 1 item was to see if we could not get into regulatory reform. He was president of the city council in Detroit and had so many programs, and he has been working on it since he has been here.

I yield to him for a parliamentary inquiry.

Mr. LEVIN. I make the parliamentary inquiry, Mr. President, that if cloture were invoked, are amendments which are relevant, according to the unanimous consent, in order or out of order, if, while they are relevant, are not technically germane.

The PRESIDING OFFICER. The relevant standard is considerably broader than the germaneness standard, so they would not be in order.

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and 16 seconds.

Mr. HATCH. May I make a parliamentary inquiry on my time? Is it not true that both sides can agree post-cloture and add language to the bill?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. GLENN. Mr. President, we all want sensible regulatory reform. I want regulatory reform as badly as anybody here. We have worked on it for years in our committee, the Governmental Affairs Committee, but I want balanced regulatory reform, not regulatory reform slanted so much that anybody that objects to a particular regulation coming out could tie it up in courts in judicial review for almost an unlimited period of time.

We have negotiated in good faith on this, back and forth, and I am sorry we have to go to another cloture vote on this because contrary to what has been said here, we have made a lot of progress. We did not have time enough to go through all of it.

Mr. President, S. 343, the Dole-Johnston bill, does not fix the problem. It was quoted a moment ago that President Clinton said the American people deserve a system that works for them. We do not have such a system today. I submit that S. 343 does not give that balanced system either.

The President has taken initiatives on this and already cut out 1,200 pages of regulation out of 13,000 pages reviewed. So they are working hard at making corrections. We do not need a bill that does nothing but provide regulatory favoritism. That is all we can call this, when they insist on keeping in such things as provisions gutting the toxics release inventory that protects people around plants, and so on. That is just not right that we pass something like that.

We, in good faith, submitted another proposal this afternoon. We gradually, one by one, as proposals have been sent back and forth between the two sides, have worked out a lot of our differences, and this is one of the most complicated bills, one of the most complicated pieces of legislation that we can have, because it refers to so many aspects of law. It affects every man, woman, and child in this country.

In that respect, I ask unanimous consent that the article out of this week's issue of Newsweek called ''Of Helmets and Hamburger'' be printed in the RECORD.

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

OF HELMETS AND HAMBURGER

CONGRESS: DECIDING WHAT YOU EAT AND BREATHE

Soon after Lori Maddy moved into her Sedgwick County, Kans., farmhouse in 1982, she noticed that wind blowing from the direction of the nearby Vulcan Chemicals plant carried a smell like ''the inside of an inner tube.'' So Maddy joined with neighbors to ask Vulcan what, exactly, it was venting. None of your business, Vulcan replied. Then came a 1986 law requiring companies to report—not stop, just report—their toxic releases. Vulcan turned out to be spewing 50 percent of Sedgwick's total emissions, including carcinogens. Spurred by local outrage, Vulcan voluntarily reduced its pollution by 90 percent. ''We felt obligated,'' says plant manager Paul Tobias, ''to win back the public's trust.''

The Toxics Release Inventory (TRI) seems to be a smart way to reduce pollution, but Congress has put TRI and every other federal health, safety and environment rule in the crosshairs. The House passed a strong regulatory-rollback bill in February. Last week the Senate fought over whether it, too, would (pick one) ''wage a full frontal assault on the American people and their environment,'' as Environmental Protection Agency chief Carol Browner put it, or ''take the heavy hand of the federal government out of people's lives,'' as GOP Sen. Olympia Snowe of Maine said.

Washington is already well down the road to deregulation. Congress is moving to free the states to raise speed limits and eliminate the requirement that motorcyclists wear helmets (table). The U.S. Fish and Wildlife Service wants to exempt small-property owners from the Endangered Species Act so they can build on their land even if that damages the habitat of a rare breed. EPA and the Occupational Safety and Health Administration no longer fine first offenders. But the House's antireg bill, and now the leading Senate version, are much broader, affecting anyone who eats meat, drinks water or breathes:

Meat: Bob Dole, sponsor of the Senate bill, wants to deliver regulatory relief this year. But smack in the middle of the Senate debate came news that five children in Tennessee had gotten *E. coli* poisoning, which comes from contaminated hamburger. Such outbreaks, say consumer groups, will become even more common if Dole gets his way. In its current form, they charge, the Dole bill requires federal agencies to prove by extensive analysis that any proposed rule—including better meat inspection—is the cheapest way to protect the public. Showing that the rule's benefits (avoiding 4,000 deaths, 5 million illnesses and up to $3.7 billion in medical costs a year) are greater than its cost to industry ($245 million a year) wouldn't automatically be good enough. Dole disputes this, but there's no doubt that under his plan industry could sue to overturn the rules on much weaker grounds than current law allows. Dole, says Adam Babich of the Environmental Law Institute, is trying to solve ''the problem of too much bureaucracy by adding bureaucracy. It would flunk its own cost-benefit test.''

Air and water pollution: If the GOP proposals had been law in the 1970s, some regulations on air and water quality might never have made it. The cost-benefit analysis of banning lead in gasoline, for example didn't clearly show that it would spare children

much neurological damage. EPA went ahead anyway, and subsequent research shows that the lead phaseout cut blood lead levels far more than EPA expected. The GOP's new plan would also affect existing regs on how much pesticide and fecal bacteria can be in drinking water. Rules would automatically expire every five to 10 years unless an agency reanalyzed (and, possibly, relitigated) them.

Republicans respond with horror stories of regulators run amok. Some are hyped, but many are not. Limits on how much chloroform from paper mills may pollute drinking water, they say, cost $99 billion per year-of-life saved. Even Clinton has a bit of regulation-cutting religion; he's eliminated hundreds of silly federal rules. But more rollback seems inevitable. Ironically, it's coming at a time when GOP budget cutting—EPA is look at a 40 percent hit—will make it even tougher for agencies to meet the stiffer requirements for justifying rules. But maybe that's the idea.

REGULATIONS GO ON THE BLOCK

Washington appears determined to review, and in some cases dismantle, health and safety rules. The results will affect everything from beef to how fast you can drive.

Status quo	GOP plan	Democratic retort
Inspectors "poke and sniff" for spoilage, but 4,000 people a year die anyway. USDA proposes more scientific methods.	The Senate bill would require the USDA to prove that the benefits of its new inspection system outweigh the costs.	The GOP plan would delay reasonable reforms that would save hundreds from dying and millions from getting sick
The United States imposes a cap of 65 mph on rural interstates and 55 on most others. Motorcyclists must wear helmets.	The Senate voted to drop all federal speed limits and let states set their own caps. Bikers may go bareheaded.	The government estimates that up to 4,750 more traffic deaths could occur each year without federal speed limits
The EPA regulates pollutants from lead in gasoline to fecal bacteria in water. Cost is secondary or not considered at all.	The EPA would have to choose the cheapest way to reduce pollution risks. Industry could then challenge the rules in court.	Lawsuits could delay new regulations for years, and even existing rules would be vulnerable to court challenge
Department of Transportation's design and safety standards, including airbags and crushable front ends, save lives.	Federal officials would have to submit all past and future safety rules to a detailed cost-benefit analysis.	Detroit always challenges federal safety rules; under the GOP bill it would prevail more often, and more lives could be lost

Mr. GLENN. Mr. President, it details some of the problems involved, and I wish we had time to read it in the RECORD. It puts it very well, that what we are doing here is not only providing regulatory reform if we pass the Dole-Johnston bill, we are providing the possibility of rolling back health and safety laws developed over the last 25 years that have proven invaluable, have provided for better health, have provided for better safety for our own citizens. We do not want to take a chance of rolling that back.

The bill that I proposed, known as the Glenn-Chafee bill, was one that hit a real balance. We provided redress for these regulatory excesses, and we all agree that there are regulatory excesses. They are all over the place. We hear about these every time we go back home.

We correct them, but we correct them in the right way, providing a process that cannot be used to override the system, cannot be used to overflow the system, cannot be used to swamp the system.

That is what S. 343 has the potential of doing. We want regulatory reform. We want regulatory reform as badly as anybody. I am sorry we cannot continue this negotiation today. I hope our colleagues will not let cloture be invoked and will vote against it so we can continue with these negotiations.

Mr. HATCH. Mr. President, just to make one point, if we invoke cloture tonight, this Senator is going to work with the other side. I know the Senator from Delaware will. I know the distinguished Senator from Louisiana will.

On all relevant amendments, we will work on those with them, and what we can agree on we will put in by unanimous consent. I just want people to understand that.

This cloture vote is very, very important. It has a lot to do with whether we will ever get regulatory reform.

I yield the balance of my time to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes and 20 seconds.

Mr. JOHNSTON. Mr. President, we have had a lot of talk here on the floor about good faith and negotiation, and there has, in fact, been good faith and good negotiation by both sides.

Believe me, Mr. President, the majority leader has yielded and yielded and yielded, and I have given a list of those things he has yielded. There was some progress made on the bill.

Mr. President, ultimately there are a few basic differences. Really, three in number. A lot of small ones, but three basic differences on this bill that constitute a wide chasm and a wide gulf.

Now, the first is whether we can question existing rules. I have heard it said you could. Mr. President, let me read what the Glenn substitute says. The Glenn substitute says, "The head of the agency, in his sole discretion, picks what is to be reviewed." In his sole discretion. When you get around to a review, it says, "judicial review of the agency action taken pursuant to these requirements shall be limited to review of compliance or noncompliance with this section." You review at the sole discretion of the head of the agency.

Now, Mr. President, if that is a right to challenge an existing regulation, then I am not a U.S. Senator, because, Mr. President, it is no right at all. It is business as usual.

The head of the agency has that discretion right now. If you want to keep things exactly as they are, then vote against cloture. I say vote for the Glenn amendment. We have already voted for the Glenn amendment once and it went down. It constitutes the bureaucrats preservation act, because it keeps things exactly as they are.

Mr. President, we can make more progress in negotiation if cloture is voted, but unless we have an end to this process, Mr. President, there is an end to this bill. I believe strongly in this bill. I hope we will get cloture. I hope we can get an act passed.

Mr. DASCHLE. Mr. President, I understand that all time has expired, so I will use part of my leader time to comment briefly on the pending resolution.

I note that my colleagues have made the case very well. Those who have preceded me in opposition to this cloture motion, I think, have made the case that I would simply like to summarize prior to the time we come to a vote.

The first and most important point is that this vote is unnecessary. There is no effort to filibuster. No one is delaying final passage on this bill. No one is trying to stop us from coming to a conclusion on this legislation. There has been a sincere attempt, by virtually every Senator involved in this debate, now for several weeks, to try to improve the legislation and accommodate the very difficult points that have been raised and in many cases resolved as a result of those negotiations. So that is point No. 1; no filibuster.

Point No. 2, there has been, as my colleagues have indicated, substantial progress since the day we began this effort several weeks ago; substantial progress. Senator KERRY, Senator CHAFEE, Senator GLENN, Senator LEVIN, and Senator JOHNSTON on our side have all indicated that progress, as a result of these negotiations, has been real. And I think the latest testament to the fact that progress is being made is what the Senator from Rhode Island has just announced. As a result of the efforts in the last 24 hours, he, too, has been able to get additional concessions as a result of these negotiations, concessions that would not have been made were we not at this point in this deliberative process, concessions that we have been talking about now for some time. So, with each stage in the development of this debate, additional progress has been made up until this very afternoon.

Point No. 3, from the outset we have laid out some principles that we say are essential to a good bill. They are very simple.

First and foremost, we have to have a bill that does not roll back laws that have provided cleaner air, purer water, and safer food.

Second, we will not support a bill loaded with special interest fixes.

Third, we will not have a bill that results in an avalanche of litigation from hundreds and hundreds of lawyers.

That is it. Those are our principles. We are guided by those and it is in that effort to maintain our allegiance to those principles that we continue to negotiate in good faith. I believe those concerns have not yet been adequately addressed. I believe equally as strongly, though, that we can get there. I believe the Glenn-Chafee bill would have gotten us there, and 48 Senators agreed with us on that matter. But most important in the statement, I want to emphasize right this minute: We are willing to continue to go into that room, continue to work, continue to work out the differences, as has been the case now for several days.

Finally, let me make a point about the issue raised by the distinguished Senator from Michigan. If, indeed, we are going to come to closure on this

bill, one of the most important things we have to do is ensure that those Senators who have amendments that are relevant but not germane can be protected. Regardless of whether or not we come to closure in the next couple of days on this bill, it is very important that those who want to make additional contributions to this legislation, to try to improve the bill with or without negotiations that may or may not come to any fruitful conclusion, they ought to be protected in their right to offer those amendments and have them successfully debated and ultimately voted on. A vote against cloture ensures that they will have that right, and I think it is very, very important that everyone understand that.

So, I think, in essence, the message is very simple. A vote against cloture is a vote for progress, progress that has been demonstrated over and over again as we have resolved these differences and as we continue to work for final passage, as we continue to guarantee that the principles we laid out at the very beginning can be protected.

I am optimistic that we can achieve that. I believe we can continue to work in good faith to accomplish what remains. And I believe voting against cloture today is the fastest way to get there.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take a minute or two because I know we have had a lot of debate here and we have had a lot of negotiations. In fact, we have been negotiating since April. This is about the 10th day now on this bill.

I think what we have forgotten—we keep talking about we have to satisfy this Senator, that Senator—somewhere out there some small business man or woman or farmer is saying, what are these people doing in the U.S. Senate? We have been on this bill 10 days. We had about 2 weeks of negotiation before that. We have made over 100 changes. When do we stop? When we satisfy every liberal Senator on the other side of the aisle? Then you could not find the rest of us voting for it.

I note in the latest offer they made they say, ''We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole.'' So you take this package, then tomorrow you will have another package, oh, just four or five more things we thought of or the staff thought of or the administration thought of or the bureaucrats thought of.

It is one thing to say we are for regulatory reform. But we are not going to have it unless we have cloture. So the moment of truth is about to arrive. The moment of truth is about to arrive. I have heard all the speeches. I have listened to the speeches. I suppose everybody wants some vague regulatory reform. But by the time we adopt every amendment we have had proposed by some of my colleagues, we would not have regulatory reform. We would satisfy the bureaucracy, which is apparently what some wish to do. The Senator from Louisiana just read a piece of the Glenn bill, ''in sole discretion.'' They make the determination.

So I hope my colleagues will understand, we have a lot of work to do this year. In fact, we just voted earlier today on an amendment, I think it had regulatory reform in it. I think the vote was 91 to 8—91 people voted for this broad bill that had regulatory reform, tax reform, grazing reform, all the reforms we could think of; 91 to 8 voted for it. So there ought to be 91 votes for cloture.

I just hope my colleagues—we have made a lot of progress. Every Republican will now vote for cloture. That is up from about 49; now it is 54. But we cannot get there alone. I tell the American people, we cannot have regulatory reform without at least a half dozen on the other side. It is not possible to satisfy the concerns of some. It is never possible in any legislation.

I do not know what a filibuster is, but it seems like after a couple of weeks we ought to make some decisions. There are a lot of amendments filed, relevant, germane. There are still opportunities to improve this bill after cloture is invoked. Some of these things, in my view, we ought to just say, ''If we cannot reach an agreement, there ought to be an up-or-down vote.'' We would win some, the other side would win some, but at least we would have some resolution.

So I urge my colleague, particularly on the other side of the aisle—and I know you are under extreme pressure. I know the little sweatshop is working right outside the corridor here. I know there are a lot of people coming out there with arms that are hurting. Some have slings. I know the pressure is great, all the way from the White House, the President, the Vice President, every bureaucrat in town is concerned about this bill because they do not want it to happen.

I think it is time we just, in the next 20 minutes, think about the American people during the vote—people in Kansas, Rhode Island, Georgia, Virginia, New York—wherever. So, before we cast our vote—Oregon. Anybody else who is here. We are all one big country. It is going to be one big vote.

I thank my colleagues.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill:

Bob Dole, Christopher S. Bond, Bill Roth, Frank H. Murkowski, Rod Grams, John Ashcroft, Spencer Abraham, Craig Thomas, Pete V. Domenici, Bill Frist, Fred Thompson, Mike DeWine, Thad Cochran, Larry E. Craig, Bob Smith, Chuck Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of Senate that debate on the amendment numbered 1487 to S. 343, the regulatory reform bill, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote, I have a pair with the senior Senator from Hawaii [Mr. INOUYE]. If he were present and voting, he would vote ''nay.'' If I were permitted to vote, I would vote ''aye.'' I, therefore, withhold my vote.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—58

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—40

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pryor
Bryan	Hollings	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Exon	Levin	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is not agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I would like for the RECORD to indicate that my colleague from Nevada, Senator REID, joins me in the tabling motion.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

VOTE ON AMENDMENT NO. 1808

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment to H.R. 1854 offered by Mr. HOLLINGS. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. 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. 316 Leg.]

YEAS—54

Abraham	Faircloth	Mack
Ashcroft	Feingold	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Moseley-Braun
Brown	Graham	Nickles
Bryan	Gramm	Nunn
Burns	Grams	Packwood
Chafee	Gregg	Pressler
Coats	Harkin	Reid
Cochran	Hatfield	Roth
Coverdell	Helms	Santorum
Craig	Hutchison	Shelby
D'Amato	Inhofe	Smith
DeWine	Kassebaum	Specter
Dole	Kempthorne	Thomas
Domenici	Kyl	Thompson
Dorgan	Lott	Thurmond
Exon	Lugar	Warner

NAYS—45

Akaka	Conrad	Johnston
Biden	Daschle	Kennedy
Bingaman	Dodd	Kerrey
Bond	Feinstein	Kerry
Boxer	Ford	Kohl
Bradley	Glenn	Lautenberg
Breaux	Grassley	Leahy
Bumpers	Hatch	Levin
Byrd	Heflin	Lieberman
Campbell	Hollings	Mikulski
Cohen	Jeffords	Moynihan
Murkowski	Robb	Simpson
Murray	Rockefeller	Snowe
Pell	Sarbanes	Stevens
Pryor	Simon	Wellstone

NOT VOTING—1

Inouye

The motion to table the amendment (No. 1808) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I want to thank my Republican colleagues and four of our colleagues on the other side who voted for regulatory reform and congratulate those who stuck together to bury it. It seems to me they have been successful.

I will just say, we thought we made a good effort. There is always more and more and more, and maybe this is all a way to keep the bill from going to the White House where the President indicates he would veto it.

We have had months of negotiation, hundreds of changes, 10 days of consideration, and then we are told, ''Oh, we just need more time.'' Either we are for regulatory reform or we are not. We cannot satisfy everybody in the Chamber, and those people made their choices.

After the vote, people said, ''Oh, we just need to negotiate more. Let's just have some more negotiations.''

The truth is that our bill largely tracks President Clinton's Executive order but has one important difference. This bill will ensure the requirements are actually carried out.

I particularly want to commend Senator JOHNSTON for his work, and his tireless efforts. He came to me—it seems like months ago now, but I guess it was just weeks—and he said, ''We are not going to get anywhere unless we make some changes in this bill.'' So we set about to make changes. Today, all across America—I do not have a copy—we are being flooded with statements by the Democratic National Committee on this vote about how Senator DOMENICI is for dirty meat, and Senator WARNER and somebody else is for dirty meat. They mixed it up a little, depending on where you live. It has a little cartoon there with our pictures in the middle. Very nicely done.

I think that has been the purpose right along—to try to get a campaign issue. Forget about the farmers and ranchers in Montana, or Kansas, or Virginia, or somewhere else. Forget about the small businessmen and women all across America. We have to protect the bureaucracy. We cannot have the bureaucracy overworked in Washington, DC. That is what we have heard for the last 3 days.

Not many people in Russell, Kansas, are worried too much about the bureaucracy in Washington, DC. They have never seen it, most of them. They have felt it in their wallets, and they feel it when they open up their little business, and they feel it when they go out of business, and they feel it on the farm, and they feel it on the ranch, and they feel it all across America. But they cannot have regulatory reform because we cannot get the cooperation. Everything in this Senate needs 60 votes. To get 60 votes, you end up with nothing. I do not believe that is what the American people expect us to do.

We can hold our heads high, those of us who voted for cloture. We can look the small businessman in the eye, and we can look the rancher in Montana in the eye, or wherever he may live, and say we did our best, we tried once, twice, three times. We were told, oh, nobody is delaying this bill; we do not want to delay this bill, and we are all for regulatory reform—until a vote came.

Mr. President, I do not know—I think I know what the final outcome is. I do not want to cause any anxiety for my friends on the other side, but I thank Senator BREAUX and Senator HEFLIN and Senator NUNN for their votes, because I know the pressure was great, intense, and steady.

I assume we could have put together a package that would have gotten 100 votes. It would not have been worth anything, but we could have said we all voted for regulatory reform. Particularly, Senator ROTH and Senator HATCH, and others on this side, have worked so hard to try to bring it together. But I think there is a little bit of principle left in this argument. We would like to think that we have at least 58 votes. That is 58 percent of the Senate that would like to have regulatory reform. Eighty-eight percent of the American people would like to have it. But we cannot get it because we are short 2 percent. Two percent of the Senate is denying about 85 or 90 percent of the American people regulatory reform.

That is a right we all have. We have all been through it. Some of us have been on the other side. I do not know of any more important bill than this one. But I think the dye has been cast. I am willing to entertain any legitimate concerns, but no more of these four or five pages that say at the end, ''we are not able to accept proceeding with any of these individual amendments without addressing the package as a whole.'' Then I assume that if this were addressed, there would be another one ready. They are endless.

So I regret that we have failed the American people—again. But there will be other opportunities. I, again, thank my colleagues on this side of the aisle

for being 100 percent for regulatory reform. One hundred percent. You cannot get any better than that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I listened with great care to the comments made by the distinguished majority leader. I hope that he will not be discouraged. I hope that, given all the progress we have made so far, we go right back and make some more. I do not think there is a Senator here who would deny that we need regulatory reform. But I also think that virtually every Senator who has examined this issue has concluded that indeed it was one of the most far-reaching, most complex issues we are going to address this year.

We have all been around this place. We all know that when it comes to issues with the magnitude we are talking about now, it is not something you pass on a Tuesday afternoon. I can recall having come here several years ago and spending more than a month on the Clean Air Act. We spent a month. We negotiated and we said we do not know that there is ever going to be a chance to make anymore progress. Lo and behold, we stuck to it because the leaders on both sides said we had to, and what do you know, we did it.

I remember Senators on the other side last year talking about how we really want health care, but it is just not yet exactly what we want, so let us keep negotiating. We talked until we never got health care, unfortunately. I remember talking about the need for campaign finance reform, and vote after vote on cloture, and people on the other side said we have to have campaign finance reform, but this is not the bill. I do not know what their motivation was in voting against cloture on those occasions. I know a lot on that side did not want health care reform, and that is a legitimate position. A lot did not want campaign finance reform, and that is a legitimate position. But a lot of people on this side want regulatory reform. We are continuing to work on this bill because we are not in agreement yet.

I believe that we can reach agreement. I believe that there is a legitimate desire on the part of more and more people to try to resolve these outstanding differences, to get a bill very soon. I just remind all of our colleagues, the bill that was defeated 48 to 52 passed unanimously; Republicans and Democrats voted unanimously for the bill in the Governmental Affairs Committee. If it was so bad then, why did every single Republican vote for it?

I also remind my colleagues, of the 41 votes cast so far, 27 of them have been offered by Senators on the other side. Only 14 amendments have been offered on our side. So I do not want to delay this thing. I do not want to find anymore reasons to delay final passage. Senators on our side are as frustrated as those on the other side. But it is through that frustration that we must work to accomplish what I believe we all truly want—a good bill, a bill that can bring us an ultimate resolution on something that we all recognize we need.

I yield the floor.

Mr. DOLE. Mr. President, of the 27 amendments on this side, many of them were offered to accommodate requests on the other side, to make the bill ''better.''

I do not believe the vote on the Glenn amendment reflected the vote that came out of the committee unanimously. As I recall listening to the Senator from Delaware, that is not the case. It is a different bill entirely. I ask the Senator from Delaware, am I accurate, or have I misstated the problem?

Mr. ROTH. I say to the distinguished majority leader that what we voted for in Committee was entirely different from what was voted for on the floor in the Glenn substitute. The Glenn substitute was toothless. Take, for example, the lookback. The lookback was purely discretionary on the part of the agency head. In our legislation, every rule had to be reviewed in 10 years, or it expired, terminated.

So it is totally false to say that it was the same legislation.

Mr. GLENN. Mr. President, what I just heard here just does not happen to be the truth. It does not square with the facts.

What we brought to the floor was basically the Roth-Glenn bill. It is the same bill with three major changes—A strict definition of a major rule, $100 million a year, no automatic sunset review, and simplified risk assessment, which was what the National Academy of Science recommended. Outside of those three things, I think—and I can be corrected—I believe it is largely word for word the same thing we brought out of committee unanimously.

Only those three major items were added to the bill that came out of committee. If anyone can show me different, get up on this floor and say that. To say that I misstated and that I misrepresented the Glenn-Chafee bill is just flat not right. It is basically word for word the same as the Roth-Glenn bill that came out of committee, with those three changes I just mentioned.

I want to correct that so we make sure all Members know that.

Mr. ROTH. Mr. President, I do not want to extend the debate on this, but I do want to make it perfectly clear that there were significant differences between the Glenn substitute offered on this floor and what passed out of the Governmental Affairs Committee.

It is a fact that, as far as cost-benefit analysis was concerned, the use of it was totally discretionary in the bill proposed by Senator GLENN; whereas, in the Governmental Affairs Committee, it had to be reviewed and included as part of the review.

When it came to the lookback of rules, it was discretionary, totally discretionary on the part of the agency head as to whether there would be any rule on the schedule. Whereas, in contrast, in the Governmental Affairs Committee bill, every rule had to be reviewed in a 10-year period or it was terminated.

So, while a lot of the language was the same, the fact was the thrust was different, because in one case there were requirements that cost-benefit be done, and the other there was not.

Mr. GLENN. Mr. President, we will make an analysis and enter in the RECORD tomorrow what the exact changes were. I do not believe that is a fair representation of the bill. We will make the entry in the RECORD tomorrow after we have had a chance to analyze both bills, side by side.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1825

(Purpose: To ensure equal opportunity and merit selection in the award of Federal contracts)

Mr. GRAMM. I hate to bring this debate to a close, but let me send an amendment to the desk and ask for its immediate consideration, and I ask that the complete amendment be read.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1825.

Mr. EXON. Mr. President, since I have the floor, I lost the floor at the discretion of the Chair, and I do not wish to delay this matter a great deal, but I do think that the discussion that has taken place between the majority leader, the minority leader, and others——

The PRESIDING OFFICER. Is the Senator seeking to object to the reading being dispensed with?

Mr. EXON. I believe I was recognized by the Chair in my own right, was I not?

The PRESIDING OFFICER. The regular order is the reading of the amendment to proceed.

The Chair recognized the Senator from Nebraska on the assumption that he might request the reading not proceed. But if the Senator does not rise for that purpose——

Mr. EXON. Would the Chair kindly explain the rules to the Senator? I believe the rules say that when an amendment is offered, if the Chair chooses to recognize someone else, that is within the authority of the Chair. Is that not correct?

The PRESIDING OFFICER. That is correct, if the amendment has been read in its entirety. The amendment was being read when the Senator from Nebraska sought recognition. Recognition is often sought for the purposes of

asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a combination of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment 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, Mr. DASCHLE, Ms. MOSELEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.''

REGULATORY REFORM

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.

I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, that are just as much concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue.

I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are very close. We get down to these situations, though, and the old bulls lock horns. The old bulls like to say unless you do it my way, you are against regulatory reform.

I think there is general consensus for regulatory reform. I was very pleased that the Senate voted on the Glenn amendment, 52 to 48. I thought we were very close under that kind of a proposal.

Now, whether or not the Glenn amendment is exactly the same as that which was indicated earlier as not being necessarily true or not, I think that most reasonable people would agree that the Glenn amendment is extremely close, if not identical, which I would agree, to what was, I think, unanimously passed out of the committee at one time. I simply say that we are not nearly as far apart from resolving this important issue of regulatory reform as I think the majority leader has indicated.

I do not wish to impugn the motives of the majority leader at all. But I noticed on several occasions he indicated 100 percent Republican support for the measure, which implied, with the three or four other Democrats that he also complimented for their help, that all was lost because of minority Democrats just would not yield.

Sometime or other, the minority has to stand up when they think things are not going correctly. Why can we not take the Glenn amendment, that was defeated on a very close rollcall, 52 to 48, and use that as a means to come together in a bipartisan fashion? But, oh, no, we cannot do that. We have to use, as the basis of consideration, the proposition that the majority leader has indicated it is not possible, under the circumstances, to come together.

I say to the majority leader and my colleagues on that side, whom I frequently vote with, I think we are that close. I do not believe there is any sincere effort for most of us on this side of the aisle to be obstructionist, as the majority leader seemed to indicate in his remarks. I therefore suggest that it is time that we not give up. It is a time that we start working together on this matter of regulatory reform, which I think is very, very important.

But I want to compliment the Democratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major concerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legislation under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particular matter if we just keep on trying.

Therefore, I say to the majority leader, come forth once again, Mr. Majority Leader, come forth and talk to the minority leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. However, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the

minority leader is in a position to speak for enough of us on this side that we could get cloture.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1827 TO AMENDMENT NO. 1825

Mr. EXON. So, with those comments, Mr. President, I send an amendment to the desk in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mrs. MURRAY proposes an amendment numbered 1827 to amendment No. 1825,

Strike all after the first word and insert: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Aderand Constructors, Inc.* v. *Pena* on June 12, 1995. This section shall be effective one day after enactment.''

The PRESIDING OFFICER. The Senator from Texas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I would just like to talk, again, about regulatory reform. We have been discussing, on this floor, who killed regulatory reform. But the rank and file small business person out in America knows one thing for sure. Regulatory reform just died in the U.S. Senate and the small business person who has been looking for relief so he or she would be able to grow and prosper and create the new jobs that keep our economy vital are not going to have that opportunity because we have not done the job we said we would do to try to get the harassment of Federal regulations off the backs of our small business people.

We have been working on this bill for 10 days. There are hundreds of amendments still left on the bill that we failed to get cloture on once again. We have had three cloture votes. What is it going to take? We have been in rooms meeting, talking about the issues that were raised. But the bottom line is, in 10 days of intense negotiations, floor debate, working on this bill, we have failed and the small business people of our country especially are going to understand that we did not get regulatory reform. And when 54 out of 54 Republicans voted for it to go forward, I think they are going to figure out who wanted regulatory reform.

We just passed bills that open trade in the world: NAFTA, GATT, so we would have the opportunities to compete. But our business people cannot compete when they are so saddled with regulations that they have to add costs to their product because of the regulations and, therefore, the product will not sell in the international marketplace because it is priced too high. That is the bottom line. That is why it hurts the ability to create jobs in this country, when we have so many regulations that our businesses are spending money in lawsuits and regulatory compliance and they cannot put the money where it needs to be, and that is trying to make their product better, giving jobs to people to create the products and being able to sell those products anywhere in the world because we can be competitive.

So, Mr. President, something died here today and I do not think the small business people of our country are going to be asking who did it. But they are going to know that their regulatory burdens are not going to be lifted.

Mr. President, that is a pretty sad message to have to send to the small business people of this country. We cannot let regulatory reform die like this, by two votes. It would be unconscionable. So I hope the Democrats will get together, and I hope they will say the rhetoric is real and say what we can really do to take away the 300 amendments that are now pending on the bill. And if they are serious, they can do something about it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me just say, I have been listening to all this back and forth. I think it is part of the process. It does not bother me too much. But I listened to my constituents. One Senator gets up and says it this way. Another Senator gets up and says no, it is this way and you are wrong. No, you are wrong.

Somebody has to be right and somebody has to be wrong. I learned from the other side of the aisle how to file amendments. They bring them in here 100 at a time, you know? They taught us how to put the amendments on. Now we get accused of having a few amendments out. We talk about NAFTA. Something happened to NAFTA in the House because they cut off the ability to help Mexico by eliminating the funding.

The Democrats did not do that, Republicans did. There is a scenario going here, bouncing back and forth like a ping-pong ball. I think it is time everybody understand we do not intend to let this bill die. That is No. 1.

No. 2, we want to continue to talk. I have been here day and night. I do not think any of the Senators have had to spend the night here recently. Get the cots. The Senator from Texas probably remembers all-night sessions. You know, it gets to be an interesting occasion. It is awfully hard to keep somebody on the floor. It is awfully hard to get any kind of rest, but we have been here all night. Recently we have not done that. That is the debate of this institution.

So when you start badmouthing each other around here, I do not think it helps anyone. It just hardens the situation. I think we ought to continue to talk, continue to work. We want to make as good a bill as we possibly can.

I have never heard in any of the remarks tonight what it does to individuals. What does it do to the general public? What does it do to the worker? What are these things we are trying to do here now?

I hear nothing about big business. Big business had a 14-percent increase in profits the first quarter and individual hourly wages went down. Something is going well out there, if they are making that kind of money. Somehow we have to come together and think about the individual and working with the companies.

Mr. President, I had not intended to make any remarks. I do not normally make many speeches on the Senate floor. But I just think this knocking each other out here, just hardens the situation. It creates gridlock, to come out here and get accused of things. We do what we think is best. I do not always win. I am having a hard time winning anything right now. But I understand the procedure. I was here for 6 years when the Republicans were in the majority in the Senate before. I went from majority to minority. Then all of a sudden we got it back again. We are back someplace else.

So it is the system, and the system is debate. The system is talking. The system is communicating. The system is doing the best job you can, and you have to have something that you really believe in. And when you vote for it, you voted on the best piece of legislation that can be proposed to this institution. Sure, we have disagreements. That is what it is all about. That is what the committee system is all about. We do basically the same thing in committees that we do on the Senate floor. We listen to witnesses. We make up our mind. We offer amendments. We vote on amendments, and we vote the legislation up or down to send it to the Senate floor. That is part of the system. Then we do it basically again. It goes through the mill several times before it goes to the President for signature.

This is not a stealth Congress. A stealth Congress is to do it real quick and get rid of it before you get someone to jump on you or before the phone starts ringing off the hook, before people start sending out letters. Stealth Congress is do it quick and get it over with.

Some things are too important to do them quickly and get it over with. Some things are too important to individuals in this Chamber. And I learned from Majority Leader Mike Mansfield that on the Senate floor everybody is equal except the majority leader and the Democratic leader in this case. And the Chair recognizes them before anybody else. I understand that. That is a precedent. We exercise that. But everybody else has an individual right here. So we exercise that. I hope that we never lose that and that we start working together rather than try to divide, which will not get us together in the future.

I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. GRAMM. Mr. President, I think we are talking about unanimous-consent requests here that will allow both of these amendments to be voted on. So let me go ahead and talk about my amendment, which is the amendment that is trying to eliminate set-asides in the Federal procurement process—in the context of this bill as a beginning. And then let me explain why the Murray amendment is a sham amendment that does not deal with the problem but that simply gives cover to those who want to allow set-asides in the funding for the legislative branch.

Let me begin with my amendment. My amendment is the amendment that we have worked on with outside legal groups. It has been endorsed by the leadership in the House, it is being offered by Congressman GARY FRANKS, and it is basically an effort to focus in on one particular problem.

This is a precise, surgical amendment, and what it says is this: The bill before us is the legislative branch appropriations and this amendment deals with nothing except legislative branch appropriations. I plan to offer a similar amendment on other appropriations bills that come to the floor of the Senate this year.

What this amendment says is that in the letting of contracts, in spending money, none of the money will be spent in such a way that requires or encourages the awarding of any contract or subcontract if such an award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

So what this amendment says in its first part is that when we spend money through the congressional branch of Government, we have to engage in competitive bidding, and that when someone submits the low bid who is qualified, that person will get the contract, and that in no circumstance can the low bidder, who is at least equally qualified, be denied the contract to give it to someone else based on a preference that flows from race, color, national origin, or gender.

That is part 1 of my amendment.

Part 2 of my amendment has to do with outreach and recruitment activities. And part 2 of the amendment makes it very clear that nothing in this amendment would prevent any effort to help people bid on contracts, to hold seminars on bidding, provide assistance to people who want to bid on contracts, or go out and inform people of the existence of those contracts.

In short, we can expend money. We can exercise tremendous effort to try to help people get on the playing field and to compete. But once contract offers have been submitted, then the selection process must be based on merit—and on merit alone.

The next provision of the bill makes it clear that we are not seeking here to override contracting that is done with schools designated as historically black colleges and universities.

The next provision of the bill makes it clear that this is all prospective. We are not going to go back and undo any existing contracts. In addition, we are not going to override any existing court orders. If a court acts in the future and finds that a remedy for discrimination is the establishment of a set-aside, we are making it very clear that would stand.

Now, basically, that is what my amendment does. And if my amendment is adopted, what it will do is end set-asides in contracting for the legislative branch of Government. If this amendment is adopted and it becomes law, what it means is that none of the money appropriated in this bill can be used for the purpose of letting a contract where anybody is given a contract based on race, color, national origin or gender.

Now, let me talk a minute about the Murray amendment, because what we have in the Murray amendment is the same convoluted language that the President used yesterday. This is more of the same effort to try to use words to confuse. Let me just read it to you, and I think that if you think about it a minute it jumps out at you as to what this amendment is trying to do. Let me read you the language:

> None of the funds made available in this act may be used for any program for the selection of Federal Government contracts when such program results in the award of Federal contracts to unqualified persons.

Mr. President, no one is saying that people who get contracts because of race or color or national origin or gender are necessarily unqualified. That is not the point. In fact, it seems as though the whole purpose of this language is to confuse. What we are saying is they are not necessarily the best qualified. They very well may be qualified, but the point is somebody else might have been better qualified or have submitted a lower bid. If all we are doing is saying that you cannot grant contracts to people who are unqualified, as the Murray amendment says, then we are not doing anything unless I can come in and say: Well, look, I bid a contract to build a sidewalk here at the Capitol and I bid the contract at $55,000. Someone who was given preference bid the contract at $155,000, and they got the contract. But under the Murray amendment, the only way that I could get any relief, if I was the contractor who bid it at $55,000, would be if I could prove that the contractor who got the bid for $155,000 was unqualified.

Now, they may be qualified; they may be unqualified, but the point is the Federal Government should not be paying $155,000 for work that it can get for $55,000. Nor should it be letting contracts in America where somebody is given a special advantage over somebody else.

We listened yesterday as the President gave a very passionate speech, but when you got down to the specific language of the details of the proposal, it was more doubletalk. And the doubletalk basically is the implication that this is an issue about whether a privileged contractor is qualified. It is an issue of whether they are the best qualified.

The second issue has to do with the fact that you cannot give somebody preference over somebody else without discriminating against the person who is not receiving the preference.

In the final analysis, something that the President clearly is clever enough to understand but was hoping we were not clever enough to understand is that whenever you give somebody a special advantage on the basis of race or color or national origin or gender, that means someone else is discriminated against because they do not get that benefit. I believe that what we have got to do is to end set-asides in contracting and what better place to start than in the legislative branch of Government.

So we have before us two amendments. One amendment is a serious, real amendment which says that none of the funds contained in this bill will be used for contracts where someone is given a special privilege so that they get a contract that on the basis of merit they would not have gotten. The other amendment says that none of the funds will be used to award a contract if doing so results in the award of Federal contracts to unqualified persons.

Mr. President, that is not the issue here. The issue here is not whether the contractor who got advantage based on race or color or national origin or gender was qualified. The question is were they the best qualified.

The amendment then goes on to use many terms which are very difficult, if not impossible, to define. For example, ''In reverse discrimination.'' Well, by definition, if the most qualified contractor with the lowest price did not get the contract, I think any reasonable person would call that reverse discrimination.

Now, Mr. President, here is the point, and then I will yield the floor because I understand that an agreement may have been worked out. If you are for set-asides, I think you ought to have courage enough to stand up and say it. If you believe that in America we ought to legislate unfairness for some reason, that we ought to reject merit, and that we ought to give people contracts based on their race, their color, their national origin, or their gender, it seems to me that you ought to do something that President Clinton did not have courage enough to do yesterday. That is, you ought to stand up and say it, and you ought to vote against my amendment.

It seems quite another thing to offer an amendment which basically says that you cannot give a contract to an unqualified person. The point is that many people—in fact, I would guess in almost every case the loser of competitive bidding every day in America in public contracting is qualified. It is not the point that they are not qualified. The point is they are not the best qualified. They did not offer the best bid. They did not offer the lowest price. Therefore, they should not have gotten the contract.

So if you vote for the Murray amendment, in my humble opinion, what you are doing is simply seeking political cover because you do not want to tell people you are for set-asides. I am opposed to set-asides. There is only one fair way in America to decide who gets a job; there is only one fair way to decide who gets promoted; there is only one fair way to decide who gets a contract, and that is merit.

And if you do it any other way than merit, it is inherently unfair, it is inherently divisive, and it ultimately pits people against each other based on their group. The genius of America is competition based on individual decision making and individual qualities. What makes America work is that in America we are not part of groups; we are individuals, and we have an opportunity to be judged as individuals based on our merit.

While some will say that trying to stop unfairness written into the law of the land, because for 25 years we have had unfairness written into the law of the land in set-asides and quotas, and people in America know it and they resent it and they want it changed, what we are doing when we eliminate set-asides is we are going back to the unifying principle of America. And that principle is merit.

What we are saying is that if any contractor in America wants to bid for a Government job, they have as good a chance to get that contract as anybody else. They have a chance to be judged on their merit on their bid. To do it any other way is totally and absolutely unfair. And I believe it should be rejected.

UNANIMOUS CONSENT AGREEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that there be 120 minutes for debate on the pending Gramm amendment, No. 1825, and the Murray amendment, which would be modified to reflect that it be added at the appropriate place in the bill, and that the time be equally divided between Senator Gramm and Senator Murray. And that following the conclusion or yielding back of time, the Senate proceed to vote on the Gramm amendment, to be followed immediately by a vote on the Murray amendment, as modified, and that no amendments be in order prior to the disposition of the two amendments, and that the Exon amendment, 1827, be withdrawn. Mr. President, I ask unanimous consent that the time already consumed by both sides be considered subtracted from the overall time limitation.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mrs. MURRAY. Reserving the right to object. Mr. President, I will not object. I would just like to know how much time would be left then on both sides?

The PRESIDING OFFICER. The Senator from Washington would have 1 hour and the Senator from Texas would have 44 minutes.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object. I would like the stipulation added to give this Senator 10 minutes.

The PRESIDING OFFICER. Would the Senator from Pennsylvania restate his request?

Mr. SPECTER. As I understand it, there is 1 hour on each side.

The PRESIDING OFFICER. The Senator from Washington has 1 hour. The Senator from Texas has 44 minutes.

Mr. SPECTER. Perhaps I can inquire of the Senator from Washington if I might have 10 minutes on your side?

Mrs. MURRAY. I would be willing to yield 10 minutes from my side to the Senator.

Mr. SPECTER. I thank the chair. I will not object.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

So, the amendment (No. 1826), as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

Mrs. MURRAY. Mr. President, I sit here tonight and I think about the words ''affirmative action,'' and I listened to the words on the floor. I wonder sometimes if we have all grown up in the same country because I grew up in a country that said you have equal opportunity, an equal chance and an equal ability in this life to get a good education, to get a good job and make it in this country.

Mr. President, that is what the affirmative action program means to this Senator from the State of Washington who stands here tonight on the floor of the Senate as one of eight women in this body.

Mr. President, when I hear the words ''quotas,'' ''reverse discrimination,'' ''preferences for unqualified individuals,'' I am astounded because that is not what I see in affirmative action today. And I think it is a twisting of the debate to try and make people think this program is about something that it is not about. This program is about giving people an ability to make it in a country where we care about all individuals, no matter who they are or where they come from or what they look like.

And I think that is a particularly important agenda to retain in this country. It certainly is one I want for my children and my grandchildren who will follow me.

The amendment that I have put forward says quite clearly that no Federal funds can go to any affirmative action program that results in quotas, in reverse discrimination, or in the hiring of unqualified persons. The amendment makes it very clear to the agency that its affirmative action programs must be completely consistent with the Supreme Court's recent decision in the Adarand case that affirmative action programs could be justified only if they served a compelling interest and were narrowly tailored.

The amendment recognizes that the battle against discrimination in America has not yet been won. And I invite all of you to go out into our schools, to go out into our institutes of higher education, to go out into the workplace and see that it is not yet won for women and for minorities. And affirmative action programs are very important to winning that battle.

Mr. President, as I listen to the amendment that comes before us—and I heard my colleague from Texas say he was going to offer this amendment on every appropriations bill—I wonder how much money he is talking about and who he is going after. I did not have time, of course, to put this into a chart that all of you could see. Frankly, I thought I would save the Senate money because that is what we are trying to do. So I did not make a chart. But I will share with you what I have on this.

The total awards that are given in Government contracting, prime contracts, is $160 billion. Of that, $1.9 billion—$1.9 billion—out of $160 billion go

to women-owned business awards. That is who we are targeting in the underlying amendment. That is who—$1.9 billion out of $160 billion. A very small amount, $6.1 billion to small disadvantaged business awards. A total of about $8 billion out of $160 billion—$160 billion—$8 billion going to small disadvantaged business and women-owned business. That is who we are targeting in the underlying amendment.

It seems very clear to me that it is a good goal in this country to assure that disadvantaged people, that people who do not have the same opportunities, are given the ability to move ahead in the workplace. And I urge my colleagues to defeat the Gramm amendment and to vote for the Murray amendment. That is a positive way to move in affirmative action in this Nation.

Mr. President, I ask the Senator from Maine how much time he would need?

Mr. COHEN. Ten minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Maine.

Mr. COHEN. I thank my colleague for yielding.

Mr. President, I was intrigued with the Senator from Texas' comment toward the very end of his presentation where he said that for 25 years we have legislated unfairness. We have passed legislation not based on quality, but rather on race and gender.

The 25 years stood out in my mind because it tended to ignore that for 200 years we have tolerated and practiced unfairness. We said that all men are created equal. That is our defining document. Not ''all women are created equal.'' Not ''all blacks are created equal.'' They were not even treated as human but only three-fifths human, as slaves, as pack mules. We broke up their families, and we humiliated them for years and years—not 25 years—but a couple of hundred years or more. And suddenly we come back and say, ''Well, it is all equal now. The field is completely level. We live in a colorblind society.'' Does anyone here really believe that, that we live in a colorblind society?

There was an item in the paper recently about ''good ol' boys'' getting together for a good old time. They were Federal employees—ATF, maybe FBI, maybe Secret Service, maybe IRS. Does anyone here truly believe that we do not live in a colorblind society today, that discrimination does not exist?

The Senator from Texas says that we should not let someone get a contract based on a preference. He believes that if you give someone a special preference, you impose a disadvantage on others. That is one side of the argument. How about whenever you impose on someone a special disadvantage by virtue of their race or gender? It seems to me that you give someone or another group a special advantage.

The Senator from Texas would like to have the best-qualified people receiving contracts. I agree. How about Jackie Robinson, do you think he was the best-qualified player at the time? How about Satchel Paige, do you think he was the best-qualified pitcher at the time? Was he granted access to the professional leagues? Jackie Robinson, yes, he was the first to break through the color-barrier, after years and years of practiced racial discrimination. Satchel Paige played the prime of his career in the Negro Leagues, only making it into the big leagues after the color-barrier had been broken. But he made it to the Hall of Fame nonetheless.

The difficulty is, of course, that none of us believe in quotas, because quotas are arbitrary, they are capricious, they are without merit. But the Senator from Texas believes we should have not more group preferences. Well, how about veterans? Is that in the amendment? I do not think so. I hope not. But make no mistake, we grant preferences to many groups.

We grant preferences to veterans because they have made a great sacrifice for this country. We take that into account and we grant them preferences, regardless of what their contribution was. Some served in combat. Some served as medics. Some served as flight assistants. Some served back in the United States. They all were willing to make the commitment, so we treat them as a group and we give them special consideration, as we should.

How about small businesses? Are we prepared to eliminate the small business set-aside, and give no more preferences in government contracts to small business? Should we let them go up against the giant conglomerates, without a care of how small or how capable they are. Even if they cannot compete against the big guys—tough luck, no special consideration.

I know that there is some disagreement about affirmative action, even within the minority community. There are some who feel that the very existence of affirmative action has stamped the red letters of ''AA'' on their foreheads; that they somehow have been stamped as affirmative action babies; that people believe they could not make it on their own, notwithstanding their capabilities; that they are seen only as the beneficiaries of affirmative action.

I watched a program just this evening where one very passionate individual said, ''I don't want to support any program that infers or implies that I am somehow inferior.'' That really is not the issue, because he is not inferior. The problem is that he and others have been victims of societal discrimination. Others call it racism for that is what it is. The truth is that they were not judged based on their quality, they were not judged based on their merit, they were not judged based on the content of their character, but they were judged based on the color of their skin. That has been the practice over the centuries in this country.

Yes, progress has been made. But I listened to the stories of the Tuskegee airmen and I remember the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

I listened and I remember very well Congressman LOUIS STOKES, who was a member of the Iran-Contra committee, speaking about what it felt like for him to make a contribution to his country in the service, but to be barred from eating and sleeping in the same barracks as his white counterparts. It did not matter that he was prepared to die on the battlefields; that was OK. You are equal out on the battlefields, you are just not equal in the barracks, you go to the other room, you go to the other fountain, you sleep in another place.

That has been changed, not through the marketplace, but through actual affirmative action on the part of the U.S. Congress. We changed that. We helped to legislate the beginnings of equality—not entirely, but we helped to legislate at least a part of the way. But it still exits day in and day out.

I can give you example after example of people who walk into places of employment who are turned down, not because they are not qualified or the best qualified, but simply because of the color of their skin or even their gender. So we have not arrived at a color-blind society. I know there are those on the floor who will say our goal must be a color-blind society, and I agree, but we are not there yet, not when you put Martin Luther King's photograph in the cross-hairs on a T-shirt, not when you put signs up that say, ''No blacks''—and I am qualifying it a bit here—''are allowed to cross this line.''

The Senator from Texas says this is simply a surgical strike on this particular piece of legislation. But he has already indicated there is going to be surgery after surgery. This is only one surgical strike. We have a bombardment coming until every aspect of any kind of remedial action for past, present and future discriminatory policies are eradicated.

So why have we had set-asides? We ought to face the issue, why have we had set-asides? It is because blacks and other minorities have been frozen out and women have been locked out of opportunities. We have had 200 years-plus of this discrimination, but only 30 years of trying to overcome that. We are not trying to put unqualified people into positions, but to give those people who are qualified an opportunity to break through the barriers that we have allowed to exist for a long, long time. The point of affirmative action is not to establish quotas, it is to allow qualified people to overcome discrimination.

So the Senator from Texas asked the question: If you believe we ought to legislate unfairness, then you support the amendment that has been offered as a substitute. I would put it another

way: If you believe we ought to ignore unfair practices, if you believe we ought to allow those who have been historically and to this day are treated unfairly in the marketplace to continue to be discriminated against, then you vote for the amendment of the Senator from Texas.

Mr. President, I think the choice is pretty clear. I hope when the vote finally comes that we will reject overwhelmingly the amendment of the Senator from Texas and support that of our colleague from the State of Washington.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized. Who yields time?

Mrs. MURRAY. Mr. President, I thank my colleague from Maine for his very eloquent remarks and support. I hope all our colleagues had the opportunity to hear what he had to say. I yield as much time as she needs to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Washington for yielding.

At the outset, I want to tell you a little story that happened in my lifetime. When I was very young, 7 or 8 years old, we went south on the train from Chicago to the city of New Orleans. We were going through Alabama. We stopped at a train station, and there were water fountains. This is in the days Senator COHEN has referenced, the days when there was official segregation in this country.

We stopped at a train station. One of the water fountains was labeled ''colored.'' My mother, because she did not want to start a ruckus in the train station, would not let us go to the colored fountain to get a drink of water, even though we were thirsty.

My little brother, however, who was about 5, laid out in the train station and had a temper tantrum because he wanted to have some colored water. He thought it was going to come out of the fountain pink, blue, green, yellow, and red, a rainbow of colors, and he was determined to have some colored water.

Mr. President, I want to suggest the amendment of the Senator from Texas is colored water. This amendment tries to convince us that it is an amendment in favor of fairness and an amendment in favor of diversity, an amendment in favor of America and the kind of country that we are, a diversity of people, people of all colors and genders and coming together, and that somehow or another this supports that vision of America.

But, in fact, just as we all knew that the water coming out of that fountain in that segregated train station in Alabama was not pink and green and blue, we knew in our hearts, we knew it was just plain old water, but it was going to be set aside. It was different water. It was a segregated situation for those of us who were not white.

We know at the base that this amendment seeks to roll back the clock and turn back the gains that women and minorities—as limited as they may be—have made in this country in the last several decades.

You know, maybe we should thank the Senator from Texas because, quite frankly, this issue was bound to come to the floor. He has already said he is going to have it on every bill. Maybe we should have this debate on every bill. But I think it is of critical importance that we tell the truth about what this amendment is and point out to the American people that colored water is not pink and green. It is not a rainbow. Colored water is just that—it is something that is less than what is given to everybody else.

This amendment of the Senator from Texas is just that—it is something less. Yes, we are indeed clever enough to use his words to understand exactly what he is talking about in this amendment. And this world will understand exactly what he is talking about with this amendment.

The Senator from Maine talked about the past and the ugly history that we all know about in this room. Let me submit that the issue of affirmative action is not as much about the past, or even the present, as it is about the future—the future that these young people will have, the future that we give to the next generation of Americans.

If that future is going to allow for us to build as a nation on our diversity, as a strength of our Nation as opposed to weakness, then we must defeat this attempt by the Senator from Texas and every other one he or anybody else comes up with on this floor. If we are going to send a signal that we believe in opportunity for America, then we must defeat this attempt to roll back opportunity.

There is no question, as the Senator from Washington pointed out, affirmative action does not guarantee anything to anybody. It is not a carving stone where you get it just because of your belonging to a group. It is a principle based on merit. It is not about quotas.

Frankly, when we talk about preferences, the Senator from Maine is exactly right. We have all kinds of preferences. We have preferences for senior citizens; we have preferences for people, depending on where they live; we have preferences for people based on the fact that they served in the military, whether they ever saw a war or not; we award preferences because we think there is an objective, a value, if you will, that is important to promote.

So why, then, this argument that somehow or another, by allowing an opportunity to compete for women and minorities, that sets up some preference that may not be logically or ethically or intellectually supported? Why, then? Given the history, and given where we are and the fact that the evidence makes it clear that discrimination and exclusion for women and minorities still exists, not only in our community, but also in our economy.

There were, in the report that the President had done, ''The Affirmative Action Review,'' results from random testing. They make the point that there was a series of tests conducted between 1990 and 1992. It revealed that blacks were treated significantly worse than equally qualified whites 24 percent of the time, and Latinos were treated worse 22 percent of the time, et cetera, et cetera. It goes on.

So we know, everybody here knows that discrimination still exists, even though we are all, I hope, committed to its eradication. We all know that is a fact. But discrimination notwithstanding, the fact is that the numbers do speak for themselves. Why is it that we are still looking at a situation in which, for our procurement in this Nation, at this time 50 percent of the population being female, 1.21 percent of the contracts awarded in 1993 went to women-owned businesses—1.21 percent. The amendment of the Senator from Texas seeks to roll that back.

Now, does this suggest that 98.89 percent of the people that got the contracts were better qualified than that 1.21 percent of women-owned businesses? I think everybody in this room and everybody listening knows that there are other explanations for why that figure is so low.

So why, then, is it inappropriate to suggest that we give women-owned businesses, that we give minority-owned businesses a shot; that we give them a chance to compete, not based on any lack of qualifications, but, indeed, based on qualifications? Why are we suggesting that we close the door on that chance, that we shut down that opportunity and indeed cripple the diversity that I believe—and I hope my colleagues will concur—is at the heart of the future of America.

The fact of the matter is that that diversity has been talked about in many instances by businesses in this country as a business imperative. We are in a global economy with global markets, and not everybody in the world who does business is male, and not everybody in the world who does business is white, and not everybody who does business in the world speaks English, for that matter. So does it not make sense for us to, if you will, stir the competitive pot a little bit, to allow for an equality of opportunity for all Americans to participate in this economy and in building this Nation for this global economy and preparing our country to compete in this world market? Does it not make sense for all Americans to allow every child a chance to participate on an equal basis, to give everybody a shot—not that we guarantee a young person a chance

when we allow for a college scholarship. We do not guarantee them an ''A'' in chemistry, but we guarantee them a chance to get into the classroom so that possibly if they are an ''A'' student, our Nation will benefit from the contribution they can make.

Well, that is the whole point of affirmative action, Mr. President. That is the whole point of the kind of initiatives that have been taken to provide, if you will, sheltered markets for women and minorities, and it is not as though anybody has abused any of this. There are only 1.21 percent women-owned businesses.

Last year, Senator HUTCHISON and I worked to pass legislation calling for a 5 percent procurement goal—goal, not quota; not a guarantee, but a goal—for women-owned business. Five percent. Half of the population in this country are female. We said, How about 5 percent? This amendment would roll that back and say, you have 1.21 percent now and last year we thought it would be a good idea to move the goalposts and allow you to at least compete, to try to get to 5 percent. And now we are going to say, well, all bets are off, here is your colored water, drink it and be happy. I do not think that is the will of this U.S. Senate. At least, I certainly hope not.

I would go further to say that the position that is expressed in the Gramm amendment has already been rejected by seven out of nine of the Supreme Court Justices in the recent case of Adarand versus Peña. I would like to read what Justice O'Connor said in Adarand. I think it is something we need to hear. This was the author of the majority opinion that said race-based classification had to withstand strict scrutiny. She said:

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and Government is not disqualified from acting in response to it.

Yesterday, President Clinton made a statement in which he said we are going to comply with the law, with Adarand; we are not going to allow for any quotas. We are going to make sure the programs, where they have not worked appropriately, are going to work right. We are going to do this right. He called upon the American people, really, to speak to the higher angels of our nature, to what kind of future do we want to see. Do we want a future in which diversity becomes part of the energy of this country, where if you, again, stir the competitive pot and allow minorities to participate in the economy and allow women to participate in the economy and allow Americans all to participate in this economy and to participate in making our Nation strong? The President thought that was a sensible approach.

I daresay, Senator MURRAY's amendment, which I strongly support, underscores that notion. Her amendment says that ''none of the funds in this act may be used for any program when such program results in the award to unqualified persons in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court in Adarand.''

So her amendment says we are going to do this right, do it consistent with the law. Senator GRAMM's amendment, on the other hand, says we are just going to knock the feet from underneath the table of opportunity, and we are going to tell women and minorities, ''Do not bother to come around. We have nothing for you. And, indeed, if you are going to compete, you are going to have to do it as though you were not female, minority, or as though you were starting on a level playing field.''

I think everybody knows that is colored water.

Now, I mentioned appealing to the higher angels of our nature. I know many other people are waiting to speak on this. I would like to yield the floor so that they can. But I would like to refer to Abraham Lincoln, who, of course, was a U.S. President from my State of Illinois. I like to refer to him because he was one of the greatest Presidents this country has ever had. He said in an 1862 address to Congress:

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation. . . . We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.

Mr. President, Abraham Lincoln was talking about the great conflagration that this country went through. At the same time, I think that we are right now at another kind of crossroads in this country that will determine whether or not we will go forward, we will nobly save or meanly lose the last, best hope of Earth.

This Nation's future will depend on whether or not we can open our arms, and whether or not we can provide for equality of opportunity, a chance for every American. I appeal to my colleagues not to close that chance down, not to shut the door on the efforts that have begun by women and minorities to integrate themselves as full participants in the economic and cultural and social life of this great Nation.

Our future is at stake in this vote and the following votes. I encourage my colleagues to take the high road and to support the Murray amendment and to reject this attempt—reject this attempt—to divide us and to send us back to a day which, I think, is one that none of us will be proud to visit again. Thank you very much. I yield the floor.

Mr. GRAMM. Mr. President, I always love it when Abraham Lincoln is quoted. I think everyone in this body agrees with the quote that we just heard. In fact, the Nation fought a bloody civil war over it and ended up the winner from having settled the issue, which had to be settled, and was settled correctly.

That is not what Abraham Lincoln said about fairness. In fact, there is another Lincoln quote that goes right to the heart of this issue. That Abraham Lincoln quote is where Abraham Lincoln sought to say, what is the objective of government in providing fairness? On this issue, which applies directly to this point, Abraham Lincoln said, ''The best that a government can guarantee is a fair chance and an open way.''

I do not believe, Mr. President, that any living Lincoln scholar would argue that if Abraham Lincoln stood here on the floor of the Senate today, he would support a provision that gave one American an advantage over another when the American who lost the advantage had merit on his side.

I do not believe that Abraham Lincoln would have argued that two wrongs make a right, which is an argument that we heard earlier today presented, as well as a bad argument can be presented. But it is a bad argument, nonetheless.

Let me begin by trying to answer each of the points that were made. First of all, the Adarand decision. Senator MURRAY's amendment conforms to Adarand because it has no choice but to conform to it because it was based on the Constitution of the United States.

Contrary to the distinguished Senator from Illinois, my amendment is written in total conformity with Adarand. In fact, it has written on page 3 language consistent with the Adarand decision. That is, if the court finds that a contractor was subject to discrimination, the court may provide a remedy with a set-aside to correct the impact of that particular discrimination.

My amendment has the core of the Adarand decision written right into it. In no way is it inconsistent with Adarand, nor could it be, since the Adarand decision is now binding.

Now, let me go through the points. One of the things I want to thank my colleagues for is that nobody argued that the Murray amendment was a real amendment. We heard arguments that my amendment would end set-asides, and that set-asides should not be ended, that people should be given preference, and that it is perfectly acceptable in America to give contracts to people who are not the low bidder and who might not have merit. I want to thank them for doing that, because that is something that Bill Clinton did not have the courage to do in his speech the other day.

Nobody here tried to argue that, to say that you could not give a contract

to someone who was unqualified, somehow represented a real alternative to the amendment. Everybody that has spoken thus far has made it very clear that this is an issue about set-asides, and that they are for them, and that they believe that preferences are right, and that they are somehow justified.

Now, here is how they are justified. Senator MURRAY says they are justified because under 8(A) contracting there is only $8 billion, that they are justified because we are giving only $8 billion on a noncompetitive basis, and we are spending so much money, and that is so little money, so the unfairness involved here is relatively small, and, therefore, we ought to continue to do it.

Now, it does not take into account all the other contracts that have some set-aside written in them. Just about every highway contract in America has a set-aside for subcontractors. Set-asides create unfairness. That is what the Adarand decision was about.

The second argument is an argument that 90 percent agree there has been terrible unfairness in our country. I think everyone realizes that. I think it is part of our history. I think the greatness of America is that we have worked to overcome it. I am proud of that. I take a back seat to no one in hating bigots and hating racism and hating prejudice. Hate is a strong word, and I use it advisedly.

Two wrongs do not make a right. We cannot correct inequity in America by making inequity the law of the land. We cannot correct things that happened 200 years ago by discriminating against people in America in 1995.

The only way to have a clean break with the unfairness of the past is to purge unfairness from the present and the future. I believe we need to be absolutely relentless in enforcing the civil rights laws. It is fundamentally wrong to give somebody a job when someone else is better qualified. It is fundamentally wrong to promote someone based on some privilege they are granted, rather than promoting the person who had the better record.

It is profoundly wrong, in fact it is un-American, to give somebody a contract when they were not the low bidder, when they were not the high quality bidder. I do not believe that two wrongs make a right. I think what we have to do is relentlessly pursue fairness. You cannot have fairness by legislating unfairness. That is what this debate is about.

The next argument is that women get only 1.21 percent of the contracts. I remind my colleagues, women own over half the wealth in America. It is almost certainly true that, given the fact that women own over half of General Motors and General Electric and General Dynamics, trying to take the set-asides in a particular program of the SBA and say that those are the only contracts that women are getting is inaccurate. Women are running large corporations, women are running businesses that are not applying for contracts under set-asides and which get contracts in America every day.

The next argument is: Allow people to have a shot. Continue set-asides so that people have an opportunity to compete.

People have an opportunity to compete in America because our system today, and we thank God that it is so, is based on merit and competition. Not that it is perfect. Not that we do not need to work relentlessly to make it closer to being perfect. But the point is, people are allowed to compete. And to say that people cannot compete unless they are given a special privilege, I think, perverts the whole idea of equality. The idea that by ending set-asides we are saying to women and to minorities, ''Do not come around,'' assumes that only with set-asides can women and minorities compete.

Finally, the argument for equal opportunity is completely turned on its head here. What my amendment seeks to do is to bring fairness back to the American system of contracting. For 35 years in America, beginning with an Executive order under Lyndon Johnson, compounded by an Executive order under Richard Nixon, and now written into numerous laws and regulations, we have written in quotas and set-asides. We have written in a system that consistently, in terms of the programs that are targeted for this purpose, grants contracts not based on merit but grants contracts based on privilege. That is fundamentally un-American. It is fundamentally wrong and it needs to end.

The American people, by overwhelming margins, are opposed to set-asides. We are spending the taxpayers' money. How can we be good stewards of the taxpayers' money when we grant a contract to someone who was not the high-quality or low-cost bidder? I think we cannot.

It is fundamentally unfair to give a contract to someone who did not win it on merit. What my amendment seeks to do, and does it explicitly, is this. It preserves our ability to spend money to recruit, to educate, to help. Under my amendment we can go out and advertise contracting all over the country. We can target the advertising to specific groups. We can help specific groups in learning how to do Government contracting. We can help them get onto the playing field. But that is where help ends and competition begins. Because under my amendment, unlike the amendment of Senator MURRAY, once people are on the playing field, once the contracts are submitted, we are then forced to make the judgment on merit and merit alone.

I conclude by simply saying this. There is no other way to make decisions that are fair, other than on merit. As long as we make decisions on any basis other than merit, they are inherently unfair. As long as we make decisions on any other basis besides merit, then we are judging our fellow Americans as part of groups rather than as individuals. When the whole world is torn apart with struggles where people feel themselves more part of a group than part of a nation, I think this is a destructive policy that divides Americans. And I think it needs to end.

Our goal as Americans has always been that people would be judged as individuals. As a great American once said, ''that they would be judged by the content of their character and not the color of their skin.''

Set-asides are wrong. They are unfair. They are un-American. And they should end.

I reserve the remainder of my time.

Mr. SPECTER. Will the Senator from Texas yield for a question?

Mr. GRAMM. The Senator has 10 minutes. I would be happy if he uses his time. I will preserve mine. I have people coming to speak.

Mr. SPECTER. If I may ask the Senator from Texas a question on my time?

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. On my time, then, I ask the Senator from Texas this question.

He makes the comment that his amendment is consistent with Adarand, and said further that it would have to be.

I will call the attention of the Senator from Texas to the opinion of Justice O'Connor, saying,

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality and Government is not disqualified from acting in response to it.

Then, Justice O'Connor goes on to say,

> When race-based action is necessary to further a compelling interest, such action is within constitutional constraints if it satisfies the ''narrow tailoring'' test set out in this Court's previous cases.

Well, the first question would be: Having stated that the Senator from Texas agrees with Adarand, then would the Senator from Texas not agree with what Justice O'Connor has said, that a race-based preference is appropriate when it is narrowly tailored to satisfy a compelling State interest?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me pose a parliamentary inquiry. Is it in order for a Senator on his time to ask me a question?

The PRESIDING OFFICER. If unanimous consent is given.

Mr. GRAMM. Mr. President, let me try to answer this one. Then I will go with the regular order. I am not objecting.

Let me say this: What I have done in section B on page 3 is simply made it clear that if a set-aside is granted as a remedy to an act of discrimination that has occurred where the party that is being subject to the set-aside committed discrimination, then clearly it would be allowed under section B. I believe that is consistent with the Adarand ruling. And I believe it is consistent with what I am trying to achieve here.

My objective is not to ratify the Adarand ruling; my objective is to end set-asides—except in those cases where the court might order them as a specific remedy to discrimination which has been committed by the party that the set-aside is being imposed on. For example, if the courts found that a contractor had engaged in discrimination against a subcontractor, under my amendment they would have the potential remedy to order that the contractor grant a set-aside of the contract to the party that has been discriminated against. But under my amendment, they could not order that the contractor—or my amendment would not order that the contractor have a set-aside program for people who have never been discriminated against by him and may never have been discriminated against by anyone else.

Mr. SPECTER. Mr. President, that is very interesting but not a response to my question. And with 10 minutes I cannot engage in a dialog with the Senator from Texas.

I submit to the body that under the standards articulated by the Senator from Texas in the Adarand case, his amendment must fail because where there is a preference based on action by the Government, or where there is a preference based where a previous court order has not been complied with, that is satisfied under Adarand.

And Justice O'Connor goes on to point out that in the Paradise Case, United States versus Paradise, in 1987, every Justice of this Court—that would include Justice Scalia—agreed that the Alabama Department of Public Safety's ''persuasive, systematic and obstinate discriminatory conduct'' justified the narrowly tailored race-based remedy.

One of the difficulties, Mr. President, in considering a matter of this complexity within the confines of a 2-hour time limit is that it does not give nearly enough opportunity to go into depth on these very intricate issues. And I think it is worth noting that both the Speaker of the House of Representatives and the majority leader of the U.S. Senate decided not to take up this complex question in this session until, as the Speaker put it, there could be other determinations made to help women and minority groups in America.

The first notice I had of the amendment by the Senator from Texas was shortly before he presented it on the floor. It is a very, very complex matter, it is a very serious matter, and it is one really where the Senate cannot deal intelligently in the course of 2 hours of debate.

My own view, Mr. President, is that it would be vastly preferable to deal with discrimination on an individualized basis, and that we really ought to have an EEOC which did not have a backlog of 100,000 cases. I am very much opposed to discrimination in any form, and that includes reverse discrimination, as the Supreme Court of the United States struck down reverse discrimination against white males in the Memphis firefighters case, when the layoff orders discriminatorily applied to white males.

But there are situations where the unanimous Supreme Court has decided that where there has been a situation where the Court has ordered a remedy, and it has been disregarded, or when there is State action such as the activity of the Alabama State Police, that a remedy is required and a remedy is entirely in order.

The comments by Justice O'Connor, it should be noted, were concurred in by Chief Justice Rehnquist and by Justice Anthony Kennedy. And it is a very important fact, as noted by the Court, that the persistence of both the practice and the lingering effects of race discrimination against minority groups in this country constitute an unfortunate reality, and Government is not disqualified from acting in response to it.

I must say, Mr. President, that on short order, the amendment offered by the Senator from Washington cannot really be considered appropriately, and at sufficient length either. But it is my hope that this body does not act summarily and hastily in an effort to deal with the very important point involved here.

In the last few seconds that I have, let me ask the Senator from Texas one further question as to whether he would agree that a preference based on race would be justified in the case of United States versus Paradise, where, as noted, the Alabama Department of Public Safety had a pervasive, systematic, and obstinate discriminatory conduct by consistently refusing to hire any African American, which a unanimous Court, including Justice Scalia, said justified the narrow race-based remedy, whether the Senator from Texas would agree that that is proper, and that it is not within the confines of his amendment but in fact would be prohibited on the face of his amendment.

Mr. GRAMM. Mr. President, if I might respond, let me say that the case that is referred to by our distinguished colleague from Pennsylvania has to do with quotas. My amendment has to do with set-asides. So they are entirely different subjects.

But let me say that I refer him to section B on the page where I specifically in my amendment provide a remedy based on a finding of discrimination by a person to whom the order applies.

So that if a contractor, which is the relevant subject here, engages in discrimination, a remedy that the Court can use under this amendment is to impose a set-aside, and clearly in that case, different than a quota case which would have no application here, it would be permissible.

The PRESIDING OFFICER (Mr. FRIST). The time yielded to the Senator from Pennsylvania has expired.

Mr. SPECTER. May I have 1 additional minute?

Mrs. MURRAY. Yes. I yield 1 additional minute.

Mr. SPECTER. Since the Senator from Texas bases the distinction of set-aside as contrasted with quotas—this Senator is very much opposed to quotas—then would he agree that a preference based on race would be justified in the face of a discriminatory practice as indicated by the State of Alabama?

Mr. GRAMM. I believe that, if it is proven that an employer is engaged in discrimination, a justifiable remedy is to set a quantifiable goal whereby they demonstrate as a way of undoing that discrimination that it no longer exists. The point is in my amendment I specifically allow that with regard to set-asides.

Mr. SPECTER. That would be a preference.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have a number of speakers who want to speak on my side. I would like to know how much time is left on both sides.

The PRESIDING OFFICER. The Senator from Washington has 18 minutes 45 seconds. The Senator from Texas has 32 minutes 39 seconds.

Mrs. MURRAY. I would be happy to let the Senator from Texas use his time since I have a number of speakers. We do not have much time at this point.

Mr. GRAMM. Mr. President, let me make a couple of points. And then, since the distinguished Senator from Washington has those here who want to speak, she can go ahead and allow them to do it.

The distinguished Speaker of the House has endorsed this amendment. This amendment is expected to be offered to the defense appropriations bill by Congressman GARY FRANKS, and the principal cosponsor is the Speaker of the House. What the Speaker of the House is going to do, in addition to supporting this amendment, is to support other independent programs that are aimed at doing two things: No. 1, creating more opportunity; No. 2, relentlessly pursuing the civil rights laws of the land. But it is clearly incorrect, and verifiably so, to say that the Speaker of the House does not support this approach. In fact, he is a cosponsor of the amendment that will be offered by Congressman GARY FRANKS. Congressman FRANKS and I have joined together on this effort.

One of the distinctions that continues to be made, which is a distinction that cannot sustain any rational analysis, is an effort to say that some people can be given preference without engaging in reverse discrimination against others.

This, Mr. President, is falling back into this rhetoric barrage from the President yesterday where the President gave a wonderful, passionate speech against discrimination in America. I could have given 90 percent of that speech and have felt as passionate as the President did. But when he got down to the heart of matter, this mumbo jumbo terminology comes into effect.

And what the President said—and what we have seen touched on here on two occasions—is the following: I am for giving some people preference. But I am not against creating—I am not for treating anybody else unfairly. I want to, in the process—it seems to me that our colleagues who oppose ending set-asides in America are saying—I want to give these groups preference because I believe that they deserve it either based on past actions in the country or based on the fact that in the big scheme of things this is not that much money, but it is not my intention in doing that to discriminate against anybody else.

That basically is what is being said.

That is a nonsensical statement, Mr. President, because if we have a contract bid and we have the five of us who are here and we all have a bid on the contract, and if Senator DOMENICI is given the contract because a preference is given to people from New Mexico, when in fact the Senator from Illinois has submitted the low bid, and let us say, to make the case as clear as possible, we are all qualified to do the job, by the very act of giving Senator DOMENICI the contract, anyone who had a lower bid than he did has been discriminated against.

The point is you cannot give preference to one group or to one individual without discriminating against another individual or group. This is the nonsensical position that the President has sought to argue.

There is only one way to decide who ought to get a contract in America, and that way is merit. There is only one way to fairly decide who gets a job, who gets a promotion, or who gets a contract, and that is merit. When you decide it on any other basis, you are inherently unfair and you are inherently discriminating against people who would have won the contest on merit. Once you start doing this, you are building unfairness into the system.

We need to end set-asides. We need to be relentless in our pursuit of the equality of opportunity. You cannot promote fairness by legislating unfairness. We cannot correct the ills of the country 10 years ago, 20 years ago, 200 years ago or even yesterday by writing the same unfairness into the law of the land. If someone is discriminated against, the courts have the power, under my amendment, to use a specific set-aside to remedy it, but they cannot simply argue that they are part of a group that is given preference.

What my amendment does is end set-asides. What the amendment of the Senator from Washington does is cloud the issue by saying that contracts cannot be given to people who are unqualified.

The issue is not that the bidder who gets the contract is unqualified. The issue is when you have a set-aside, the bidder who gets the contract is not necessarily the best qualified. And that is a key distinction. That is why one amendment is trying to end set-asides and why the other amendment is a ruse to protect them, to foster and to continue the unfairness that is imposed on the system.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, civil rights remains the unfinished business of America. We have taken very bold steps in recent decades toward racial and gender equality, but discrimination in this Nation persists, sometimes in very obvious forms, and sometimes, in very subtle forms.

The recent report of the Labor Department's Glass Ceiling Commission highlights the many problems still encountered by victims of discrimination seeking to move up the ladder in firms across America. That study, which resulted from legislation sponsored by Senator DOLE, reported that 97 percent of the top executive positions in Fortune 1500 companies were held by white men, who are just 43 percent of the work force.

According to U.S. Department of Labor statistics, black and Hispanic men in 1993 were about half as likely as white men to be employed as managers or professionals and much more likely to be employed as operators, fabricators, and laborers. Black and Hispanic women were much more likely than white women to be employed in generally lower paid service occupations.

In the Nation's largest companies, only six-tenths of 1 percent of senior management positions are held by African-Americans, four-tenths of 1 percent by Hispanic-Americans, three-tenths of a percent by Asian-Americans. White males make up 43 percent of our work force, but hold 95 percent of these jobs. Only 9 percent of American Indians in the work force hold college degrees.

These are just a few statistics that indicate that a level playing field does not exist in the American work force. Much remains to be done. We will not eradicate race and gender bias in the work force by ignoring it—we must continue our efforts to increase the participation of individuals who traditionally have been excluded. Only then can we claim to be a nation of opportunity. Only then can our diversity truly become our strength.

We are now in the midst of a significant debate over how best to fight discrimination. This debate is sometimes very difficult, and often very painful.

The issue of discrimination is too important to be grist for the mill of partisan politics. We must examine the methods of fighting discrimination, but we should not question the goal of realizing truly equal opportunity for all Americans.

Affirmative action is one of our most effective means and best hopes for realizing that goal, and for rooting out bias based on race and gender.

The President said it best: ''When done right, affirmative action works. It contributes to greater diversity in environments where none existed. It provides opportunity for individuals who have been denied opportunity through hatred, exclusivity, and ignorance.''

Civil rights is and has always been a bipartisan issue in Congress. The Party of Lincoln has produced many stalwart supporters of strong civil rights legislation: former Senators Everett Dirksen, Jacob Javits, Lowell Weicker, and Jack Danforth have led the way in the past, and many of our Republican colleagues carry on that distinguished tradition today.

We must continue that bipartisan effort in the ongoing battle against discrimination in all its ugly forms.

If there have been abuses of affirmative action, then we need to review and address those abuses. Every Federal affirmative action program should be reviewed to determine whether it has been effective or detrimental.

But we must be careful to protect those programs that have worked and that continue to work well.

President Clinton is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have been unsuccessful.

And he is right to support the continuation of a program that continues to make a difference in the lives of those who would otherwise remain on the fringes of society, despite their qualifications, their education, their hard work, and their integrity. Those principles are the essence of the Murray amendment, and I urge the Senate to approve it.

Long ago, our forefathers founded this Nation with the fundamental promise of equal justice for all. We as a nation have not yet achieved that promise, but we have taken bold steps toward its fulfillment. We must not retreat from that promise.

Ms. MIKULSKI. Mr. President, I rise to oppose the amendment offered by Senator GRAMM to kill affirmative action initiatives in Federal contracts, and I support the second degree amendment offered by my colleague, Senator MURRAY.

I oppose the Gramm amendment because we cannot walk away from the people in our society who have either been left out or pushed aside. We must have tools to deal with persistent bias.

Mr. President, the second degree amendment is very clear. No Federal

funds can go to any affirmative action program that results in quotas, in reverse discrimination or in hiring of unqualified persons.

It makes very clear that affirmative action programs must be completely consistent with the Supreme Court's recent Adarand decision. That decision says that affirmative action programs could be justified.

The second degree amendment recognizes that the war against discrimination is not won. It still exists today.

And affirmative action is just one tool needed to help win that fight. But, other tools are needed too—education, employment, and Federal contracts.

Mr. President, I support enforcing the law. That means no quotas because they are illegal. That means no discrimination because it is illegal—and totally unacceptable.

Mr. President, affirmative action is about persistent bias in our system, bias in our government agencies, and unfortunately bias in the hearts of many people.

I'm talking about persistent bias against minorities, against women, and against economic empowerment.

What do I mean when I say persistent bias? I mean when people are told throughout their lives ''no'' based on their race, gender, or ethnicity.

When they are told no you can't go to that school, no you can't belong to that club, no you can't go to that college, no you can't have that job, no you can't have that promotion, no you can't have that salary.

Persistent bias exists. The Supreme Court knows it. Statistics show it. And every day, someone in the United States feels it.

Mr. President, statistics prove that persistent bias exits. The Glass Ceiling report shows the disparity against minorities and women.

Black men with professional degrees earn 79 percent of what white men make with the same degree and in the same job.

The report states that white men make up 43 percent of the work force, but hold 95 percent of the senior management positions.

And women and minorities who do make it to the top, make less than their male counterparts. Why is this the case? Persistent bias.

It's not just about race, it's about gender too.

Exactly how far have women come? Only 5 percent of senior managers in Fortune 2000 industrial and service companies are women.

Women are over 99.3 percent of dental hygienists, but are only 10.5 percent of dentists. Women are 48 percent of all journalists, but hold only 6 percent of the top jobs in journalism. And it's 1995.

Mr. President, with facts and statistics like these, the need for affirmative action programs is crystal clear.

I'm against discrimination. Everybody else says they are too. But the problem is that many people don't practice what they preach.

Throughout America, growing and pervasive economic insecurity has created immense anger and anxiety. We've heard it all. Some say that minorities and women are the problem. And so, many attack affirmative action.

Everyone is afraid of losing their job, being downsized or being left behind.

Blacks and whites, men and women are being pitted against each other—most often for political gain. But, let's be clear. Scapegoating takes us nowhere.

Look at how we all benefit from having an inclusive society where everyone has the opportunity to achieve and compete. Affirmative action has just begun the process of opening up the competition to everyone.

Between 1982 and 1987, the number of women-owned businesses rose more than 58 percent.

And now we see more women and minorities in law enforcement, firefighting, skilled construction work, and as doctors, and lawyers. But, it's not enough.

Discrimination is still alive and well. My constituents write me repeatedly about discrimination in our Federal Government agencies and right here in our own U.S. Congress.

Mr. President, We must provide an opportunity ladder. The Gramm amendment cuts off that opportunity.

You don't have to sacrifice quality when you pursue equality. Affirmative action is not a guarantee for those who could not otherwise succeed. It's simply an opportunity to compete. I support giving everyone that opportunity.

I'm going to fight for equality, fairness, and a merit-based society, with real opportunity structure so that people can make it, and the end of persistent bias. We have to show people that we are on their side.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator DODD and Senator FEINSTEIN as cosponsors of the amendment.

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

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President and my colleagues, I thank my colleague from Washington for yielding. I rise in strong support of her amendment and in opposition to the amendment of the senior Senator from Texas.

Let me give you a very practical example. When I was in the State legislature, a young African-American contractor just starting off wanted to do a little bit of curbing work at Scott Air Force Base. He could not get a bond. I went to bat for him. I could not believe the barriers that were there for this person to get a surety bond so he could get a construction job.

We finally, after screaming and hollering, broke through, and he built up a business and eventually moved to Atlanta and became one of the 10 wealthiest African-Americans in our country. The barriers are there for a great many people, and surety bonds are a good illustration.

I introduced a bill last session—I believe I have introduced it again this session—to say you cannot discriminate in the issuance of surety bonds. Why, you would think a little bill like that would have no trouble at all. What a storm of opposition it got.

We have to make opportunity for people. Has anyone here ever heard of a country club that is all white and all male? Well, they are all over the place. We know it. And that is where a lot of business gets done.

Can affirmative action be abused? Of course, it can be abused, like education and religion and a lot of other things, but it is sound.

We are talking about opportunity. I heard my friend, Rev. Joseph Lowery, from Atlanta, on NPR yesterday. He heads the Southern Christian Leadership Conference. On affirmative action, he said those who resist, they push somebody outside; you have to stay out in the rain all night. Then in the daytime you invite them in, and they are standing on the oriental rug and we say, ''Sorry, we cannot give you any business because you are wet.''

We have to recognize that there have been some abuses in our society.

Let me just give you one example. Today, the average woman who works makes 72 cents as much as the average male. That is not good. But it used to be 59 cents. That is progress. I have seen a lot of progress in our society, and if this is adopted, this is just one step down the road to knocking out other affirmative action.

We all practice some affirmative action. It is very interesting that in Senator GRAMM's amendment, he accepts that we are going to have affirmative action for historically black colleges and universities. I applaud him for taking that step, but what is true for historically black colleges and universities ought to be true for women and minorities who are in business also.

What we have to do in our society is make opportunity for people. The amendment offered by our colleague from Washington moves on some of the abuses without saying let us stop doing this. And make no mistake, if this is adopted, there will be other amendments in the future.

When my friend from Texas says, well, people can go to court and get this resolved, let us say you are a small contractor and you cannot get a surety bond. No. 1, you probably cannot afford to go to court. No. 2, going to court sounds like an easy remedy —and I see I am getting the look from the Presiding Officer here now—but the reality is that it is just not a realistic option. The Gramm amendment should be defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator GRAMM knows that I hold him in high respect, but frankly I do not think this is the way we ought to handle a matter of this importance. Everybody that is speaking tonight in the Chamber obviously is well motivated, but from my standpoint there is an awful lot of discussion in the Chamber that ignores reality.

The reality is that the U.S. Supreme Court, while it said we have to do these things differently, acknowledged that there is discrimination in the United States. I believe there is. I believe we are doing better. And clearly we are better than we were 100 years ago and better than 50 years ago.

Mr. President and fellow Senators, there is no question that this is an important issue—discrimination. And to come to the floor on an appropriations bill, no public hearings that I know of, no committee hearings that I am aware of, and to suggest that on each appropriations bill we are going to tailor some way to get rid of affirmative action in the United States, in my opinion, is as apt to miss the point as it is to solve anything.

Frankly, in the United States of America, we cannot rely solely upon the discrimination laws of this land to bring equity and fairness to Americans. In fact, many of us would stand up and say society is already overburdened by antidiscriminatory legislation and that there ought to be a better way to bring some equity into this system.

Now, I am a staunch proponent of capitalism, but I tell you, to come to the floor and say that the capitalist system will break down if everything is not based on competition and merit, is to ignore reality.

There is plenty of rule and regulation of the capitalist system that sets apart many things that are not based upon either merit or competition. And the truth of the matter is we ought to find a way to comply with the Supreme Court's decision and do something about discrimination from the standpoint of opportunity. Not from the standpoint of going to court to enforce one's rights.

And I submit we can find some ways. It certainly is not what we are doing today. And it is not what either of these amendments will accomplish in my opinion.

The Senator from Washington yielded time to me, and I will say to my good friend, I was not for her amendment either. It is too difficult to understand. We ought not be debating it here at 9:20 with 10 or 15 minutes per speaker. This is an important issue, really. And perceptionwise, it is a gigantic issue. And I do not know why we have to do it this way. I do not know why we have to say to the millions of Americans who are worried about discrimination, ''It is just plain and simple. There is nothing to it. Just come to the floor. And I have 16, 20 words. We will fix it all up.''

My friend from Texas is a great wordsmith and I have great respect for him. But I submit to him this is not the way to do business. I will not convince him because he is convinced that this is a most important issue. And for that, I admire him. He has always spoken his piece. But this is not the way to address this issue in the United States of America on an hour's notice on an appropriations bill about the legislature of the United States and how we pay for it. And we ought not do it. Both amendments ought to be defeated. And we ought to pass a legislative appropriations bill tonight.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let me thank my colleague from New Mexico. And I agree with him we should not be legislating on this appropriations bill. As the ranking member on this committee, I did not chose this evening and this time to have this debate. It was certainly brought before us by the Senator from Texas. And under that I offered my amendment to second degree it. I am not afraid to debate this. But I agree with you. It should not be done on a legislative appropriations bill.

I thank the Senator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I could not disagree with my colleague more strongly. We are getting ready to spend billions of dollars in the first appropriations bill of this year. The American people have debated this issue. The President of the United States spoke at great length on it yesterday. It has been an element in the platform of my party for over a quarter of a century.

This is an issue which is well understood and it is not complicated. The issue here is, should we have contracting through the Federal Government, in this case through the legislative branch of our Government, that part that we control directly—should we be letting contracts as a Congress not on merit but rather on race, color, national origin, or gender?

I say no. The American people say, overwhelmingly, no. And if we let these appropriations bills pass without ending set-asides, then we are continuing a practice that the American people clearly rejected in the 1994 election, and that, by huge a majority, the American people want fixed.

This is not an amendment that was born out of thin air. This is the amendment that has been worked on by many, many people. It is a joint effort that I have undertaken with Congressman GARY FRANKS in the House. His cosponsor is NEWT GINGRICH and the amendment is supported by the entire House leadership. And what the amendment says is very, very simple. It says that none of the money we are going to be spending under this bill can be used for the purpose of granting contracts that are awarded in total or in part based on race, color, national origin or gender.

My amendment clearly allows for an outreach program. The Government can spend any amount of money, helping people learn how to bid, helping people to get to the site of the bidding, helping people put together their bid. But, under this amendment, once the bids are offered, the contract has to go to the most qualified contractor. The contract cannot be given to someone on the basis of preference rather than on the basis of merit. The amendment is drafted so as to allow the courts to grant a specific remedy when a person is discriminated against. Now let me touch on several other issues that have been raised by other speakers before I yield the floor.

No. 1, there have been abuses in the past. No one disagrees with that. No one could live in America and not understand that there have been abuses in the past. The point is, by legislating abuses and unfairness in the present and in the future, do we correct the unfairness of the past? Do two wrongs make a right? If two wrongs make a right, then the adage we learned as children must be incorrect.

Second, a point was made it is difficult for some contractors to go to court. That is equally true for contractors who are discriminated against by set-asides.

The Senator claims to be offering an amendment as an alternative to mine, which says that programs cannot be awarded to unqualified persons. The issue here is not whether the person who gets the contract is qualified, the issue is, are they the best qualified?

The fact that the Court said under Adarand that certain types of quotas could be allowed under the Constitution does not mean that the Court said they have to be used. We are able to set by law whether we want quotas or not. And I do not want them. We are able to set by law whether we want set-asides or not. And I do not want them. I think merit is the only fair way to decide who gets a contract in America. And the fact that the Adarand case said that it is constitutional for Congress to have very narrowly focused set-asides does not mean that the Court said Congress has to have them. It simply said that it would allow them to stand under the Constitution. But no one questions that we have the right to limit them.

Quite frankly, my amendment does not totally ban set-asides. In the case where a subcontractor or a contractor can prove that they were discriminated against in the past, on the basis of that proof a set-aside could be used to remedy a specific wrong which is proven.

The idea that some have argued here is that we have a pure system of capitalism that breaks down when there are impurities in it—I make no such argument tonight. America can survive

set-asides. America has survived quotas and set-asides for 25 years. I never cease to be amazed that our system overcomes not only the illness but the absurd prescription of the doctor. It survives not only the natural problems we have, but the problems we impose on ourselves. But the point is, do we want to continue to allocate contracts in America, spending the taxpayers' money, on a discriminatory basis or do we want to demand merit? I want to demand merit.

Final point. This is not a difficult issue to understand. And I want to emphasize this one more time because I am certain that there will be those when the vote is cast who will look at the Murray amendment and say, well, I voted to fix this problem. But the issue here is very simple. Under my amendment we ban set-asides based on race, color, national origin, or gender, period. Under the substitute amendment which is going to be voted in sequence, what it bans is granting an award to an unqualified person. The issue in set-asides is not that the person who gets the contract is unqualified, the issue is that they are not necessarily the best qualified. Is it fair to give a contract to a qualified person when another person is better qualified? If you have two qualified builders, and one submits a bid for $100,000 and one submits a bid for $200,000, is it OK to give the contract to the one who bids $200,000 simply because they are qualified?

The point is, and I am very proud of the fact that nobody here has claimed that in opposing my amendment, they are doing anything other than supporting set-asides, period. That is what the issue is.

There is going to be one real vote on one real amendment. If you are against set-asides in contracts and you want a merit system, then you want to vote for my amendment. If you are not against set-asides, you want to vote ''no.'' If you simply believe that we ought to continue discrimination written into the law of the land, as long as the person who is getting the privilege is qualified, even if they are less qualified, even if they have a higher bid on their contract, then you could find the Murray amendment acceptable. But this is a very clear issue. I think everybody understands what it is about.

Again, when we are spending money is the time that we ought to talk about the conditions under which it is going to be spent. If my amendment is adopted, every contract that we let through the legislative branch of Government will be done on merit, and the contractor with the highest quality work and the lowest price will get the contract. That is the only fair way to do it. The American people support it. It is the American way, and I think it is time we get back to it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Will the Senator from Texas yield for a question on his time?

Mr. GRAMM. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Texas has 16 minutes, 52 seconds, and the Senator from Washington, 8 minutes, 45 seconds.

Mr. GRAMM. Mr. President, if the Senator uses her time up, I will, at that point, yield for a question.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I may not take all 5 minutes because I know others want to be heard as well.

If he had not said it, I think I would have said it. I want to commend our colleague from New Mexico this evening for his comments. I will support the Murray amendment, which is the one distinction, and I do that because I think having an alternative is necessary.

Frankly, as the Senator from Washington and the Senator from New Mexico have said, we ought not to be considering any of these amendments. I say, with all due respect to my colleague from Texas, that it was once said by some sage that for every complex problem, there is oftentimes offered a simple solution, and it is usually wrong.

With all due respect, I suggest to my friend from Texas that people have debated and discussed and thought about this issue for a great deal of time on how we try and deal with what the Senator from New Mexico has very appropriately and properly said, regretfully, deeply so, there is still racism in our country, there is still discrimination based on gender. Anyone who thinks otherwise is living on a different planet than I am. That is a fact.

No one has yet come up with a perfect solution as to how we solve these problems. The Senator from Washington has offered something on which I think all of us agree. Maybe we ought to this evening support that amendment, because I hear the debate all the time about quotas and reverse discrimination. Her amendment at least puts us on record on those issues. I think that is worthy of support.

We had the President yesterday give a major speech on this issue. He has been under significant pressure for some months to come up with some ideas and solutions on how we might address the issue of affirmative action. Whether or not you agree with everything he said in his speech, he has laid out a roadmap, a plan on how we might deal with these issues.

I think it is only fitting and proper that we in this body at least exercise a modicum of the same degree of deliberation as we look at these issues. To suggest in the space of an hour or hour and a half, with an amendment thrown up this evening, that we are going to solve this problem once and for all, I think is terribly, terribly shortsighted.

So I urge my colleagues this evening, whether you agree philosophically with the Senator from Texas or not, this amendment ought to be rejected, and the people, through this body and the legislative process, can decide what best action we ought to take.

Mr. President, let me say for my part, I happen to think that affirmative action in this country has made us a stronger, a better, a richer nation, because we have reached out to people. Merely look in your own neighborhoods and communities and recognize today what a better country this is than it was even 2 or 3 decades ago when major portions of our population were denied public access to basic facilities.

We are not talking 100 years ago. We have come a long way as a people. The great strength of our country is our diversity, and we need to grope and figure out how we can constantly be more inclusive. That is our strength. It is not our weakness.

Too often when people address this issue, they appeal to the emotions of people. There are people who are troubled today, worried, frustrated about jobs and their families and their futures, and it is so easy to come along and to point to some problem as the reason for their difficulties and then to appeal to those emotions. This is not a time for that. We need to figure out together, in this body and elsewhere, in the private sector and public sector, how we can come together and help address this difficulty.

This is not the way to go about this. This is not the answer, no matter how appealing the language may be. This is not going to help us solve our problems. It divides us, and that is not what we ought to be about in the U.S. Senate. We ought to be seeking the common ground that the President talked about the other night and that the Senator from New Mexico addressed in his brief remarks.

The Senator from New Mexico is right; this is not the time or the place. There is a place, there is a time, but this is not the answer to it. So I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me just respond very briefly. I do not think there is anyone here who argues that there is no racism in America or that we do not have any discrimination today. I think we all know that, thank God, there is not as much as there used to be, but if there is any, and there clearly is, it is too much.

The point is, however, that we cannot correct unfairness in America by making unfairness the law of the land. We cannot correct injustices of the present

or the past by legislating injustice in the present to carry us into the future.

The point is that any time people are judged on the basis of anything but merit, it is unfair. That is our definition of discrimination. That is our definition of prejudice.

What we are doing with set-asides is legislating discrimination into the law of the land, the idea being that if wrongs have existed, if wrongs exist today, that somehow we can correct them by making another wrong the law of the land. I reject that. I think that is faulty logic, and making unfairness the law of the land, it seems to me, simply holds the system up as being corrupt.

Second, I want to make it clear that I have not used the term ''affirmative action'' once in this debate, and I never use the term ''affirmative action.'' When Lyndon Johnson chose the term ''affirmative action'' in 1965, it is clear to me that he chose it for one and only one reason: Nobody knew what it meant. And it is equally clear that nobody knows what it means today.

I have sought to deal with one issue, set-asides, the granting of contracts on the basis of something other than merit. I make it very clear in the amendment, something that I have worked on with Members of the House and the Senate and outside groups, that there is nothing in this amendment that prohibits outreach, that prohibits recruitment.

The legislative branch of Government could spend an unlimited amount of money trying to get people to bid on contracts, trying to help them bid, trying to outreach to them, trying to school them, trying to be of assistance to them. All of that is perfectly allowable under this amendment. But where this amendment draws the line is that once the contracts are submitted, you cannot decide who gets the contract on the basis of race, color, national origin, or gender. You have to decide it on merit. That is the American way of doing things. Any other way is inherently unfair, is inherently discriminatory, and it is discrimination written into the law of the land.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Will the Senator yield for a question at this time?

Mr. GRAMM. Yes, I will yield.

Mrs. MURRAY. I thank the Senator. I wanted to ask the Senator specifically about his amendment. Obviously, we are dealing with the legislative branch appropriations here. What programs funded under legislative appropriations are there that concern the Senator and that brought this amendment to us at this time?

Mr. GRAMM. Mr. President, reclaiming my time to respond, we have, throughout our appropriations process, through Executive order and through law, set up a system where routinely contracts are granted on a nonmerit basis.

I did not choose this bill. This bill happens to be the first appropriations bill that came up. But I think the good thing about choosing it is we begin by practicing what we preach, because all the other appropriations bills have to do with the executive branch of Government.

So what I am saying here is that any contract let, whether we are doing construction work on the Capitol, or whether we are doing work at the Library of Congress, or whether we are doing work at the Congressional Research Service, or whether we are building the new dorm for pages—a dorm that I did not even know existed, which is why I always vote against this bill, because there is always something in these legislative appropriations—or has been until this year, and I have more confidence now than in the past—that I do not know about. So what this would say is, to give you an example, in the subcontracting or the contracting on the page dorm, that contracts have to be let on a merit basis. They cannot be let on the basis of a set-aside, clear and simple.

Mrs. MURRAY. Will the Senator further yield for a question?

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I appreciate that because I wanted to ask the Senator this. Under the legislative branch appropriations in fiscal year 1995, the Library of Congress awarded five contracts for a total of $10 million that would be affected by your amendment. Out of, I believe it is, well over $266 million total contracts, only five of those would be affected by your amendment. I am curious as to why you are approaching that for such a minute number on this appropriations bill.

Mr. GRAMM. The Senator has said that under SBA there are only $8 or $9 billion of set-asides. But my response is that this is a matter of principle, it is not a matter of money. It is a matter of principle. The principle is, if it were one nickel, if it were one penny, do we want to be on record in the greatest deliberative body in the history of the world, in the greatest democracy that the world has ever known, saying that we want money we expend—in this case on legislative branch activities—spent in a discriminatory way?

So you can argue that there were only $10 million of contracts here and $8 billion there, and there may have been some in subcontracts. But the point is not the money. The point is the principle. This is not a complicated issue. This is something we should be doing because the principle is as clear as the morning Sun.

Should contracts be let on merit? Or should they be let on a system of preference? In America, do we have competition among individuals? Or do we have competition among groups? That is the issue here. It is a very fundamental issue. It is a very simple issue.

I want to be relentless in our pursuit of equality of opportunity, and we cannot pursue equality of opportunity by legislating bias, by legislating discrimination, by legislating unfairness. The American way is merit. No other way is acceptable. It is not an issue about money. It is an issue about principle because it goes to the very heart of who we are as a people and what we stand for.

I yield the floor.

Mrs. MURRAY. I have one quick additional question. Would the Senator yield?

Mr. GRAMM. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 36 seconds. The Senator from Washington has 4 minutes.

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I just wanted to know if veterans preferences were acceptable to the Senator.

Mr. GRAMM. A veterans preference is a preference we have set out in law as an inducement for people to serve in the military. It is part of the reward that they get for service. Any American can join the military if they can meet the mental and physical requirements, and in doing so, they know as part of their package that they not only get the pay, they not only get the retirement, but they get a veterans preference in terms of public employment.

It is perfectly reasonable that our Nation has set out a goal of encouraging people to join the military, and many people have taken the opportunity to serve. In fact, the veterans preference now brings diversity to the Federal Government. It is a preference that promotes the very objectives that our colleagues claim they want. But it is an objective that is promoted through service. It is an earned benefit. That is the distinction.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I guess that having 2 minutes really proves the point that Senator DOMENICI from New Mexico made earlier with a considerable amount of eloquence. This is an important, really fundamental issue that goes to the core of who we are as a people and a society. It really should not be debated tonight on an appropriations bill—the legislative appropriations bill.

I guess about all I can say in 2 minutes is that I wish it was the case when I visit hospitals—now being a grandfather with two small grandchildren—that I could look at a child and feel reassured that that child, regardless of gender, or regardless of race, or regardless of disability, would have the same opportunity. That is called equality of opportunity. I am the son of a Jewish immigrant from Russia, and I think that is one of the most important principles to me in our country, which is why I love our country so much. But, Mr. President, that is not the case.

I think that we ought to think long and hard before we pass an amendment which, I believe, is very extreme, and I believe that its effect—I do not know about purpose—turns the clock back a good many decades. I think it would be a profound mistake for us to support the Gramm amendment. I think that the Murray/Cohen/Daschle/Moseley-Braun amendment, if we are going to have this debate tonight, should and must be the prudent middle ground for us.

Mr. GRAMM. Mr. President, for 30 years we have had unfairness built into the law of the land. I am trying to turn the clock forward to the future, where not only do we have a goal of equal opportunity and merit as a nation, but that our laws reflect it.

In terms of what we all wish when we see our children, I think we all hope for them a society where ultimately merit triumphs. We have heard a lot tonight about problems in America's past, and there are a lot of them. But I think, also, we have to give ourselves credit. America is the greatest, freest country in the history of the world. Since our colleague brought up looking at his grandchildren and thinking about their future, let me conclude on that remark by talking about America in action.

My wife's grandfather came to this country as an indentured laborer to work in the sugarcane fields in Hawaii. I do not know whether they let him vote during that period or not. But they certainly let him work, and he worked off that contract.

His son, my wife's father, became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. Under President Reagan and President Bush, his granddaughter, my wife, became chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all commodities and commodity futures, including the same sugarcane her grandfather came to this country to harvest so long ago.

That is not the story of an extraordinary family. That is the story of a very ordinary family in a very extraordinary country. I want every child born in this country to have the same opportunities that my wife's grandfather had when he came to America. But we are not going to grant those opportunities by writing unfairness into the law of the land. We are not going to fix problems and unfairness in the past by writing unfairness into the law.

There is only one fair way to decide who gets a job, who gets a promotion, and who gets a contract. That fair way is merit, and merit alone.

What my amendment tries to do is go back to merit. This is not a sweeping amendment. This amendment applies to this bill, this year. What this amendment says, very simply, is this, that in letting contracts—it does not apply to contracts that already are in existence, but on the contracts that we will enter into through the funds that we appropriate this year, new contracts—that the letting of those contracts will be on a fair, competitive basis, where merit will be the determining factor.

This is not a revolutionary idea. Although, I guess in a sense it is a revolutionary idea. It is the most revolutionary idea in history. It is the American idea. It is the American ideal. Merit should be the basis of selection and award. That is what my amendment says.

The amendment which is offered, the alternative, says that you should not give contracts to people who are not qualified, but that begs the question of whether someone else was better qualified. Merit is what I seek in this amendment. If you believe in it, I think you should support the amendment. If you support set-asides, I believe you should vote against my amendment and you should vote for the amendment of the Senator from Washington [Mrs. MURRAY].

I reserve the balance of my time.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes and the Senator from Texas, 3 minutes.

Mrs. MURRAY. I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the Senator from Washington. I will be very brief.

The Senator from Texas keeps referring to two wrongs not making a right. We all know that the first wrong which he refers to, the history as well as the present experience that we had in this Nation, was discrimination.

Let me submit to everyone who is listening, the second wrong is not affirmative action. It is not our effort to fix that tragic legacy. The second wrong lies in this amendment in shutting the door, closing down the small efforts, the small steps we have taken, to remedy, to provide for opportunity, to give people a shot, to give people a chance.

I say to my colleagues, as someone who is both minority and female, I am not comforted at the notion that by getting rid of affirmative action anybody is doing me a favor. So I encourage my colleagues to defeat the amendment from the Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

Mr. DOLE. Mr. President, as some of my colleagues may know, I am in the process of preparing legislation that is designed to get the Federal Government out of the business of granting group-preferences. I will be introducing this legislation next week.

This legislation will stand for a simple proposition—that the Federal Government should neither discriminate against, nor grant preferences to, individuals on the basis of race, color, gender, or ethnic background.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not to divide us. Our focus should be protecting the rights of individuals, not the rights of certain groups.

The amendment offered by my distinguished colleague from Texas is consistent with the approach embodied in the bill I will be introducing next week. And of course, I look forward to working with him as well with all of my colleagues on both sides of the aisle.

Rather than the piecemeal approach of amending each of the appropriations bills, I would prefer to address this very, very important issue more thoroughly and as a separate matter—and that's the point of my bill—to serve as a starting point for this discussion.

This legislation may not be perfect, but it is my hope that it can act as the basis for a serious, rational, and, yes, optimistic dialog on one of the most contentious issues of our time.

Of course, our country's history has many sad chapters—slavery, Jim Crow, separate but equal. And, of course, discrimination persists today. We do not live in a color-blind society. I understand this.

But, Mr. President, fighting discrimination should not be an excuse for abandoning the color-blind ideal. The goal of expanding opportunity should not be used to divide Americans by race, by gender, or by ethnic background. Discrimination is wrong, and preferential treatment is wrong, as well.

So, Mr. President, our goal should be to provide equal opportunity—but not through quotas, set-asides, and other group preferences that are inimical to the principles upon which our country was founded.

A relevant civil rights agenda means conscientiously enforcing the anti-discrimination laws. It means outreach and recruitment. And it means knocking down regulatory barriers to economic opportunity, including repeal of the discriminatory Davis-Bacon Act; enacting school choice programs for low income innercity families; and fighting the scourge of violent crime that is unquestionably one of the biggest causes of poverty today.

This is the agenda upon which dreams can be built—and it is an agenda that this Congress should be relentlessly pursuing.

UNANIMOUS-CONSENT REQUEST—H.R. 1944

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to

the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding Education Funding/Job Training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour, to be equally divided in the usual form with all time being used tonight except for 30 minutes under the control of Senator WELLSTONE; and that at 10:20 a.m. the managers be recognized to utilize 10 minutes for debate to be followed by Senator WELLSTONE to be recognize for his 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the Calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division and that following that vote the majority leader be recognized to exercise the same right with respect to placing the bill on the Calendar, and if that action is not utilized the Senate proceed immediately to a vote on passage of H.R. 1944.

Mr. WELLSTONE. Reserving the right to object.

Ms. MOSELEY-BRAUN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. One minute, 6 seconds.

Mrs. MURRAY. I want to thank all of my colleagues who have come to the floor tonight to speak so eloquently for equal opportunity.

I yield my remaining time to the Senator from Maine, Senator COHEN.

Mr. COHEN. Mr. President, at the heart of the amendment of the Senator from Texas is that everything should be decided on merit. That makes the assumption that we are all starting off on a level playing field. That makes the assumption that we all have equal opportunity and we are born with that equal opportunity.

That completely ignores what is a reality of our lives—that not everybody has an equal opportunity, not everyone has equal access to education, not everyone has the same opportunity to break through various barriers.

There is the assumption that everything is decided on merit. If that is the case, why do we have laws against monopolies? Why do we just not say the company that gets the biggest, that provides the most for the least should prevail in every case? Why do we need to break up monopolies if everything is to be decided on merit?

We have law to prevent that because we understand that not everyone is treated equally in the marketplace.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes and 20 seconds.

Mr. GRAMM. Let me begin with the last point. No one has ever argued, nor does anyone believe, that any two people are born equal. No one believes that the playing field is level.

If the mother of the Senator from Maine loved him and my mother did not love me, no law can ever make us equal. I do not know how much property the father of the Senator from Maine owned when he was born as compared to any other Member. Society cannot guarantee equality, except in one way, and it is what Abraham Lincoln called a fair chance and an open way. There is no legislative remedy to an unlevel playing field other than leveling it in the future so that people can compete. Because there have been wrongs in the past does not justify making those wrongs the law of the land in the future.

I believe that merit does not hold people down. Merit liberates people.

I think we are down to a moment of decision. I want to use my final moments in defining what I have offered, a very limited amendment that says on this bill, this year in the Congress in congressional spending, that we will provide under this appropriation that contracts cannot be let on any basis other than merit.

Nothing in my amendment limits outreach, limits recruitment, nothing in my amendment overturns an existing contract, nothing in my amendment overturns a court order or prevents the court from issuing an order in the future to remedy a specific problem.

What my amendment seeks to do is to bring back to America, and in this particular bill, legislative branch spending, the concept of merit. The alternative which is offered by the Senator from Washington simply says that contracts have to go to qualified persons. That is not the issue, Mr. President. The issue is not that the person who gets a discriminatory contract is unqualified. The issue is that they are not the best qualified candidate. The issue is they did not submit the lowest bid or the best value.

There is only one fair way to decide who gets a job, who gets promoted, and who gets a contract. That is merit. That is what I am trying to bring back to this individual appropriation bill.

If you oppose set-asides, and a huge percentage of the American people do, then I urge Members to vote for my amendment and vote against the Murray amendment. The Murray amendment simply precludes giving contracts to people who are not qualified. My amendment requires giving contracts to people who are the best qualified. That is the test of merit. Not that the loser of the competition has no merit; it is who has the most merit. That is the issue.

The PRESIDING OFFICER. Time has expired.

Mrs. MURRAY addressed the Chair.

AMENDMENT NO. 1827 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1827 is withdrawn.

So the amendment (No. 1827) was withdrawn.

The PRESIDING OFFICER. The vote is on amendment No. 1825.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to use just a couple of minutes of my leader time to comment on the pending matter prior to the vote. I will be very brief.

Since the days of the New Deal, our Government's goal has been to expand opportunity, to give more Americans a fair chance to succeed, to open doors, not to close them.

Affirmative action has been a bipartisan part of that goal for 30 years, since the days of the civil rights revolution.

President Johnson issued the Executive order which authorizes programs of affirmative action. President Nixon greatly expanded and strengthened that Executive order 5 years later. For more than 30 years, Members of the Congress, Republicans and Democrats alike, all supported the policy.

In 1986, when President Reagan's advisors were urging him to repeal that Executive order, 69 Members of the Senate, Republicans and Democrats alike, joined in a letter to the President urging that he resist that advice.

In 1991, 4 years ago, the Congress enacted the Civil Rights Act of 1991, reversing Supreme Court rulings which undermined fundamental civil rights—and part of the bill included the Glass Ceiling Commission, to study why women, who are 45 percent of the work force are less than 5 percent of top management in the private sector.

Just 1 year ago, the full Senate, Republicans and Democrats alike, without a single dissenting voice, voted to establish a Government-wide goal of 5 percent of contracts for women-owned businesses.

If affirmative action was needed 9 years ago; if a study of women's workplace role was needed 4 years ago; if a Government-wide goal for women-owned businesses was a good idea 1 year ago—then those who now, suddenly oppose all affirmative action, all goals, all efforts to study the makeup of our work force, have a responsibility to explain to the American people what has changed.

In fact, not much as changed. Our goal is a colorblind society. But identifying a goal and reaching it are two different things.

We have not yet reached that goal, and until we do, the amendment of the Senate from Texas should be voted down. It is an effort to divide people, not to find common ground. It is a political effort, and it deserves to fail.

I yield the floor.

VOTE ON AMENDMENT NO. 1825

The PRESIDING OFFICER. The question is on amendment No. 1825.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 36, nays 61, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—36

Abraham	Gorton	Lugar
Bennett	Gramm	Mack
Brown	Grams	McCain
Burns	Grassley	McConnell
Byrd	Gregg	Murkowski
Coats	Hatch	Nickles
Coverdell	Helms	Pressler
Craig	Hollings	Shelby
D'Amato	Inhofe	Smith
Dole	Kempthorne	Thomas
Exon	Kyl	Thurmond
Frist	Lott	Warner

NAYS—61

Akaka	Feinstein	Moynihan
Baucus	Ford	Murray
Biden	Glenn	Nunn
Bingaman	Graham	Packwood
Bond	Harkin	Pell
Boxer	Hatfield	Pryor
Bradley	Heflin	Reid
Breaux	Hutchison	Robb
Bryan	Jeffords	Rockefeller
Bumpers	Johnston	Roth
Campbell	Kassebaum	Santorum
Chafee	Kennedy	Sarbanes
Cochran	Kerrey	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thompson
Domenici	Lieberman	Wellstone
Dorgan	Mikulski	
Feingold	Moseley-Braun	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the amendment (No. 1825) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, before the next vote, as I understand, there will no more amendments on this bill unless I offer the rescissions package.

Mr. MACK. It is my understanding that there are no further votes necessary on the legislative appropriations bill, that if we were to——

Mrs. MURRAY. Mr. President, I do believe we will have a vote on the pending question.

Mr. DOLE. Right. I mean after this next one.

Is there any demand for a rollcall on final passage?

Mr. MACK. No. It has been cleared on both sides.

Mr. DOLE. If we cannot get an agreement on the rescissions package, I intend to offer it as an amendment and then have the Wellstone-Moseley-Braun amendments and do it all tonight. We are not going to add any more time in the morning. We have been trying to put this together for 3 weeks. I have been here a long time. I have never been so frustrated in my life. So if they want to stay here tonight and keep everybody else here half the night, I am prepared to offer the rescissions package as an amendment as soon as we complete the next vote. If they are prepared to enter the agreement we thought we had, we are prepared to do that. So we can think it over during this vote, and I am prepared to offer the amendment right after this vote.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I informed the manager of the bill I did have an amendment on OTA.

I would call the attention of the Senate to the fact that the bill which has come to us from the House takes the money for the OTA from the Library of Congress, something that I wish to avoid. The House voted strongly in the Chamber on that matter.

I think we have made a mistake, not correcting that situation to protect the Library of Congress. But perhaps we can do it in conference.

In view of the problems that the majority leader just announced, I will not offer that amendment now, but I want the Senate to know I think we are making a big mistake to leave this situation where the House has voted overwhelmingly to maintain OTA but to take the money out of the Library of Congress. And we have not solved that problem here, in my opinion. I disagree with the manager of the bill and his solution. It is not a solution. The GAO has informed a lot of Senators here that they can perform the role of OTA, which in my opinion is ludicrous. But I will not offer the amendment at this time.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1826

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1826, as modified. 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 Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—84

Abraham	Feinstein	McConnell
Akaka	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Glenn	Moynihan
Biden	Gorton	Murkowski
Bingaman	Graham	Murray
Bond	Grams	Nickles
Boxer	Grassley	Nunn
Bradley	Gregg	Packwood
Breaux	Harkin	Pell
Brown	Hatch	Pressler
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Campbell	Helms	Robb
Coats	Hollings	Rockefeller
Cochran	Hutchison	Roth
Cohen	Johnston	Santorum
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Daschle	Kohl	Snowe
DeWine	Lautenberg	Specter
Dodd	Leahy	Stevens
Domenici	Levin	Thomas
Dorgan	Lieberman	Thurmond
Exon	Lugar	Warner
Feingold	Mack	Wellstone

NAYS—13

Burns	Inhofe	McCain
Byrd	Jeffords	Smith
Chafee	Kassebaum	Thompson
Dole	Kyl	
Gramm	Lott	

NOT VOTING—3

Ashcroft	Faircloth	Inouye

So the amendment (No. 1826), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. When it comes to controlling Government spending, nothing stands out in my mind more than the $1 billion that the Federal agencies toss out the window every year in energy waste.

The Federal Government is our Nation's largest energy waster. This year agencies will spend almost $4 billion to heat, cool, and power their 500,000 buildings.

Both the Office of Technology Assessment and the Alliance to Save Energy, a nonprofit group that I chair with Senator JEFFORDS, have estimated that Federal agencies could save $1 billion annually.

To achieve these savings, agencies just need to buy the same energy saving technologies—insulation, building controls, and energy efficient lighting, heating, and air-conditioning—that have been installed in many private sector offices and homes.

I know what you may be thinking, ''Here we go again with another crazy idea about how we need to give agencies more money so they can hopefully save money sometime in the future.''

Well you are wrong. Why? Because there are now businesses, known as energy service companies, that stand ready to upgrade Federal facilities at no up-front cost to the Government—that's right, at no up-front cost to the Federal Government.

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make the improvements, install and maintain the equipment, and guarantee that energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—it's that simple, that's the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy-saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest $800 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986, agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies feet to the fire on financial reform of Government energy waste. Agencies must enter into these partnerships with the private sector.

That's why, today, I am introducing an amendment calling for the agencies to reduce Government energy costs by 5 percent in 1996. I'm also asking that agencies report back to us by the end of 1996 to ensure that they have actually taken action to reduce their energy costs.

You know, we are often called upon up here to make really hard controversial decisions that please some and anger others. This is a winner for everyone. If 1,000 local school boards have examined it and are reaping the savings, I say it's about time we got our Nation's biggest energy waster on track too.

With this one, simple reform, we will create thousands of job and business opportunities in every one of our States, improve the environment by reducing air pollution, and save ourselves hundreds of millions of dollars every year, at no up-front cost to taxpayers.

UNANIMOUS CONSENT AGREEMENT—H.R. 1944

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent agreement relating to a rescission package that has been here before the Senate. I understand that it has been agreed to by the parties involved and the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding education funding, job training, and low-income energy assistance, on which there be a division, and each of the two divisions be limited to 1 hour each, to be equally divided in the usual form and with all time being used tonight except for 30 minutes under the control of Senators WELLSTONE and MOSELEY-BRAUN; and that at 10:10 a.m. the managers be recognized to utilize 20 minutes for debate to be followed by Senators WELLSTONE and MOSELEY-BRAUN to be recognized for their 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division, and that following that vote, the majority leader be recognized to exercise the same right with respect to placing the bill on the calendar, and if that action is not utilized, the Senate proceed immediately to a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. MACK. It is my understanding that there has been a request for a recorded vote. So I ask for the yeas and nays.

Mr. FORD. Mr. President, before we go to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1803

The PRESIDING OFFICER. Without objection, the amendment, No. 1803, as amended, is agreed to.

So the amendment (No. 1803), as amended, was agreed to.

AMENDMENT NOS. 1806, 1828, 1829, 1830, 1831, AND 1832

Mr. MACK. Mr. President, I ask unanimous consent that the pending Specter amendment and the following five amendments, which I have sent to the desk on behalf of Senators DOLE, SIMON, LIEBERMAN, BINGAMAN, and myself be considered agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc.

So the amendment (No. 1806) was agreed to.

So the amendments (No. 1828, 1829, 1830, 1831 and 1832) were agreed to, as follows:

AMENDMENT NO. 1828

(Purpose: To retain the Capitol Guide Service and Special Services Office)

On page 27 of the bill, strike all between lines 1–25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

AMENDMENT NO. 1829

(Purpose: To repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes)

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

''(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

''(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

''(B) an evaluation of the character, loyalty, or suitability of such individual;''.

AMENDMENT NO. 1830

At the end of Sec. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

AMENDMENT NO. 1831

(Purpose: To add a general provision)

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress

not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

AMENDMENT NO. 1832

On page 60, line 1, strike all through the period on line 17.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1854), as amended, was passed.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will take this opportunity to congratulate the managers of the first appropriations bill to come to the floor, Senator MACK of Florida and Senator MURRAY of Washington State. We started them off here on the trail to sort of get a feel of the body in terms of acting on these appropriations measures. They have not only demonstrated the skill in putting the bill together in the committee framework, but certainly here managing on the floor.

Mr. President, this is a very tough year for the Appropriations Committee. It is a tough year for all Members, but especially the Appropriations Committee, because in effect we are playing the implementer, the mortician, the executioner, and many other roles in terms of the budget resolution and all the other various forces that are forcing Members to face up to some of these fiscal problems.

I hope that at an appropriate time we reconsider an action that would permit legislation on appropriations, because this type of legislation attracts all kinds of policy issues. It should not be on this bill or on any other appropriations bill. We must resist that effort on the floor and on the part of the committee. Since we found the test case, we will bring some more appropriations bills. But I want to thank these managers.

I have one further point to make, and that is when I visited Antarctica and was introduced to the culture of penguins, and one of the things about the culture was that there are seals, giants seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I, too, want to thank the appropriations chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

UNANIMOUS-CONSENT AGREEMENT—S. 1817

Mr. MACK. Mr. President, I ask unanimous consent that at 9 a.m. on Friday the Senate begin consideration of H.R. 1817, the Military Construction Appropriations bill.

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative read as follows:

A bill (H.R. 1944) 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.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1883

(Purpose: To strike certain rescissions, and to provide an offset)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1833.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed.

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

On page 38, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103–333, $204,000 are rescinded: *Provided*, That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking "rescinded" the last place the term appears and inserting "rescinded, and an additional amount of $319,000,000 is rescinded": *Provided further*, That of the funds made available".

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: "Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 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, $100,010,000 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 of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further, That* service delivery areas may".

On page 41, strike lines 6 through 11 and insert the following:

"Public Law 103–333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $29,000,000, 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, and title XIII–A,".

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: "Public Law 103–333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–B, $5,000,000, title".

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike $50,000,000" and insert "$382,342,000".

Ms. MOSELEY-BRAUN. Mr. President, I thank Senator WELLSTONE for starting this ball and getting this issue and debate going.

Frankly, in spite of the fact that I know there are a number of people who are concerned about this particular legislation and where it is going, I think it is absolutely regrettable that we are just taking up as important an issue as this at 10:55 p.m. on a Thursday night following a major debate around the legislative appropriations bill.

The rescission issue has been held somewhat in limbo for the last couple of weeks, in large part because Senator WELLSTONE and I both argued and agreed and suggested to our colleagues that the issues raised, the substantive issues raised in the rescissions action was too important to be let go in what Senator WELLSTONE called in a stealth manner.

Forgive me, Mr. President, it is late, and I think we are all a little bleary-eyed, but the fact is we are now taking up, in fact, in stealth fashion, and limiting debate, on what I think is a very vitally important issue that should have had the kind of debate around priorities and around the import and the significance of the rescissions legislation in the context of where we are going with the budget.

I was actually kind of delighted to hear Senator HATFIELD's description of the seal test, because if anything, in terms of a seal test, this rescission legislation, I think, indicated the first step that we are taking as a legislative body in responding to the desperate need—and I think it is a desperate need—to get our fiscal house in order.

Last year, Mr. President, I cosponsored the balanced budget amendment, because I believed that if we were serious about our future, if we were serious about not handing to the next generation a legacy of debt, if we were serious about reducing Federal deficits and taking the steps necessary to achieve balance, to get on the glidepath to a balanced budget and not bankrupting the country by the turn of the century, if we were going to do that, we ought to move in the direction of trying to achieve budget balance.

The good news, Mr. President, is that this time the Senate, in the budget that has been adopted, did achieve budget balance, or headed in the direction of budget balance, or put us on the glidepath in that direction. The bad news, in my opinion, it did it in a way that speaks very poorly of priorities and speaks very poorly of the allocation of contribution by various sectors of our population.

If anything, the problem with the rescissions bill, and I point out to those night owls who are listening and who get sometimes turned off by the more technical language that we use, a rescissions bill is taking back. It is a take-back.

It is the first step. It takes back money that was appropriated last year and says OK, we are not going to do that after all. We are going to rescind, we are going to turn that around, and then we are going to go forward. So in that regard the take-back bill from last year's appropriations effort in the context of this session is the seal test, in some ways, that the Senator from Oregon referred to. It is the first step that we take on the glidepath toward a balanced budget.

Unfortunately, the seal test and the first step that is taken by this rescissions bill, I believe, calls for more sacrifice from the most vulnerable populations in our country than ought to be the case in any rescission package or, frankly, in this budget.

In fact, by one analysis by the Center on Budget and Policy Priorities, it was found after analyzing the numbers and how the cuts weigh in, the center found that some 62 percent of the cuts in this rescissions bill would come from discretionary programs to serve low- and moderate-income individuals, even though that group of Americans represent only 12 percent of discretionary spending overall.

That sounds kind of technical, 62 percent for low- and moderate-income individuals. But the cuts that this bill would have us undertake come in areas that, frankly, again, I just, for one, not only personally cannot accept, but that I believe would be inappropriate for us to accept as our first step on this glidepath. If anything, our priorities ought to reflect shared sacrifice. We are going to have to all step up to the plate as Americans and make some sacrifice in order to get our fiscal house in order. We are all going to have to make a contribution to resolving budget deficits and to getting us on a glidepath, if you will, to budget balance, at least a glidepath that is opposite to the trends that we have taken, that we are taking right now.

I served as a member of the President's Bipartisan Commission on Entitlements and Tax Reform. There was no question, if there is one message out of the entire hearings and the information that we looked at in terms of the budget, it was that current trends, budget trends are unsustainable and that we had to change the way that we do business. That is one of the reasons why this rescissions bill is so important and that is why I believed, and still believe, that it was so critically necessary to have the debate in the sunshine, to have the debate in the daytime, to allow people to know what it was that we were talking about, what was at stake and what were the issues.

In the first instance, among the cuts in this bill that are sought to be restored by the Wellstone/Moseley-Braun division, and it is a division because the amendment is in two parts, among the restorations are a program that I have worked on, education infrastructure, to help rebuild some of the dilapidated schools around this country, schools that are falling apart. I do not think it is a secret, at this point, given the discussion about the condition of American schools, our schools are falling apart. They are not equipped to prepare our youngsters for the 21st century. We do not have the infrastructure in them even to make them computer ready, if you will. In many instances, the electricity is not there.

So we are really, I think, missing the boat and really shortchanging our children by refusing to even take some small steps toward getting our schools in better shape. But that was cut. That program was terminated altogether in this legislation.

Safe and Drug-Free Schools and Communities—that was cut by $15 million. Again, youngsters who have difficulty going to school for fear of being shot by the drug dealers, that kind of a cut is a major impediment to their education.

Education technology, another $17 million cut. You talk education technology, it is clear what that is; the whole idea we are going into this information age without allowing our youngsters to get adequately prepared.

Eisenhower Professional Development, to help teachers be better teachers. Again, another set of cuts. This one, Eisenhower Professional Development, was cut by $69 million. Again, I think that is inappropriate.

Then we get to the really difficult cuts. I say really difficult only because it hits people who are probably more in need than just about any other group: Homeless veterans jobs training. The homeless veterans job training program was cut by $5 million. How we can cut something for homeless veterans, in terms of job training, is a mystery to me. Yet that was a decision that was made as part of this rescissions compromise.

Displaced worker training. With all the base closings and all the dislocations in our economy with job downsizing and the like, again, to cut displaced worker training by $67 million seemed to me to be inappropriate.

Adult job training was cut, JTPA adult job training, cut by $58 million. JTPA youth training cut by $272 million. Again, in communities particularly where there is less than—and there are communities in this country, Mr. President, and I am sure you are aware of them—in which there is about 1 percent—in fact I will be specific. In a community in the city of Chicago, in my State of Illinois, 1 percent private employment, 1 percent. That is economic meltdown. If we do not undertake some steps to provide for job training and job readiness for people who live in communities with 1 percent private employment in them we are setting ourselves up for a black hole to develop in our social fabric from which we may never recover. Again, those cuts, it seems to me, are inappropriate. And as the seal test, as that first step on the glidepath, seems to me to be the absolute wrong place for us to go.

Interestingly, this amendment calls for an offset. Because we are all talking about, ''Can we pay for these things?'' The offset which would pay for these restorations, which the Wellstone/Moseley-Braun amendment suggests, comes from the administration and travel budget of the Department of Defense. According to the General Accounting Office, the DOD has that money and money to spare when it comes to administration and travel. Certainly, the absorption of these costs would not be something that would

cripple the ability of our military to travel around the world.

So it would seem, starting from the notion that there ought to be shared sacrifice, the amendment that Senator WELLSTONE and I put together—again I hope he will be able to talk about in the sunshine—would have gone a long way to restoring our capacity to respond to some of the most vulnerable populations and respond to people who are least able to take the impact of the cuts of this rescission legislation.

The second part, the second division of the amendment has to do with the Low Income Home Energy Assistant Program, LIHEAP. Mr. President, I know you probably noticed in the newspapers, in the city of Chicago in this last couple of weeks we had a heat wave that left almost 300 people dead. Mr. President, 300 people died because they could not physically tolerate the heat that came into the city. Chicago, IL, does not have a cooling assistance program under LIHEAP, although those things are allowed. It does not have a cooling assistance program but it does have heating assistance. It is one thing about the city of Chicago, and the State really, but as beautiful as it is, it is known for some extremes of temperature. It can go from having 300 people die because there is no assistance and they are too poor to move to the nearby hotel into an air-conditioned room, but at the same time, come winter, when the temperatures fall to below zero, it is just as likely that in the absence of LIHEAP, in the absence of heating assistance for poor people, we will see the same kind of loss of life and the same kind of attendant tragedy.

That is a preventable tragedy and it has been prevented over time by the Low Income Home Energy Assistance Program. It is a program that provided energy assistance for heating and cooling to economically disadvantaged individuals, particularly senior citizens, particularly the elderly, in all 50 States. The LIHEAP program was cut by $319 million in this rescissions package and I daresay, given the need for the assistance, particularly for senior citizens, given the vulnerability of these populations to die when the temperature gets over 100 degrees or die when it gets under 32, it was inappropriate for us to take that kind of cut, inappropriate for us to head on this glidepath, calling on them to make a sacrifice that, unfortunately, in all too many instances, could well be the supreme sacrifice.

So that is what this amendment is about. I know we have 30 minutes tomorrow to debate this issue. I know, also, there are other things about this legislation that encourage my colleagues to want to move it quickly.

As I stated from the beginning of this debate, I was never interested, no one was interested in holding up relief for California or relief for Oklahoma City, and those are parts of this rescissions legislation. So no one has been interested in doing that. But at the same time, for us to respond to those emergencies and at the same time trample over the emergency that is faced by the low-income individuals who have faced 62 percent of the cuts in this bill seems to me to take a wrong step, in the wrong direction, in the wrong way.

So we thought it appropriate and believe it appropriate to have a chance to talk at length about these issues. While we will get to talk about it for half an hour tomorrow morning, and we will be able to pass the issue, there are other parts of this legislation of the rescissions bill that are problematic. There are some environmental issues that are problematic.

But, again, we all know that part of the legislative process is that things that you do not like often get wrapped up in things that you do like. In fact, one of my colleagues a few moments ago used an expression that I have liked to use over the years. The expression is that those who love the law and who love sausages should not watch either of them being made. Quite frankly, this legislation, I think, fits into that category very well because it has a combination of some palatable initiatives such as California and Oklahoma City, and then an awful lot that would just make you, in my opinion, gag on what has happened here.

Quite frankly, I think that the issue that is on fire is the one that we really do need to engage, an entire legislative body with everybody participating and talking about—the direction that our country will take as we try to achieve budget balance and integrity in the way we handle these fiscal year issues.

Quite frankly, one of the things people ask me very often is, ''What do you like about being in the Senate?'' And I tell them that I cannot imagine—I am sure the Presiding Officer will relate to this—I cannot imagine a more exciting time to serve in the U.S. Senate or to serve in policymaking, the policy of a legislative body of our Government, precisely because so many of the issues that have been around for a long time, as well as issues that are new to our time, are now facing us four square and calling on us for resolution, calling on us to express an opinion; issues that 5 years ago did not get talked about. I mean, when they were building up huge budget deficits nobody really talked about it. What should be our foreign policy? You had a Soviet Union. It was pretty clear-cut. Now we have to construct something.

What is going to be the direction in terms of diversity? We just had the vote on affirmative action. What kind of economy are we going to have in the future? All of these issues and a host more that I know I could stand here probably the rest of the night to talk about, all of these issues are before us now.

So when it comes to specifically the issue of budget priorities, now is the time for us to take up that debate and not to handle it willy-nilly. Let us get it done, kind of make those sausages faster, but in a way to allow us to really have a comprehensive and coherent debate and input from every Member of this U.S. Senate. That is what we were sent here to do.

Again, to the extent that my colleagues had concern that the holding up of this legislation would have untold effects, I am optimistic that those effects will not be untold and that we will be able to go forward, and hopefully we will pass the Wellstone/Moseley-Braun amendment. I am not unrealistic about that. But I would encourage my colleagues to take a look at the amendment, a serious look at the amendment, recognizing that we have to have deep and painful cuts in some regards.

But the question I put to every Member as you take up the issue of how to vote on this amendment to the rescissions bill is whether or not low-income individuals should have to suffer 62 percent of that pain. I do not think they do. And I hope that is not the signal and the message that gets sent by this body tomorrow when we take this issue up to vote.

I thank the Chair. I yield the floor.

SUBSTITUTE SALVAGE PROGRAM

Mrs. MURRAY. Mr. President, I rise today to voice my serious concerns about H.R. 1944, the fiscal year 1995 rescissions bill. I'll get right to the point: this is a bad bill. Its relevance to the budget process in Washington, DC, is minimal, and its relevance to the American people is marginal.

This bill cuts $16 billion from the Federal budget. We recently passed a resolution that cut over $1 trillion; what's the logic in even debating this bill? We have only a few days left in the fiscal year, and yet we are proposing to go back and cut already-appropriated funds for virtually no good policy reason. This bill cuts commitments and goes back on promises made by this Senate less than 1 year ago.

This bill has another problem. I believe the language about timber salvage included in the bill by my colleague, the senior Senator from Washington, will backfire. I believe it will hurt—not help—timber communities and workers in the Northwest.

Mr. President, this timber salvage authorizing language is designed to accomplish three things: respond to a timber salvage problem resulting from last year's forest fires and recent insect infestations; speed the rate of timber sales under the President's forest plan, option 9; and release a few timber sales remaining from legislation passed by Congress 4 years ago.

These are goals with which I agree. My problem is with the method. I believe the language contained in this bill will cause a blizzard of lawsuits, cause political turmoil within the Northwest, and take us right back to where we were 4 years ago.

Our region has been at the center of a war over trees fought in the courtrooms and Congress for almost a decade. We have a history of waiving environmental laws to try and solve timber problems; that strategy has not worked.

In fact, that strategy has made the situation worse. Until 1993, the Forest Service was paralyzed by lawsuits, the courts were managing the forests, and public discourse in the region was dominated by acrimony. The language in this bill will reopen those old wounds. Mr. President, I strongly believe that would not be in the best interest of the region.

During floor consideration of this bill last spring, I offered an amendment that would have taken a more moderate approach to salvage operations. My amendment was narrowly defeated 46–48. I respect the will of the Senate in that regard. However, when the rescissions bill reached the President's desk, he vetoed it, citing among other things problems with the timber language.

Mr. President, I learned before the July recess that a deal was being worked out on this issue. Despite my obvious interest in and concern about the salvage issue, I was not involved in the negotiations. I was not consulted during the process. Had I been, I would have been more than willing to work out a compromise in good faith. Unfortunately, that did not happen. I have reviewed the language, and frankly, I still have very serious concerns.

The language in the bill before us is almost exactly the same as was contained in the conference report vetoed by the President, with three minor changes. While these changes may add flexibility, the fundamental problems in the bill remain: it rolls over current laws governing land management, and it cuts the public completely out of the process. Therefore, I cannot support it.

Mr. President, there is a legitimate salvage issue right now throughout the West. Last year's fire season was one of the worst ever. There are hundreds of thousands of acres with burned trees rotting where they burned. I believe that many of these trees can and should be salvaged and put to good public use.

I believe there is a right way and a wrong way to salvage damaged timber on Federal lands. The wrong way is to short-cut environmental checks and balances. The wrong way is to cut people out of the process. The wrong way is to invite a mountain of lawsuits.

The right way is to expedite compliance with the law. The right way is to ensure that agencies work together and make correct decisions quickly. The right way is to let people participate in the process—so they don't clog up the courts later. My amendment, and my approach to the negotiations, would have focused on these points.

Mr. President, there is a reasonable, responsible approach to ensuring salvage operations move forward. Unfortunately, the bill before us doesn't take it. Instead, it recklessly goes too far, too fast.

Attaching a major harvesting amendment to an appropriations bill like this—worked out at the last minute, behind closed doors—is no way to make good public policy. Instead, the timber language should be developed through the normal authorizing process. The Senator from Idaho [Mr. CRAIG], has a bill pending in his committee that would establish a forest health program. There have been some hearings on that bill, and I have already stated my interest in working with him on his bill.

Mr. President, there have been numerous editorials and articles written about this provision, most of which have urged the President and the Congress to reject these sweeping changes. In addition, recent statistics on employment and growth rates within the timber industry indicate the picture of the industry is not as bleak as some have predicted. I ask unanimous consent to insert some of these materials in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mrs. MURRAY. In summary, I believe this is the wrong bill at the wrong time. The Senate has passed its own balanced budget resolution, and recently passed the conference report. The cuts in this rescissions bill are paltry by comparison. And the timber salvage provisions go too far without adequate safeguards and public participation.

I urge my colleagues to oppose this unnecessary, harmful bill.

EXHIBIT 1

WESTERN STATES GAIN 14,251 IN TIMBER JOBS—JANUARY 1993—SPRING 1995

[In thousands]

States	Timber related jobs		
	January 1993	December 1994	April/May 1995
Utah	3,863	5.131	.....
Washington	51,700	.....	54,700
Oregon	61,200	.....	61,600
New Mexico	2,100	2,100	.....
Colorado	10,400	.....	12,100
Arizona	6,400	.....	8,500
Idaho	16,017	.....	16,500
California	84,400	.....	90,600
Montana	8,000	.....	7,100
Totals	244,080	7,231	251,100

These figures are based on the most current data available from state economists. The numbers represent job losses or gains in the lumber, wood manufacturing, paper and allied industries.

The net gain in timber jobs since the 1992 elections for these eight western states is 14,251 jobs. There is no need for salvage sufficiency language.

[From the Seattle Post-Intelligencer, June 1995]

CLINTON'S VETO THE RIGHT ACTION

President Clinton has done the right thing in vetoing a bill that made the wrong cuts in the budget and left too much leeway for cheating in salvage timber sales in the Northwest.

The president said it's wrong to cut education programs but to fund members of Congress' pet pork-barrel projects such as roads. The bill cut $16.4 billion from previously approved social programs.

''We must recognize that the only deficit in this country is not the budget deficit. There's a deficit in this country in the number of drug-free children. There's a deficit . . . in the number of safe schools. There's an education deficit,'' he said in wielding the pen for his first veto.

It took perhaps even more courage for the president to set himself up for cheap-shot charges by Northwest Republican lawmakers that he is anti-job because he insists that the nation's forests be harvested under rule of law. But there are sure to be further attempts to circumvent proper practices, and Clinton should stand tall against them.

The bill, using poorly defined criteria, would have given the timber industry three penalty-free years to remove ''damaged'' trees that pose a fire threat. The trees would have been removed without the benefit of the standard environmental safeguards that are meant to protect salmon streams and watersheds, and citizens would have been legally barred from filing suit to object to any violation of environmentally sound harvesting no matter how gross.

The salvage program must get under way, and Congress is perfectly capable of passing legislation that provides for responsible removal of trees that pose a fire hazard without abandong environmental safeguards.

But by sending the White House an irresponsible proposal for timber salvage, Congress has thrown away valuable time and risked further fire losses in the Northwest woods.

Members of this state's delegation should have insisted on using their time to prepare an acceptable plan for this summer's fire season rather than in devising a political booby-trap for the president.

LOGGING BILL FLAWED

A case can be made for salvage logging of some federal forest lands that have a dangerous accumulation of dead or diseased trees that pose a fire hazard.

But a case cannot be made for the sweeping salvage-logging proposal now under consideration in Congress that sets aside environmental safeguards and promises to raid the treasury for the benefit of private timber companies.

The overly broad language of the bill renders it unacceptable; more important, existing law makes it unnecessary.

The bill arbitrarily mandates a doubling of the amount of timber to be felled over the next two years from federal lands, whether or not that much timber needs to be salvaged, and thus opens the door for a giveaway of public property.

That's because it cleverly stipulates that no so-called ''health management activities'' directed by the legislation shall be precluded simply because they cost more than the revenues derived from sale of the salvaged timber.

And the bill says that any environmental review, however cursory it may be, ''shall be deemed to have satisfied the law.''

Sponsors wrongly imply that the bill is needed to permit the Forest Service to conduct salvage logging. But Sierra Club attorney Todd True notes, ''Existing law already gives the agency authority'' for whatever salvage logging it deems necessary due to threat of fire and insect infestations.

Last summer's huge, costly fires in Eastern Washington forests provided clear evidence of the folly of the Forest Service's past policy of suppressing natural wildfires. It

bears noting that the agency followed that practice partly to protect adjoining commercial timberlands.

If Congress doesn't gut the Forest Service's budget for environmental impact studies, those important reviews can be done in a timely manner and permit defensible salvage-logging operations.

[From the Los Angeles Times, June 22, 1995]

THE LOGGER'S AX: NO WILD SWINGS—CLINTON SHOULD HOLD FIRM AGAINST AMENDMENT THAT THREATENS FORESTS

In the early days of his presidency, Bill Clinton productively approached the volatile issue of forest management by breaking with the tired ''jobs versus owls'' rhetoric of past years. Through his 1993 Forest Summit he showed he understood both the need to preserve dwindling federal forests and the painful dislocations that new limits on logging would cause. He led by talking with all sides and instituting programs to retrain displaced workers. But now, locked in battle with congressional Republicans, Clinton seems to be in danger of abandoning that principled approach.

Last month he rightly vetoed a congressional recisions bill that was loaded with special-interest riders. One of them, the deceptive ''Emergency Two-Year Salvage Timber Sale Program,'' in essence would have ordered the U.S. Forest Service to sell as much as 3.2 billion board feet of ''salvage'' timber from national forests. It would have allowed logging of trees killed by windstorms, fire, insects or disease and permitted selective thinning of forests to control forest fires. The legislation, pushed hard by timber companies, also would have forced the Forest Service to sell twice as many trees as it felt appropriate. Further, these sales would have been exempt from environmental review and public comment. Worst of all, the language was so vague that virtually any tree, living or dead, standing or fallen, could have been defined as ''salvage,'' even the dwindling stands of old-growth redwoods in California's national forests. For these reasons Clinton should stick to his guns as Republicans seek to include this nasty amendment in a compromise recisions package. The President reportedly is considering accepting it.

Even the staid Sunset Magazine highlights a special report entitled ''The Crisis in Our Forests'' in its current issue. Sunset doubts that stepped-up salvage operations would markedly improve forest health or prevent the spread of wildfires.

The salvage amendment has nothing to do with cutting wasteful government spending but everything to do with wasteful cutting. The President must hold firm—the amendment must go.

[From the Washington Post, May 3, 1995]

CHOPPING BLOCK

It isn't just spending that would be cut by the bills the House and Senate passed a month ago rescinding appropriations for the current fiscal year. A fair amount of timber would likely be cut, too—cut down, that is. Each version of the bill includes a rider aimed at sharply increasing the timber harvest this year and next in the federal forests.

If the riders did no more than urge an increase in the harvest or order that the harvest be as large as possible under the law, that would be fair enough. There's always a great dispute about the amount of timber that can best be taken from the national forests and other public lands. The total the past few years has been well below the level to which the industry became accustomed in the 1970s and 1980s. The timber lobby says the cut should be increased—it argues among much else that there is currently an enormous amount of dead and dying timber in the forest that will otherwise go to waste—and the new majority in Congress agrees.

But the riders don't stop there. To make sure that no obstacles in the form of conservation laws, environmental groups and courts can stand in the way, they also take the extraordinary step of suspending for the purpose of this ''salvage timber sale'' the entire array of federal forest management and environmental statutes that might otherwise apply. Timbering undertaken under terms of the riders ''shall be deemed to satisfy'' such laws no matter what their requirements, the riders say. The House version also seeks to overcome any existing court orders that might interfere with the sale; it says the sale can be conducted despite them.

The industry says the reason for all this is not just that it wants to increase the cut and has a receptive Congress but that an emergency exists in the forests. Because they are so overgrown, there's a greatly increased danger of fire, and their health has declined in other ways that a stepped-up salvage operation will help to cure—so say the supporters. They add that without suspension of the laws, environmental groups will go to court and block the necessary actions.

Opponents of the riders, including the administration, say the necessary salvage cutting can go on without suspension of the laws—a lot of salvage cutting occurs every year already—and that suspension would only be a license to log where otherwise the companies could not, in ways that would leave the forests less healthy, not more.

The opponents make the more plausible case. This is grabby legislation. If there is a genuine need to increase salvage and other such operations in the forests, even to increase them rapidly, surely that can be done without abandoning the entire framework of supporting law. Likewise, if Congress wants to change the law with regard to management of the forests, it ought to do so in the normal way, not tack a decision of such importance on the back of a supplemental appropriations bill. The measure is shortly to go to conference; the conferees should cut the budget, not the trees.

[From the Denver Post, May 8, 1995]

CLINTON SHOULD VETO TIMBER BILL

President Bill Clinton should veto a timber measure because the proposal is bad environmental policy and a shoddy way to make federal law.

The timber proposal is buried in a larger measure that deals with trimming federal spending. Clinton compromised with Senate Republicans to make the rescissions bill, as the main measure is called, less draconian than the first version adopted by the U.S. House.

However, the larger bill has been burdened with a bunch of special-interests, anti-environmental provisions. The worst would let logging companies cut an enormous amount of extra timber from the national forests. Gluing such harvesting proposals onto an already complex and controversial measure is a deceitful way to mold federal law, so they all should be removed from the bill.

Actually, the Senate would have stripped the timbering portions from the measure weeks ago, except Ben Nighthorse Campbell, Colorado's junior U.S. senator, deserted his moderate environmental leanings and voted to keep the logging provisions in the main bill. Coloradans who had hoped Campbell would remain an independent voice even after he changed from a Democrat into a Republican were sorely disappointed by his partisan performance on this matter.

There are ways to cut timber, including methods to salvage lumber from dead or dying trees, without severely damaging the forests. But this measure is especially troubling because it tosses aside most environmental considerations the Forest Service usually weighs before deciding how much logging to allow.

When the rescissions bill lands on Clinton's desk, the President should veto it because of the timber and other environmental provisions. When Congress votes whether to override the veto, Campbell this time should side with common sense instead of letting his new partisan allies dictate his behavior.

SHIFT IN U.S. TIMBER POLICY PUTS FORESTS, FISH AND WILDLIFE AT RISK—CONGRESS MOVES TOO FAST, WITH TOO LITTLE THOUGHT

The pendulum in the nation's timber policy is swinging too fast and too wide.

The public has become accustomed—dazed may be the correct term—to the daily headlines of sharply revised public policy on welfare, immigration, food programs and more.

But the sudden shift in federal timber policy is more than even the most blase citizen may be able to accept.

The U.S. Senate Appropriations Committee has followed the House's lead in opening big areas of our national forests to harvesting without the normal regulations to protect fish, wildlife and the environment and without allowing the public to bring legal challenges.

The committee-passed proposal directs the forest service to set aside existing environmental laws. Although the original intent of the legislation was to speed up the salvage of dead and dying timber, this measure may go beyond that. It gives sole discretion to the Forest Service to harvest wherever it wants. Only designated wilderness areas are off-limits.

No one can be sure what forests and what areas might be subject to harvesting—or how carefully it would be done.

The public will not stand by and watch the years of protecting our forests against environmental damage be wiped out in a spurt of action by a Congress that has so many pro-harvest allies in its midst.

Our forests can be harvested without damage to our environment. But doing so requires more scientific and technical thought than Congress appears willing to devote. The final protection against abuse is the legal system. If that access also is prohibited, then all of us should worry.

Citizens should demand that Congress slow down and remember its stewardship duties to the public land.

Narrowly focused salvage harvesting is acceptable. Abandoning our traditions of environmental protection and legal accountability is not.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1944, the revised emergency supplemental appropriations and rescissions bill for fiscal year 1995.

It is time for Congress to complete this bill and provide the emergency disaster assistance that is needed in at least 40 States to respond to natural disasters.

It is time to complete action on the rescissions in the bill so that agencies can close out the fiscal year, and Congress can address the funding issues for the new fiscal year. The Senate will be turning to the fiscal year 1996 funding bills this week.

I am pleased that the President will support this bill. It provides funding

the administration requested to respond to the tragic bombing in Oklahoma City and to carry out a proposed counterterrorism initiative.

Mr. President, the bill before us will save $15.3 billion in budget authority and $0.6 billion in outlays from the current fiscal year through the rescissions in the bill. As chairman of the Senate Budget Committee, I ask unanimous consent that a table displaying the relationship of the bill to the Senate Appropriations Committee's budget allocation be placed in the RECORD at this point.

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

H.R. 1944, EMERGENCY SUPPLEMENTAL AND RESCISSIONS

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status[1]	H.R. 1994[2]	Subcommittee total	Senate 602(b) allocation		Total comp to allocation
Agriculture—RD	BA	58,117	−82	58,035	58,118	−83
	OT	50,330	−30	50,300	50,330	−30
Commerce—Justice[3]	BA	26,693	−290	26,403	26,903	−500
	OT	25,387	−99	25,288	25,429	−141
Defense	BA	241,008	−50	240,958	243,630	−2,672
	OT	249,560	−38	249,522	250,713	−1,191
District of Columbia	BA	712	—	712	720	−8
	OT	714	—	714	722	−8
Energy—Water	BA	20,293	−234	20,059	20,493	−434
	OT	20,784	−52	20,732	20,749	−17
Foreign Operations	BA	13,537	−117	13,654	13,830	−176
	OT	13,762	−241	14,003	14,005	−2
Interior	BA	13,577	−282	13,295	13,582	−287
	OT	13,968	−79	13,889	13,970	−81
Labor—HHS[4]	BA	265,870	−2,520	263,350	266,170	−2,820
	OT	265,718	−212	265,506	265,731	−225
Legislative Branch	BA	2,459	−17	2,443	2,460	−17
	OT	2,472	−12	2,459	2,472	−13
Military Construction	BA	8,735	—	8,735	8,837	−102
	OT	8,519	—	8,519	8,519	−0
Transportation	BA	14,193	−2,624	11,568	14,275	−2,707
	OT	37,085	−22	37,063	37,072	−9
Treasury—Postal[5]	BA	23,589	−639	22,950	23,757	−807
	OT	24,221	−40	24,181	24,225	−44
VA—HUD	BA	89,891	−8,354	81,537	90,257	−8,720
	OT	92,438	−126	92,312	92,439	−127
Reserve	BA		−325	−325	2,311	−2,636
	OT		−130	−130	1	−131
Total appropriations[6]	BA	778,674	−15,300	763,374	785,343	−21,969
	OT	804,957	−600	804,358	806,377	−2,019

[1] In accordance with the Budget Enforcement Act, these totals do not include $3,905 million in budget authority and $7,442 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,455 million in budget authority and $443 million in outlays in funding for emergencies that have been designated as such by the President and/or the Congress.

[3] Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, $17.1 million in budget authority and $1.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $27.0 million in budget authority and $5.8 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund

[5] Of the amounts remaining under the Treasury -Postal Subcommittees 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[6] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $68.8 million in budget authority and $9.9 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note.—Details may not add to totals due to rounding.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Illinois has another 11 minutes 33 seconds left.

Mr. HATFIELD. I have 30 minutes.

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. The proponents?

The PRESIDING OFFICER. They have 11 minutes 32 seconds available.

MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO THE LATE DOLLYE HANNA

Mr. THURMOND. Mr. President, each day, members of this body rise to pay tribute to men and women who have had an impact on our Nation in one manner or another. On any given day the RECORD will contain passages praising elected officials, captains of industry, and others who have accumulated a list of accomplishments that are usually nothing less than impressive and oftentimes enviable. Today, I want to recognize a woman who does not possess such a vita, but is nevertheless worthy of recognition, the late Mrs. Dollye Hanna, who recently passed away at the age of 98.

Though Mrs. Hanna, or ''Momma Doll'' as she was affectionately known by her family and friends, was not involved in either public service or the private sector, she did dedicate her life to the noblest endeavor there is, her family. In her almost century on this earth, she was a loving wife, mother, grandmother, great grandmother, and great-great grandmother. She set an example for kindness and caring, and as the matriarch of the family, she left her strong mark and influence on four generations of Hannas.

During a service held in her memory last month, Mrs. Hanna was remembered as a woman who was: a lady; a mother; a friend; someone who spanned time; and as a child of The Father. I cannot think of a more flattering or appropriate manner in which to remember this special woman who devoted herself to caring for her husband, children, and extended family. She is someone who will certainly be missed by all those who knew her, and my sympathies go out to all those who knew and cared for this remarkable lady, especially her grandchildren: E.G. Meybohm; Robert L. Meybohm; Dollye W. Ward; Mildred W. Ghetti; and Hanna W. Fowler.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, 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. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

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. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes (Rept. No. 104–117).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 103. A resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

James L. Dennis, of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Roberta L. Gross, of the District of Columbia, to be Inspector General, National Aeronautics and Space administration.

Vera Alexander, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1997.

Robert Clarke Brown, of New York, to be a member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of 6 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. HATCH (for himself and Mr. BAUCUS):

S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. D'AMATO):

S. 1053. A bill to amend the Internal Revenue Code of 1986 to promote capital formation for the development of new businesses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON:

S. Res. 155. A resolution expressing the sense of the Senate that the action taken by the Government of Japan against United States air cargo and passenger carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States carriers; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BAUCUS): S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

THE ORPHAN DRUG ACT OF 1995

Mr. HATCH. Mr. President, today I am introducing the Orphan Drug Act of 1995, legislation to modify and extend permanently the orphan drug tax credit. Identical legislation has been introduced in the House by Representatives by NANCY JOHNSON and ROBERT MATSUI. This credit encourages private firms to develop treatments for rare diseases. As many of my colleagues know, this medical research tax credit expired at the end of 1994. I am pleased that my good friend and colleague from Montana, Senator BAUCUS, is joining me.

Since the 1983 enactment of the orphan drug tax credit, we have seen very encouraging progress in developing new drugs to alleviate suffering from a number of so-called orphan diseases. The name ''orphan'' was coined to reflect a perceived lack of concern about diseases that affect relatively small numbers of people.

Mr. President, the incentive provided by this credit gives hope to individuals who suffer from such rare but devastating conditions as Tourette's syndrome, Huntington's disease, and neurofibromatosis. Many drugs designated as orphan drugs have a much smaller potential market than even the 200,000 patients referred to in the definition in this bill—sometimes they are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decision to develop drugs that treat these diseases.

Fortunately, the ''orphan'' perception has been changing over the 12 years that this research credit has been in effect. In fact, Mr. President, pharmaceutical companies have made great strides in discovering treatments for these orphan diseases. While only seven orphan drugs were approved by the FDA in the decade before the credit's initial passage, over 100 have been approved since and approximately 600 are now in development.

For example, the FDA recently approved the first-ever treatment for Gaucher disease, a debilitating and sometimes fatal genetic disorder. This disease afflicts fewer than 5,000 people worldwide, yet Genzyme Corp. expended its time and money to search for a treatment precisely because of the orphan drug credit's incentives.

Mr. President, this credit's effectiveness has been tested for the past 12 years, and it has passed with flying colors. Few provisions of the tax code can claim to have clearly reduced human suffering and to have expanded our store of medical knowledge. This credit has done both.

By helping small, entrepreneurial firms to take advantage of the orphan drug credit, we can make it even more effective. Currently, Mr. President, the tax credit only serves as an incentive for companies that earn a current-year profit. Under the previous law, if the credit could not be used immediately, it was lost forever. For large, profitable drug companies, this was rarely a problem.

However, for many small, start-up pharmaceutical companies, this current-year restriction makes the credit of little or no use. These firms typically lose money in the early years since they put all available funding into research. They only expect to see profits many years into the future. While many of the Nation's drug breakthroughs have come from these small firms, Mr. President, the credit's current structure has left them out in the cold.

In order to improve the credit's usefulness, this bill will allow firms to carry the credit back 3 years and carry it forward 15 years. This will give small, growing companies an incentive to find ways to treat these rare diseases that cause so many to suffer.

In my home State of Utah, a healthy biomedical industry is emerging. In the course of research, scientists often stumble upon treatments that could, if developed, improve the lives of victims of rare diseases. However, because of the high cost of drug experiments and the enormous expense involved in gaining FDA approval, many researchers reluctantly set these promising drug innovations aside. Mr. President, this should not happen, not when so many are suffering from these rare diseases, and we have an effective credit available that has proven its benefits.

I urge my Senate colleagues to join me in sponsoring this legislation. Mr. President, I ask unanimous consent

that the text of this bill be printed in the RECORD.

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

S. 1052

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

SECTION 1. CREDIT FOR CERTAIN CLINICAL TESTING EXPENSES MADE PERMANENT; CARRYOVER AND CARRYBACK OF UNUSED CREDITS.

(a) CREDIT MADE PERMANENT.—Section 28 of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (e).

(b) CARRYOVER AND CARRYBACK OF UNUSED CREDITS.—Paragraph (2) of section 28(d) of such Code is amended by adding at the end the following flush sentences:

''Rules similar to the rules of subsections (a), (b), and (c) of section 39 shall apply to the credit under this section. No credit under this section may be carried under such rules to a taxable year beginning before January 1, 1995.''

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 of such Code (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

''(27) CREDIT UNDER SECTION 28.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 28, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 28 in respect to the distributor or transferor corporation.''

(B) Paragraph (2) of section 383(a) of such Code (relating to special limitations on certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) any unused clinical testing credit under section 28,''.

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by inserting ''any clinical testing credit carryback under section 28 and'' after ''means''.

(B) Subsection (a) of section 6411 of such Code (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting ''by a clinical testing credit carryback under section 28,'' after ''172(b),'' in the first sentence, and

(ii) by striking ''net capital loss'' the first place it appears in the second sentence and all that follows before ''in the manner and form'' and inserting ''net capital loss, unused clinical testing credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year or, with respect to any portion of a clinical testing credit carryback or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a clinical testing credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year,''.

(C) Paragraph (1) of section 6411(a) of such Code is amended by inserting ''unused clinical testing credit,'' after ''net capital loss,''.

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to amounts paid or incurred after December 31, 1994.

(2) CARRYOVERS AND CARRYBACKS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 1994.

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 187, a bill to provide for the safety of journeymen boxers, and for other purposes.

S. 254

At the request of Mr. LOTT, the names of the Senator from Utah [Mr. BENNETT], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 308

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was withdrawn as a cosponsor of S. 308, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, medical research, and reduction of fraud and abuse, and for other purposes.

S. 356

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 559

At the request of Mr. SIMPSON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 559, a bill to amend the Lanham Act to require certain disclosures relating to materially altered films.

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 863, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 955

At the request of Mr. HATCH, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the Medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 968

At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 974

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 974, a bill to prohibit certain acts involving the use of computers in the furtherance of crimes, and for other purposes.

S. 1009

At the request of Mr. D'AMATO, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Alaska [Mr. STEVENS] 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.''

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 155—RELATIVE TO UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

Whereas in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

Whereas the United States/Japan bilateral aviation agreement guarantees three U.S. carriers ''beyond rights'' that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

Whereas the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their ''beyond rights'';

Whereas United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

Whereas the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their ''beyond rights''; and

Whereas the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their ''beyond rights'' to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, I rise today to submit a resolution expressing the concern of the United States Senate over the Government of Japan's violation of the bilateral aviation agreement between our two countries and its continued refusal to respect this agreement.

I am pleased so many of my colleagues from both sides of the aisle have joined me in submitting this resolution. It speaks volumes about the importance of the issue. In particular, I thank my good friend from Alaska, Senator STEVENS, who has worked very closely with me on this matter for some time.

As I said last month when I addressed the Senate at length on the United States/Japan aviation dispute, this issue is extraordinarily straightforward: Should the United States allow Japan to unilaterally deny United States carriers rights guaranteed those carriers by the United States/Japan bilateral aviation agreement? The clear and unequivocal answer is ''no.''

If we tolerate and accept this breach, it would establish a very dangerous precedent for U.S. international aviation relations. The Chinese among others are very carefully watching how the United States reacts in this dispute. The potential ramifications are much broader than aviation. We would send the nations of the world the message it is okay to pick and choose which provisions of agreements with the United States they want to abide by. That is a very dangerous message. One we must not send.

I was pleased when the Department of Transportation issued a show-cause order to the Government of Japan on June 19 in response to its violation of our air service agreement. The administration was absolutely correct in doing so. If anything, the show-cause order could have been issued sooner, but quite correctly, the administration was patient in its good faith talks to try to resolve this dispute. The Government of Japan left us with no other option.

A month has passed since the show-cause order was issued. The United States continues to negotiate in good faith with the Government of Japan. Unfortunately, the Government of Japan continues to refuse to honor the United States/Japan bilateral aviation agreement. I am not surprised because time is on the side of Japan. The longer Japan delays, the longer they prevent our carriers from competing against their inefficient carriers. Time is definitely on their side.

Mr. President, for today and the future, the economic stakes of this trade dispute are tremendous and therefore the administration must be prepared to impose strong countermeasures. We cannot negotiate indefinitely while our carriers suffer severe economic damages.

I cannot emphasize enough the significance of the economic stakes of the United States/Japan aviation dispute. For example, in 1994 the total revenue value of passenger and freight traffic for United States carriers between the United States and Japan was approximately $6 billion. During that same year, the value of cargo shipped by air between the United States and Japan was roughly $47 billion. This figure increases to approximately $132 billion when one considers the value of cargo shipped by air between the United States and all Asian countries. These figures speak loudly for themselves.

These statistics are indeed impressive. Yet they do not tell the whole story. While both the current size and the potential for the future of our aviation market to Japan and beyond to other Asian countries are impressive, the figures cited earlier do not rise to their proper level of significance until one considers the more than $65 billion trade deficit the United States currently has with Japan.

As chairman of the Senate Committee on Commerce, Science, and Transportation, all too often I see parochial fighting among U.S. air carriers undermine our country's international aviation policy. This infighting sets off a chain reaction on Capitol Hill. The political firestorm that results unfortunately often prevents the Secretary of Transportation from making the strongest possible international aviation agreements. Instead, we accept international agreements that may serve the best political interest of an administration, but that all too often fail to produce the greatest possible economic gain for our country. Foreign nations know this is our Achilles heel in international aviation negotiations. They know it and they exploit it.

Mr. President, this resolution puts the Senate on record in clear opposition to the actions of the Japanese Government. It is designed to place the administration in a position of political strength from which it can deal with this vitally important international aviation matter. I had hoped the show-cause order would serve as a wake-up call to the Government of Japan. Apparently it has not.

It is my hope this resolution will further drive home the message to the Government of Japan that international agreements are to be honored, not unilaterally disregarded. I urge all of my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

BYRD AMENDMENT NO. 1802

Mr. BYRD proposed an amendment to the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term ''Senate press galleries'' means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1803

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, Mr. GRAHAM, Mr. KERRY, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(A) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increasing portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

MCCONNELL AMENDMENT NO. 1804

Mr. MACK (for Mr. MCCONNELL) proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill H.R. 1854, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a ''Farm Bill'' should be considered.

BROWN AMENDMENT NO. 1805

Mr. BROWN proposed an amendment to the bill H.R. 1805, supra; as follows:

On page 3, line 26, add at the end the following, ''The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators.''

SPECTER AMENDMENT NO. 1806

Mr. SPECTER proposed an amendment to the bill H.R. 1805, supra; as follows:

At the appropriate place insert the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by ''ethnic cleansing'', summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable or unwilling to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

DOLE AMENDMENT NO. 1807

Mr. DOLE proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill, H.R. 1854, supra; as follows:

Strike all after the word ''SEC.'' and insert the following: ''It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and the Farm bill should be considered''.

HOLLINGS (AND OTHERS) AMENDMENT NO. 1808

Mr. HOLLINGS (for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr.

LIEBERMAN and Mr. KENNEDY) proposes an amendment to the bill, H.R. 1854, supra; as follows:

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: ''salaries, Office of the Architect of the Capitol, Architect of the Capitol''; ''Capitol Buildings, Architect of the Capitol''; ''Capitol grounds, Architect of the Capitol''; ''Senate office buildings, Architect of the Capitol''; ''Capitol power plant, Architect of the Capitol''; ''library buildings and grounds, Architect of the Capitol''; and ''salaries and expenses, Office of the Superintendent of Documents, Government Printing Office'': *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for ''salaries and expenses, General Accounting Office,'' are reduced by 1.92 percent.

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''§ 625. Jurisdiction and judicial review

''(a) REVIEW.—Compliance or noncompliance by an agency with the provisions of this subchapter and subchapter III shall be subject to judicial review only in accordance with this section.

''(b) JURISDICTION.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subchapter III.

''(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subchapter III shall be reviewed separate or apart from judicial review of the final agency action to which they relate.

''(c) RECORD.—Any analysis or review required under this subchapter or subchapter III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

''(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

ROTH (AND HATCH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

At the end of the amendment add the following:

''Notwithstanding any other provision of this act, 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) COMPLETION OF REVIEW OR REPEAL OF RULE.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811–1814

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, supra; as follows:

AMENDMENT NO. 1811

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding the provision of 623(e)(3) the following shall apply:

''(3) A petition for review of final agency action under subsection (b) or subsection (c) shall be filed not later than 60 days after the agency publishes the final rule under subsection (b). The court shall, to the extent practicable, consolidate such actions in one proceeding.''

AMENDMENT NO. 1812

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding section 553(1) of title 5 of the United States Code, the following shall apply:

''(1) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.''

AMENDMENT NO. 1813

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding the provisions of 624(a), the following shall apply: CONSTRUCTION WITH OTHER LAWS.—The requirements of section 624 shall supplement and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law, both with a requirement of section 624 and any requirement of the statute authorizing the rule, such requirements of section 624 shall not apply to the rule.''

AMENDMENT NO. 1814

In lieu of the matter proposed to be inserted, insert the following:

''Notwithstanding any provision of this Act to create a subsection(c) of section 604 of Title 5 of the United States Code, the following shall apply:

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

''(c)(1) Except as provided in paragraph (2), no final rule for which a final regulatory flexibility analysis is required under this section shall be promulgated unless the agency finds that the final rule minimizes compliance burdens on small entities to the maximum extent possible, consistent with the purposes of this subchapter, the objectives of the rule, and the requirements of applicable statutes.

''(2) If an agency determines that a statute requires a rule to be promulgated that does not satisfy the criterion of paragraph (1), the agency shall—

''(A) include a written explanation of such determination in the final regulatory flexibility analysis; and

''(B) transmit the final regulatory flexibility analysis to Congress when the final rule is promulgated.''.

CRAIG (AND OTHERS) AMENDMENTS NOS. 1815–1817

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HATCH, and Mr. ROTH) submitted three amendments intended to be proposed by them to an amendment to the bill S. 343, supra; as follows:

AMENDMENT NO. 1815

In the matter to be inserted strike ''the agency head may promulgate'' and insert in lieu thereof ''the agency head may (and if the agency has a nondiscretionary duty to issue a rule, shall) promulgate''.

AMENDMENT NO. 1816

In lieu of the matter proposed, insert the following:

''Notwithstanding the provisions of section 626 of this Act, the following shall apply:

''§ 626. Deadlines for rulemaking

''(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date

of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

AMENDMENT NO. 1817

In lieu of the matter proposed, insert the following:

''Notwithstanding Section 553(f)(4) the following Shall apply; (4) A description of the factual conclusions upon which the rule is based.''

NUNN AMENDMENTS NOS. 1818–1819

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1700 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1818

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1819

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

NUNN AMENDMENTS NOS. 1820–1821

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1698 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1820

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

AMENDMENT NO. 1821

On page 1, line 8 insert before the semicolon the following: '', except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year''.

JOHNSTON AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(d) TOXICS RELEASE INVENTORY STANDARDS.—Section 313(d) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)) is amended by adding the following to the end of paragraph (2):

''No chemical may be included on the list described in subsection (c) of this section, if the chemical has low toxicity to human health or the environment and if only under unrealistic exposures would such chemical pose one or more of the hazards described in subsection (d)(2)(B) or (d)(2)(C). Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under section 633 of title 5, United States Code, to carry out a site-specific analysis to establish actual ambient concentrations, or to document adverse effects at any particular location.''

BOND (AND ROBB) AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted an amendment to amendment No. 1797 submitted by Mr. BOND to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 1 line 4, strike everything through the end of the amendment and insert in lieu thereof the following:

''Petition for alternative means of compliance

''(a) IN GENERAL.—Any entity subject to one or more human health, safety or environmental rules may petition an agency to modify or waive such rules. The petitioned agency is authorized to enter into one or more enforceable agreements establishing alternative means to demonstrate compliance, not otherwise permitted by such rules, to be complied with in lieu of such rules. The petition shall identify with reasonable specificity, the facilities for which an alternative means of compliance is sought, the rules for which a modification or waiver is sought, the proposed alternative means of compliance, and the proposed form of an enforceable agreement.

''(b) STANDARDS.—(1) The agency shall grant a petition under this section if the agency determines that the petitioner shows there is a reasonable likelihood that the alternative means of compliance—

(A) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition;

(B) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules subject to the petition; and

(C) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

(2) In making the determinations under this subsection, the agency shall take into account any relevant cross media effects of the proposed alternative means of compliance, and whether the proposed alternative means of compliance would transfer any significant human health, safety or environmental effects between populations or geographic locations.

''(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, which are neither designed to assist the implementation of the existing method of compliance nor codifications of the constitutional right to petition the government,such petition shall be reviewed consistent with such procedures or standards.

''(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any proposed enforceable agreements.

''(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules subject to the petition.

''(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose one or more enforceable agreements establishing alternative methods of compliance for the facilities subject to the petition in lieu of the otherwise applicable rules. Not withstanding any other provision of law, such enforceable agreements may modify or waive the terms of any human health safety or environmental rule, including any standard, limitation, permit condition, order, regulation or other requirement issued by the agency consistent with the requirements of subsection (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of applicable rules. If accepted by the owner or operator of a facility, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. An agreement entered into under this section shall provide for enforcement as if it were a provision of the rule or rules being modified or waived.

''(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

''(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

''(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify any regulation.

HATCH (AND LOTT) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

In lieu of the matter proposed insert the following: ''No chemical may be included on the list described in subsection (c) of this section if exposures from reasonably anticipated releases cannot reasonably be anticipated to cause the adverse effects described in subsection (d)(2)(B) or (d)(2)(C).

''Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under Section 633 of Title 5, US Code, or a site-specific analysis to establish actual ambient concentrations or to document adverse effects at any particular location.''

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

GRAMM AMENDMENT NO. 1825

Mr. GRAMM proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

MURRAY (AND OTHERS) AMENDMENT NO. 1826

Mrs. MURRAY (for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mr. DODD, Mrs. FEINSTEIN and Mr. COHEN) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

In lieu of the text proposed to be inserted, insert the following: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.''

MURRAY AMENDMENT NO. 1827

Mr. EXON (for Mrs. MURRAY) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1825, supra; as follows:

Strike all after the first word and insert: ''None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.'' This section shall be effective one day after enactment.''

DOLE AMENDMENT NO. 1828

Mr. MACK (for Mr. DOLE) proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 27 of the bill, strike all between lines 1–25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than thirty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

SIMON (AND OTHERS) AMENDMENT NO. 1829

Mr. MACK (for Mr. SIMON for himself, Mr. Reid, Mr. SIMPSON, Mr. LOTT and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 1854; supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

''(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

''(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

''(B) an evaluation of the character, loyalty, or suitability of such individual;''.

LIEBERMAN (AND GRASSLEY) AMENDMENT NO. 1830

Mr. MACK (for Mr. LIEBERMAN, for himself, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of SEC. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

BINGAMAN AMENDMENT NO. 1831

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

MACK AMENDMENT NO. 1832

Mr. MACK proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 60, line 1, strike all through the period on line 17.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

WELLSTONE (AND MOSELEY-BRAUN) AMENDMENT NO. 1833

Mr. WELLSTONE (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occured at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 38, strike lines 24 and 25 and insert the following: ''under this heading in Public Law 103–333, $204,000 are rescinded: *Provided,* That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking ''rescinded'' the last place the term appears and inserting ''rescinded, and an additional amount of $319,000,000 is rescinded'': *Provided further,* That of the funds made available''.

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: ''Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 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, $100,010,000 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 of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That service delivery areas may''.

On page 41, strike lines 6 through 11 and insert the following: ''Public Law 103–333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $29,000,000 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, and title XIII–A,''.

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: ''Public Law 103–333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–B, $5,000,000, title''.

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike ''$50,000,000'' and insert ''$382,342,000''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 20, 1995, session of the Senate for the purpose of conducting an executive session and markup.

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

COMMITTEE ON FINANCE

Mr. MACK. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 4 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 20, 1995, at 8:30 a.m. in SD226.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Organ Transplant Act Reauthorization, during the session of the Senate on Thursday, July 20, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 2 p.m.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Thursday, July 20, at 9 a.m., on reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SR–418, to conduct a hearing on international population assistance programs and S. 1029, the International Population Stabilization and Reproductive Health Act.

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

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. BROWN. Mr. President, I submit the following notice in writing: ''In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34.''

At the appropriate place insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

(2) EXCEPTION.—With respect to an individual who is precluded by the terms of the trust instrument from receiving information on the total cash value of any interest in a qualified blind trust on the date of enactment of this section, the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 2001 and thereafter.

ADDITIONAL STATEMENTS

THE NASA AUTHORIZATION BILL FOR FISCAL YEAR 1996

• Mr. BURNS. Mr. President, yesterday, Senator PRESSLER and I introduced the NASA authorization bill for fiscal year 1996 which I have enthusiastically cosponsored. The bill authorizes a total of $13.8 billion for the agency, a 3-percent decrease from the requested level of $14.26 billion. That funding should allow NASA to continue the important missions that already are underway such as space station, Mission to Planet Earth, and the aeronautics and space science programs. It should also prepare NASA for the future by authorizing several new missions, such as an effort to develop a shuttle replacement and a new radar satellite program.

Mr. President, as you know, we are in a budget crisis of sorts and NASA deserves a great deal of credit as one of few Federal agencies to respond to it early and responsibly. In 3 years, NASA cut the space shuttle budget from $4 billion to $3.1 billion. It developed a redesign of space station that was $5 billion less expensive than the earlier space station *Freedom* concept. Mission to Planet Earth has been reduced from a $17 billion armada of satellites to a $7 billion focused satellite system. Earlier this year, faced with the prospect of deep congressional budget cuts across all of the Government, NASA took the initiative and developed a plan to cut $5 billion in 5 years, without reducing program content.

But NASA did not stop there. This year, it conducted a comprehensive zero-based review of all of its activities and programs to achieve even greater savings. That review looked at a broad range of money-saving measures such as work force reductions, elimination of redundant activities, consolidation of functions, and operating more efficiently. I understand that, within the administration, NASA's efforts are often cited as the model for reinventing government.

After 3 consecutive years of brutal budget cuts, NASA is now down to the bone. To require additional reductions would force NASA to cancel important space programs, close vital facilities, or layoff essential skilled personnel. That would decimate the Nation's science and technology base. Equally important, it would decimate the morale of the good men and women who

have made our space program the subject of movies like ''Apollo 13'' and inspired thousands of scientists, engineers, and schoolchildren across our country.

It is time for the bloodletting to stop and to give NASA the support it needs to face the challenges of the future. This NASA authorization bill is designed to do just that.

The bill provides the full $2.1 billion requested level for space station. This program is NASA's most costly, complex, and controversial activity and we are all aware of the many criticisms leveled against it. However, space station is precisely the kind of bold vision that NASA was created to pursue. Space station will enable the United States and the international science community to conduct unique microgravity research and expand our knowledge about humans' ability to live and work in space. If past missions are any indication, the space station will undoubtedly yield breakthroughs in biomedicine and advanced materials. We can probably also expect exciting spinoffs just as past space missions have spawned microelectronics, pacemakers, advance water filtration systems, communications, and many other products and services we now take for granted.

I must admit concern about the heavy reliance of the current station plan on the Russians. I remain troubled by the possibility that the program might collapse if the Russians were to withdraw for any reason. However, I am still a strong Station supporter and the full funding provided in the bill will keep the program on track for a first element launch in 1997.

The bill also provides full funding for Mission to Planet Earth. Mission to Planet Earth is NASA's $7 billion satellite program aimed at studying how the oceans, land, and atmosphere work as a system in order to understand and predict global climate change. For those of us representing farm States, weather and water are our lifeblood. Mission to Planet Earth promises dramatic improvements in our ability to predict climate change and manage our scarce water resources. If those expectations are met, the program will easily pay for itself in lives and property saved and improved water management.

Mr. President, in my view, one of the most important areas within NASA is aeronautics—the first A in NASA. For many years, aeronautics seemed to be reduced to a small A status. It always seemed to take a back seat to the higher-profile space missions. However, under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves.

To me, the aeronautics research is critical to maintaining U.S. technological leadership and aerospace competitiveness. For instance, the high speed research program is developing pre-competitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain $200 billion in sales and 140,000 new jobs. Similarly, the advanced subsonic technology program funds research in support of subsonic airplanes—a market that generates one million jobs and contributes over $25 billion annually to the U.S. trade balance. These programs are money-makers and it is in the national interest to give them whatever support they need. Accordingly, our NASA bill authorizes aeronautics research at the requested level of $891 million for fiscal year 1996.

As a final point, Mr. President, I note that the bill also authorizes a collection of activities and initiatives designed to extend NASA's vision to include our rural States. Our rural States can make an enormous contribution to the civilian space program if only given the chance. For example, in May, Prof. Steve Running of the University of Montana testified before the Science Subcommittee about his efforts to use remote sensing satellite data in forest and crop management. To embrace our rural States in our space program, the bill contains a $2 million increase for the EPSCoR program, which funds important research in our rural States. It also funds another Rural Teacher Resource Center to the existing nine Centers, as well as an additional rural technology transfer and commercialization center, to fill in coverage gaps in those two programs. Further, it provides funding for an Upper Missouri River Basin hydrology project. This project should help the Nation develop better strategies for predicting, and responding to, the flooding and other water management problems that have plagued the Missouri River region in recent years.

Mr. President, I believe that this bill provides NASA with the support it requires to continue and build on its important work in space and aeronautics and I urge my colleagues to support this legislation when it reaches the floor later this year. Thank you, Mr. President.●

COMPREHENSIVE HEALTH CARE

Mr. SIMON. Mr. President, the need for comprehensive health care is apparent in the numbers. We have 41 million Americans without health care coverage.

But these are not just numbers.

We are talking about real people and real problems.

When you look at the individual cases, you see the tragedy of our present policy.

At the end of my remarks, I am inserting into the RECORD a letter from Mrs. Mary Davis that is largely self-explanatory.

It tells what is happening in one family.

Why we cannot respond, I do not know.

As some of my colleagues know, I have introduced a bill calling for health care coverage for pregnant women and children six and under.

I am pleased that Senator CHAFEE of Rhode Island has expressed an interest in the legislation.

I hope we can emerge with a bipartisan consensus to at least cover pregnant women and children six and under. That would take care of the needs of this one family, at least for a short time, and protect a great many others.

It is not a substitute for universal coverage, but it is a step in the right direction.

I ask that Mrs. Davis' letter be printed in the RECORD.

The letter follows:

JUNE 19, 1995.

Hon. PAUL SIMON,
U.S. Senator, United States Congress, Washington, DC.

DEAR SENATOR SIMON: I am writing to you with a very distressing problem.

Our granddaughter was born May 2, 1994 16 weeks premature. At the time of her birth, her mother had been unemployed because of medical problems; her father was laid off in April of that year from his job. They applied for assistance and received care for mother and baby. Bethany was in the hospital for 4 months, and although doing well, she has lost her eye sight. She is in therapy for work on her hip joints and she had allergies and has a history of respiratory problems. They moved in with us shortly after Jennifer was dismissed from the hospital, because they had no income. We are in the ministry and live in a parsonage.

In November of last year, Andy went back to work and they were able to secure a house for $150.00 per month. Andy brings home about $150 after taxes. As it should be, Jennifer was picked up by Andy's insurance, however, Bethany remained on a medical card because her dad's insurance, Blue Cross and Blue Shield, refused to cover her. Bethany is in therapy for her legs, regular doctor visits, and she has had two surgeries on her eyes last October in Detroit. She is scheduled to have more surgeries. However, it is understood that she will probably only have light vision.

Cost of living became so that Jennifer was forced to return to work just to keep rent and utilities paid. This past week, Jennifer and Andy were notified that Bethany would be losing her medical card and all coverage as of July 1, just because her mother had gone back to work. Jennifer works for Kentucky Fried Chicken and brings home about $150 per week. Beth does receive SSI of about $401 per month. By losing these medical benefits, she will not be able to keep regular office visits, because the clinic requires payment each and every time, she can no longer go to Detroit for eye surgery because the doctor won't take her without coverage, and she probably will have to give up the therapy on her legs, because they cannot afford the costs.

Tell me what they are suppose to do. Both insurance coverage that their jobs provide, refuse to insure Bethany and now she is losing her assistance. These two young kids and Bethany have been through a lot this last year. Now they have a blind child who cannot get assistance. Can something be done?

I wouldn't have your job for nothing. Being in the ministry, we realize just how difficult it is to please everyone, but I don't care if you are Democrat or Republican, I am neither, but someone has to do something about medical coverage.

I believe you are trying. But tell me where do you go to get help for the innocent children. She cannot go on medicaid or medicare, because she has not worked and not put anything into the system. She will never be able to read, drive or get around on her own. I realize that technology may be available in years to come that will be beneficial to her, but what is going to happen to her now.

I hope that you will be able to read this. I know that we are just a small amount of the millions you must hear from daily, but I just couldn't sit and do nothing with my distress and care for this beautiful little girl who is struggling to live.

God bless you and your family. May you gain the wisdom and the ability to lead us to a better way of life for everyone.

Respectfully yours,

MARY F. DAVIS.●

BILL SMULLIN HONORED

● Mr. HATFIELD. Mr. President, the broadcasting and cable industry will honor an Oregon legend this fall, when television pioneer Bill Smullin will be inducted into the Broadcasting and Cable Hall of Fame.

Bill's life is remembered for his contributions and achievements, including the establishment of broadcast and cable television in southern Oregon and northern California. In 1930, Bill Smullin founded Oregon-California Broadcasting, Inc., and later began the fist VHF television station in Oregon. His company provided cable television in the region by transmitting signals via microwave from Portland and San Francisco to southern Oregon.

Those of us who had the honor of knowing Bill have fond personal memories. He was as giving to the community as to his friends. I know his family is pleased that he is being afforded this prestigious professional honor and send my congratulations to them.●

A TRIBUTE TO RALPH O. BRENNAN

● Mr. BREAUX. Mr. President, I rise today to pay tribute to a fellow Louisianian, Mr. Ralph O. Brennan, who will be honored August 4 by the Louisiana Restaurant Association for his distinguished career in the food service industry. A member of the world-famous Brennan restaurant family of New Orleans, Mr. Brennan has long exemplified a commitment to community service, participatory democracy and creating opportunities for all Americans.

He has diligently served, and continues to serve, the $290 billion food service industry and its 9.4 million employees. A past president of the Louisiana Restaurant Association, he currently is chairman of the board and president of the National Restaurant Association, a major trade group here in Washington. He is also a trustee of the Association's educational foundation, and will be an industry delegate to the first White House Conference on Travel and Tourism in October 1995. In all of these capacities he urges independent restaurateurs from around the country to participate fully in the democratic process by getting to know their elected representatives at every level of government and then making it their responsibility to keep those officials informed. He facilitates their involvement through a toll-free hotline, numerous personal appearances and—perhaps most important—leading by example, through frequent visits to his Members of Congress and, on occasion, delivering testimony before congressional committees.

With his sister, Cindy, Mr. Brennan owns and operates two award-winning restaurants in the New Orleans French Quarter, thereby helping to preserve the rich culinary heritage of that great city which his family has successfully endeavored to do for three generations. But, as an industry leader, he is determined to preserve far more than just a great family tradition. Mr. Brennan has dedicated his life to preserving the boundless opportunities that food service affords individuals the rest of society could ignore, like recent immigrants, those without education or professional skills, and those on public assistance. Entry-level restaurant positions—washing dishes, bussing tables, assisting with food preparation—are a proven first step up a viable career ladder for millions of Americans; in fact, 60 percent of today's restaurant owners and managers started out in what some unknowing and insensitive people might refer to as dead-end restaurant jobs. In the restaurant business, upward mobility is the rule rather than the exception.

Mr. President, as this Congress continues its debate on welfare reform, I salute Mr. Brennan for working to ensure that the unmatched employment and training opportunities afforded by the food service industry will be something all Americans can be proud of in the future.●

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

Mr. SIMON. Mr. President, I do not believe I have ever met Prof. Robert C. Fellmeth of the University of San Diego, but I read what he had to say in the Los Angeles Times about cutting back on assistance to the poor while, at the same time, we hand largess to the wealthy.

Statistics differ somewhat, but the California situation mirrors the national situation.

If we are doing what is politically popular, I do not know, but what we are doing is certainly wrong.

What we need is not Senators and House Members who follow the latest public opinion poll on tax cuts or anything else, but people who try to lead, and sometimes do the unpopular, in order to reduce poverty in our country, to improve education and to do the things that are needed for a better future.

The incredible increase in prison construction and incarceration has done nothing to decrease the crime rate in our country. If putting people in prison reduced the crime rate, we would have the lowest crime rate in the world, with the possible exception of Russia.

While Professor Fellmeth zeroes in on the California situation, it is worthwhile for my House and Senate colleagues to read what he has to say because they will find a striking similiarity between the California action and the Federal action.

I ask that his statement be printed in the RECORD.

The material follows:

[From the Los Angeles Times, July 5, 1995]

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

(By Robert C. Fellmeth)

Despite what we often hear from the governor and the Legislature, spending for the welfare of our children has been in steady decline.

An example: The governor claims to have given politically popular K–12 public education ''high priority'' and ''saved it from cuts'' for the last several years. But figures from the second annual Children's Budget, completed by the Children's Advocacy Institute, show a steady decline each year, including proposed spending for 1995–96.

At the federal level, Congress proposes to change child spending from ''entitlements'' based on how many children qualify for assistance to ''block grants,'' set at a static figure for five years. The Republican leadership contends that such a policy will curb what it calls ''runaway spending.'' In contrast, the Children's Budget reveals that such a freeze means substantial reductions year to year, imposed without consideration of need or consequences.

Budgets based on raw numbers, or numbers with only inflation or only population changes considered—but not adjusted by both—slowly but inexorably squeeze out infrastructure investment. In California this failure has allowed a largely undiscussed disinvestment in children to accumulate over the past six years.

From 1989–90 to the current year, Aid to Families With Dependent Children has been cut 20%, the three child-related Medi-Cal accounts an average of 23% and public education 7.5%

The consequences in terms of flesh and blood are momentous: The Children's Budget reveals that AFDC for 1.8 million children in California has been cut from close to the federal poverty line to only 75% of that wholly inadequate amount. The governor now proposes to reduce AFDC to just 64% of the poverty-line figure, posing a clear danger of malnutrition and permanent health damage. Wilson also proposes further cuts in AFDC assistance after six months of help; the Republican House would cut children off altogether after two years if Mom does not have a job.

Ironically, the same gradual suffocation has been applied to GAIN, the major program providing child care and job training for AFDC mothers. Here there is a 9% decline from 1989 and a proposed further cut of 12%.

The typical AFDC recipient—contrary to public perception—is 29, white, recently divorced, with two children and no child support. Her problem is not a desire for welfare dependency but the far more prevalent dilemma of paternal abandonment. Is it relevant that childcare help and job training, without which she does not have a chance, have been cut? Less than 10% of AFDC parents get child-care help.

The minimum wage is another example. If it had been adjusted to match inflation over the past 20 years, it would be just above $12,000, the federal poverty line for a family of three. But if our typical divorced mother of two obtains full-time employment at minimum wage (as many must do), she will earn $8,840 before deductions—about what full-time child care for her children will cost. Would we take such a population and cut their wages every year by 3% to 5%? That is what the current numbers accomplish.

We are spending more in one area: jailing of criminals. California now has the highest juvenile incarceration rate of any state, in a nation with the highest juvenile incarceration rate among all developed countries. California's adult prison population has increased from 19,000 in 1977 to 132,000 this year, at an operating cost of $20,000 per prisoner per year. The state is now preparing for 341,000 prisoners and 41 new prisons over the next eight years. Is there a relationship between unlimited prison spending and years of decreases in basic investment in children's programs?

To be sure, many of our problems can be traced to private irresponsibility—a dependency mentality by some and, for more, a frightening abandonment of children by biological fathers. But public spending makes a difference.

Children Now indexes show that a record 28.6% of California children live in poverty and 20% have no access to private or public health care. We also have high infant disability, record low test scores and increasingly violent juvenile crime.

Each of these aspects has a relationship to public spending. It is no accident that California's falling test scores, for example, correlate with the worst student-teacher ratio in the nation and a per-pupil spending level now nearing the bottom five states, just ahead of Alabama and at half the level of New Jersey.

California is one of the richest jurisdictions in the world—we can boast of having more vehicles than licensed drivers—and our wealth increases each year. The governor predicts that personal income will increase 6% in each of the next two years.

And our tax burden has decreased. In 1989–90, we spend $6.88 from the general fund for every $100 in personal income; in the current year, we are spending $5.86 per $100, and the governor proposes a further reduction to $5.50. At the same time, he is calling for a $7-billion tax cut for the wealthy over the next three years.

Could the governor make his cutback proposals if the right numbers were used and understood? The fact is that for six years we have been giving to the wealthy and taking from the children. We just haven't been talking about it.●

WEST VIRGINIA EDUCATION

● Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend the counties of Mercer, Monroe, McDowell, Summers, Raleigh, and Wyoming in West Virginia and their commitment to participating in a parental involvement program called, Teachers Involving Parents Successfully [TIPS]. This program seeks to promote teachers working more closely with parents to help the children learn and succeed in school.

Too often, we forget that the condition of children's lives and their future prospects largely reflects the well-being of their families. When family support is strong, stable, and loving, children have a sound basis for becoming caring and competent adults. In contrast, when parents are unable to give children the attention and support they need in the home and for school, children are less likely to achieve their full potential. As a result, many of our Nation's gravest social problems stem from problems in our families.

However, Mr. President, there is genuine reason for hope and optimism. In my home State of West Virginia, under the leadership of local education officials, a new program is changing the lives of children and their families. Its development and expansion of community-based family support provides parents with the knowledge, skills, and support they need to work with their children and the school system. Its success has been achieved through a collaborative effort among State and Federal programs, including chapter I and other programs targeted for at-risk students, and private sector efforts in the community. Each month, 2,000 special education guides are distributed, as well as news releases, public service announcements, and radio reminders that focus the community on the need for parental involvement. Teacher training and support materials have also been provided to every school in a successful effort to coordinate teacher, parent, and child activity both inside and outside of school.

When I was chairman of the bipartisan National Commission on Children, we urged individuals and the country as a whole to reaffirm a commitment to forming and supporting strong, stable families as the best environment for raising children. The West Virginia TIPS Program is an extension of that goal, and its success is a tribute to those counties that have worked so hard to insure its development. The parents, children, and teachers in these counties are providing new opportunities for children and families. Their commitment to make a difference has ensured the success of the family, which is the best strategy for helping our children. They deserve our support and best wishes for continued success.●

OPPOSITION TO S. 956, THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995

● Mrs. MURRAY. Mr. President, I rise in opposition to S. 956, a bill to divide the ninth judicial circuit into two circuits.

This is the fourth time since 1983 that a bill to split the ninth circuit has been introduced in the U.S. Senate. The proposal has failed to become law because the ninth circuit is operating well and providing uniform and consistent interpretation of Federal laws across the nine Western States, and the territories of Guam and the Northern Mariana Islands.

The courts of the ninth circuit are functioning well, and, in many instances, serve as models for the rest of the country. The ninth circuit has prided itself on its experiments in judicial administration, and has been a national leader in developing innovative caseload management and court administration techniques.

The vast majority of judges, lawyers, and bar organizations in the ninth circuit have voted on several occasions against the division of the circuit.

Mr. President, I urge my colleagues to oppose this bill and to resist the temptation to meddle with an institution that is successfully administering justice in the American West.

Just 4 years ago, a comprehensive subcommittee hearing was held in the Senate on nearly identical legislation, and the proposal failed to emerge from committee. The proponents of S. 956 have identified no new reasons or change of circumstances to justify reopening this issue.

Mr. President, the ninth judicial circuit has prepared a detailed position paper opposing S. 956. I agree with the circuit's reasoning, and I commend this paper to my colleagues. I also urge them to join me in opposing this bill which is both unwise and unnecessary.

I ask that the complete text of the ''Position Paper in Opposition to S. 956—Ninth Circuit Court of Appeals Reorganization Act of 1995'' be printed in the RECORD.

The material follows:

POSITION PAPER IN OPPOSITION TO S. 956—NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995 (6/22/95)

Prepared by: The Office of the Circuit Executive for the United States Courts for the Ninth Circuit, P.O. Box 193846, San Francisco, California 94119–3486; Tel: 415–744–6150/Fax: 415–744–6179. [6/30/95]

Proposed legislation: S. 956 would divide the present Ninth Circuit into two unequal-sized circuits. The new Twelfth Circuit would consist of the states of Alaska, Idaho, Montana, Oregon, and Washington (6 districts), with 9 active circuit judges. The new Ninth Circuit would consist of the states of Arizona, California, Hawaii, and Nevada, and the territories of Guam and the Northern Mariana Islands (9 districts), with 19 active circuit judges.

The Ninth Circuit opposes S. 956. The Ninth Circuit is functioning well and has devised innovative ways of managing its caseload that are models for other circuits. As the nation's largest circuit, it benefits from significant advantages because of its size and believes division of the circuit is unnecessary and unwise. The Circuit Executive's Office for the United States Courts for the Ninth Circuit has prepared the following information in ''question and answer'' format to assist decisionmakers to understand the circuit's position on S. 956.

1. WHAT WOULD THE PROPOSED LEGISLATION DO?

S. 956 would create two courts—one 19-judge court and one 9-judge court—in place of a single 28-judge court. A basic problem with this proposal is that it creates more administrative problems than it solves. Quantitatively, such a circuit court would have a very small caseload. The aggregate number of cases in such a circuit based on the most recent statistics would be 1935,[1] making it the circuit court with the second smallest caseload in the country,[2] with only the First Circuit court having fewer cases. Of the 11

regional circuits, the circuit court with the median volume is the Second, with 3,986 cases; the proposed northern circuit would be less than half that number. Take away the northern states, and the Ninth Circuit court would still have the largest volume in the country. In short, such a proposal creates a very small circuit and gives not much relief.

In general, S. 956 presumes that two smaller circuits will do a better job of maintaining consistency and deciding cases promptly than the present circuit. The proposal ignores the central fact of appellate dockets: caseloads are constantly growing and dividing the circuit would simply create two courts with increasing caseloads without dealing with the fundamental problems resulting from expanding caseloads with no increase in judicial resources.

2. HOW DOES THIS BILL DIFFER FROM EARLIER PROPOSED LEGISLATION?

This is the ninth legislative proposal to split the Ninth Circuit since 1940. It is nearly identical (except for the alignment of Hawaii and the Territories) to measures introduced by Senator Gorton in 1983, 1989, and 1991. Each of those measures failed to emerge from committee and died at the conclusion of the legislative session. The Subcommittee on Courts and Administrative Practice of the Senate Committee on the Judiciary conducted a legislative hearing on the 1989 bill (S. 948) on March 6, 1990. The sponsors of the current bill have advanced no reason for dividing the circuit that was not fully considered and rejected in 1990. They have pointed to no change in circumstances that would justify yet another examination of this issue.

3. ARE THERE DRAWBACKS TO THE PROPOSED BILL?

The Ninth Circuit has functioned successfully in its present configuration for over 100 years. Any effort to abolish a successful, established institution should be cautiously examined. The proposed bill could create serious legal and administrative problems and costs that do not now exist:

(1) the potential for inconsistent law relating to admiralty, commercial trade, and utilities along the Western seaboard, including Alaska, Hawaii, and the Territories;

(2) the opportunity for litigants to forum shop by filing their cases in whichever circuit, northern or southern, they feel is most sympathetic to their cause;

(3) the substantial cost of setting up duplicative administrative structures;

(4) the loss of advantages of size (see Question #4, below);

(5) the rejection of the expressed will of the vast majority of the judges and lawyers in the circuit who oppose its division.

Common sense suggests the inadvisability of creating a new regional circuit that would require duplication of functions that are already being satisfactorily performed in a larger circuit. Administratively, the creation of a new circuit would require duplicative offices of clerk of court, circuit executive, staff attorneys, settlement attorneys, and library, as well as courtrooms, mail and computer facilities. In addition, approximately 40,000 square feet or new headquarters space would be required, all of which would duplicate offices and space in San Francisco. Further, a small circuit, with its concomitant small caseload, would underutilize judicial resources and reduce the opportunities for efficiencies available to a larger circuit.

Lawyers expressed particular concern that dividing the extended coastline in the West between two circuits would create inconsistent and conflicting application of maritime, commercial, and utility law in the two circuits, making commerce more difficult and costly, and requiring them to research the law of two circuits for every potential cross-circuit transaction. Potential inconsistencies would be especially troubling in the application of utility rates along the entire Pacific seaboard by the Bonneville Power Administration. These rate and administrative disputes should remain in a single service area, the Ninth Circuit.

On four occasions in the past 15 years, the federal judges in the Ninth Circuit and elected representatives of practicing lawyers who participate in the Ninth Circuit Judicial Conference have voted overwhelmingly in opposition to splitting the circuit. The current Almanac of the Federal Judiciary, Vol. 2, based on extensive polling, reports that the lawyers ''almost unanimously praise'' the court, and, with regard to circuit splitting, ''all seem to agree that such a division would be difficult and probably unsatisfactory.'' (1995–1, 9th Cir.)

4. ARE THERE ADVANTAGES TO A LARGE CIRCUIT?

A single court of appeals serving a large geographic region promotes uniformity and consistency in the law and facilitates trade and commerce by contributing to stability and orderly progress. In many respects, the size of the Ninth Circuit is an asset that has improved both decisionmaking and judicial administration. The court of appeals is strengthened and enriched, and the inevitable tendency to regional parochialism is weakened, by the variety and diversity of backgrounds of its judges drawn from the nine states comprising the circuit. The size of the circuit has also allowed the circuit to draw upon a large pool of district and bankruptcy judges for temporary assignment to neighboring districts with a temporary but acute need for judicial assistance.

The Ninth Circuit is a national leader in developing innovative solutions to caseload and administrative challenges. The ABA Appellate Practice Committee's Report applauded three specific operational efficiencies:

. . .issue classification, aggressive use of staff attorneys, and a limited en banc-[that] were developed by the Ninth Circuit precisely to address the issues of caseload and judgeship growth that the Subcommittee identified, and hold promise for other circuits as they continue to grow. (at p. 10).

The Ninth Circuit has served as a laboratory for experimentation in a host of other areas—from decentralized budgeting to cameras in the courts, from block case designations to improved state-federal judicial relations, from alternative dispute resolution to appellate commissioners, from improved tribal court relations to alternative forms of capital case representation. The results have inured to the benefit of the entire Judiciary. As the congressionally-mandated Federal Courts Study Committee noted in 1990, ''Perhaps the Ninth Circuit presents a workable alternative to the traditional model.'' Final Report of the Federal Courts Study Committee (1990).

5. WHAT IS THE POSITION OF THE SPONSORS?

In remarks introducing S. 853 (the immediate predecessor of S. 956[3]), Senator Gorton of Washington asserted the following grounds for the proposal: (1) a decrease in consistency of decisions due to size; (2) unmanageable caseloads; (3) inability to appreciate the interests of the Northwest; and (4) a decline in the performance of the circuit. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Gorton). Senator Burns of Montana echoed his colleague's concerns and suggested employment and local economic stability are threatened by delays in resolving lawsuits affecting timbering, mining, and water development. Delays in criminal appeals, especially those involving the death penalty, also are of concern to the Senators. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Burns) The circuit's specific responses to these contentions are set forth in the following sections.

6. HAS THE SIZE OF THE CIRCUIT ADVERSELY AFFECTED CONSISTENCY?

Consistency of court of appeals decisions is important to provide coherent guidance to lower courts and litigants. The Ninth Circuit has instituted case management devices that have effectively reduced conflicts between panels and maintained a high level of consistency in its decisions.

Since 1980, the use of a limited *en banc* panel to resolve intracircuit conflicts has proven highly effective. All 28 active judges participate in determining whether a case will be heard *en banc*. Each call for an *en banc* vote leads to careful evaluation of the development of the law of the circuit in that area. If a majority of the judges votes to hear a case *en banc* (which happens less than a dozen times a year), ten members of the court chosen at random plus the chief judge serve as the limited *en banc* court. Judges and lawyers have expressed a high degree of satisfaction with the limited *en banc* process; only a handful of requests have been made for a full court rehearing after the limited *en banc* panel has issued a decision, and none have been granted.

An objective, highly-praised scholarly study of consistency of the law in the Ninth Circuit concluded ''the pattern of [multiple relevant precedents] exemplified by high visibility issues. . . is not characteristic of Ninth Circuit jurisprudence generally. Nor is intracircuit conflict.'' *Restructuring Justice: The Innovations of the Ninth Circuit and The Future of the Federal Courts* (1990). A recent FJC study reached a similar conclusion:

In sum, despite concerns about the proliferation of precedent as the courts of appeals grow, there is currently little evidence that intracircuit inconsistency is a significant problem. Also, there is little evidence that whatever intracircuit conflict exists is strongly correlated with circuit size.

Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Of greater concern is the potential for increased Intercircuit conflicts that would be spawned by the division of circuits. Dividing the Ninth Circuit would place an additional burden on the United States Supreme Court to resolve conflicts that are now handled internally within the circuit.

Nor is keeping abreast of the decisions of the Ninth Circuit a significant problem. For the past seven years, the number of published opinions issued by the circuit has remained relatively constant. In large part due to efficiencies and innovative case management methods pioneered in the circuit, the court has been able to accurately identify those selected precedential cases that truly merit publication and those routine cases which are most appropriately disposed of by a written decision sent only to the parties.

7. IS THE NINTH CIRCUIT'S CASELOAD EXCESSIVE WHEN COMPARED TO OTHER CIRCUITS?

While the caseload for the Ninth Circuit Court of Appeals is the highest in the nation in absolute numbers, the caseload level is clearly not excessive when compared to other circuits, using either of two standard measurement approaches.

Because federal statutes require that nearly all of the work of an appellate court be conducted by three-judge panels, the most accurate measure of a court's ability to manage its caseload is the number of appeals filed and terminated per panel. In 1994, the Ninth Circuit stood at 868 appeals filed per panel, very close to the median of 832 and

substantially below the numbers for the two circuits that emerged from the split of the Fifth Circuit in 1980. For the same year, the Ninth Circuit stood at 914 appeals terminated per panel, slightly above the median of 866.

Caseload levels may also be measured by case terminations per judge. The current Ninth Circuit rate of merit case terminations per judge is 446, a number which is exactly the national median. By either measure, the caseload levels in the Ninth Circuit approach the middle range for federal appellate judges.

In contrast, under the proposed bill, the new Twelfth Circuit, with nine judges, would seriously underutilize its judicial resources and create huge disparities between the two circuits. Using projected Twelfth Circuit filings of 1935, a nine-judge court would have 645 filings per panel. The new Ninth Circuit, with 19 judges and filings of 6391, would have 1014 filings per panel, or 57% more cases per panel when compared to the judges in the Twelfth Circuit and the third highest per panel filings figure in the nation.

7. IS REGIONALISM APPROPRIATE FOR AN APPELLATE COURT?

Sponsors of the legislation to divide the circuit cite the need for a court free from domination by California judges and California judicial philosophy. They assert that the Northwest states confront emerging issues that are unique to that region and that cannot be fully appreciated or addressed from a California perspective.

The premise that a judge's place of residence prejudices his or her determination of cases was rejected as completely unacceptable by former Chief Justice Warren Burger in his remarks concerning an earlier version of the sponsor's legislation: ''I find it a very offensive statement to be made that a United States judge, having taken the oath of office, is going to be biased because of the economic conditions of his own jurisdiction.'' (Record, August 2, 1991, S 12277) Calling an earlier version of legislation to split the circuit ''environmental gerrymandering,'' then-Senator Pete Wilson of California echoed Justice Burger's concerns, stating:

The judges of the Circuit are there to apply the law, not make it. Second, even in their application of the law, it is not intended that federal courts abide by a sense of localism. That is the role of the state and local courts. Ninth Circuit Court of Appeals Reorganization Act of 1989: Hearings on S. 948 Before the Subcomm. on Courts and Administrative Practice of the Senate Comm. on the Judiciary, 101st Cong., 2d Sess. 286 (1990) (written statement of Hon. Pete Wilson, U.S. Senate).

Similarly, the ABA Appellate Practice Committee's Subcommittee To Study Circuit Size reported that ''a majority of the Subcommittee questions whether regional differences should be a criterion in determining circuit size. * * * The role of circuit courts is primarily to apply federal law—a law that with few exceptions is to be applied uniformly across the land.'' (at p. 3).

8. WHAT IS THE NINTH CIRCUIT'S RECORD OF PERFORMANCE?

One measure of the efficiency of an appellate court is the average amount of time required to decide a case from the period between filing a notice of appeal and rendering of a final decision. In 1983, when an earlier version of legislation to split the circuit was proposed, the court had 4583 new filings and the average length of time from filing the notice of appeal to final decision was 10.5 months. In late 1989, the court of appeals headquarter (where cases are processed) was badly damaged and closed by the Loma Prieta earthquake in San Francisco. Court staff was scattered among six different temporary buildings until late 1991. During this period, the court has 7257 new filings and the average length of time from filing the notice of appeal to final decision role to 15.6 months. Since the court was consolidated in a single location in 1991, processing times have substantially improved. In 1994, the most recent period for which figures are available, the court received 8092 new filings, and, despite vacancies, had reduced the average length of time from filing the notice of appeal to final decision to 14.5 months, slightly less than the time required in the Eleventh Circuit.

The average time from filing to disposition, however, does not accurately reflect the time the cases are actually in the judges' hands. In the Ninth Circuit, the average time from oral argument submission to disposition—that is, the actual time the judges have the cases in their hands—is 1.9 months, or .5 months less than the national average. In short, what the court needs to reduce disposition times is more judges. Hundreds of cases are available to be heard by judges; there simply are not enough judges to hear them. This is the ''swell'' in pending cases referred to when S. 853 was introduced. 141 Cong. Rec. S7504 (daily ed. May 25. 1995) For this reason, in 1992 the Ninth Circuit requested additional judgeships. The Judicial Conference of the United States endorsed the request which is now pending before Congress. With four current vacancies on the court, the average time to disposition is unlikely to improve substantially until new judges come on board. Obviously this central problem would not be alleviated by dividing the circuit and the proposed split would materially increase the caseload of judges in the remaining Ninth Circuit.

9. IS CIRCUIT DIVISION THE SOLUTION TO GROWING CASELOADS?

The presumption that increasing the number of circuits would solve the problem of expanding federal court caseloads is the underlying fallacy of S. 956. Cases are resolved by judges, not circuits, and increasing the number of circuits without increasing the number of judges would only exacerbate the problem.

Even with the proposed division of the Ninth Circuit, the population shift and growth that is increasing litigation in the West would continue to increase the workload of the two new circuits. The old Fifth Circuit encountered the same situation when it was divided into the Fifth and Eleventh Circuits in 1980. Before the split, the Fifth Circuit had 4914 filings and 27 judgeships, compared to the Ninth Circuit's 4262 filings and 23 judgeships. By 1994, the combined Fifth and Eleventh Circuits' filings had increased 241% to 11,858, while the Ninth Circuit's had increased 190% to 8115. Dividing the Fifth Circuit had no effect on the growth of the caseload, which is at the root of the size issue.

In its study on circuit size, the ABA Appellate Practice Committee's Subcommittee to Study Circuit Size ''found no compelling reasons why circuit courts of various sizes—ranging from a few judges to fifty—cannot effectively meet the caseload challenge. Indeed for every argument in favor of smaller circuits, there is an equally compelling argument for larger circuits.'' Report (October 1992), as p. 5. The Federal Judicial Center's recent analysis of structural alternatives in response to the mandate of the Federal Court Study Committee concluded:

[T]here can be no doubt that the system and its judges are under stress. That stress derives primarily from the continuing expansion of federal jurisdiction without a concomitant increase in resources. It does not appear to be a stress that would be significantly relieved by structural change to the appellate system at this time. Structural and other Alternatives for the Federal Course of appeals (1993), at p. 155.

The Ninth Circuit is functioning well and is handling its caseload in a timely and responsible manner. It is a leader in innovative case management techniques and its size offers numerous advantages, including: the application of a uniform body of law to wide geographic area, economies of scale in case processing, the ability to serve as a laboratory for experimentation in judicial administration and adjudication, and the diversity of background of its members. The vast majority of judges and lawyers in the circuit support retention of the circuit in its present form and reject circuit division as a response to the caseload crisis.

Further Information Relating to the Issue of Splitting the Ninth Circuit:

ABA Appellate practice Committee, subcommittee to Study Circuit Size, Report (October 1992).

Baker, Thomas, ''On Redrawing Circuit Boundaries—Why the Proposal to Divide the United States Court of Appeals for the Ninth Circuit Is Not Such a Good Idea,'' 22 Ariz. S.L.J. 917 (1900).

Federal Judicial Center, J. McKenna, Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Final Report of the Federal Courts Study Committee (1990).

Fourth Biennial Report to Congress on the Implementation of Section 6 of the Omnibus Judgeship Act of 1978 (1989).

Hellman, A. ed., Restructuring Justice: The innovations of the Ninth Circuit and The Future of the Federal Courts (1990).

Ninth Circuit Position Paper—1991.

Ninth Circuit Position Paper—1989.

Proposed Long Range Plan for the Federal Courts (1995).

U.S. Senate, Committee on the Judiciary, Ninth Circuit Court of Appeals Reorganization Act of 1989: hearings on S. 948 Before the Subcomm. on the Judiciary, 101st Cong., 2d Sess. (1990).

1. The caseload figures for the proposed new Ninth and new Twelfth Circuits are based upon internal court statistics for FY 1994.

2. All references are to regional circuits (the First through the Eleventh) and exclude comparisons to the two circuits that are based upon special jurisdiction rather than geography (the District of Columbia and the Federal Circuits).

3. Senator Gorton's remarks were made when he introduced S. 853 on May 25, 1995. That bill created a new Twelfth Circuit with seven judges and a new Ninth Circuit with nineteen judges. On June 22, 1995, Senator Gorton introduced a corrected bill that is identical to S. 853 except for a new Twelfth Circuit with nine judges and a new Ninth Circuit with nineteen judges. This paper is a response to the new bill and to the remarks made that the introduction of the earlier bill, S. 853.●

THE MEDIA, CENSORSHIP, AND PARENTAL EMPOWERMENT

● Ms. MIKULSKI. Mr. President, I rise today to speak on how best to control the viewing habits of America's children.

We are in a communication revolution. We have all heard about the information highway. We know that there is more and more information available to all of us. And more information available to children. Much of it is

good, and some of it is bad. The information highway includes ever-increasing numbers of television channels. These new and changing channels and the programs they broadcast are coming into our living rooms.

There is a good side to this growing technology and information, but we also know there is a bad side. Studies tell us that by the time a child enters high school, that child will watch over 8,000 murders and 100,000 acts of violence on television. How can parents know and control what their kids are watching. How can they control it when they are away from home working? How can they control what their kids see on the living room television when they are busy in the kitchen?

For some the solution is simple, just censor the networks or moviemakers. I believe there is a better way. It is the approach I believe in, and that is the approach that uses technology and information.

Mr. President, I am proud to cosponsor the Media Protection Act of 1995. This is the V-chip bill. A television that has this V chip will allow parents to block out programming that they don't want their children to see when they are away or in another room. This automatic blocking device will be triggered by a rating system that the networks can develop themselves. This is not censorship. It is no more censorship than the current movie theater rating system that was created by the movie industry less than three decades ago.

I am also pleased to cosponsor the Television Violence Report Card Act of 1995. This is the information part of what parents need. This legislation will encourage an evaluation of programming to let parents know just what to watch for or watch out for.

Some call this legislation censorship, but it is not. It is parental empowerment and parental involvement, and maybe a way to stem the tide of violence that kids are exposed to every day and evening they watch television.●

''WHY NOT ATOM TESTS IN FRANCE?''

● Mr. SIMON. Mr. President, the Washington Post had an editorial titled, ''Why Not Atom Tests in France?''

The policy of France is unwise, just as our earlier policy of continuing tests was unwise.

France is not doing a favor to stability in the world with these tests.

I hope that the French Government will reconsider this unwise course.

At this point, I ask unanimous consent that this op-ed piece be printed in the RECORD.

The material follows:

WHY NOT ATOM TESTS IN FRANCE?

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political theater. But even before Greenpeace set sail for the test site, several Pacific countries had vehemently objected to France's intention of carrying out the explosions at a Pacific atoll. The most cutting comment came from Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes the newly installed president of France, Jacques Chirac, confidently explained to him that the tests will be entirely safe. If they are so safe, Mr. Murayama replied, why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical damage and the release of radioactivity to the atmosphere are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counter a threat from a power that has collapsed. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalist fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear weapons is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the effort has been remarkably and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future, and in the meantime to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship. That's the understanding that France is now undermining. The harassment by Greenpeace is the least of the costs that these misguided tests will exact.●

ON THE RELEASE OF AUNG SAN SUU KYI

● Mr. MOYNIHAN. Mr. President, after 6 years of unjust detention by the Burmese military, Nobel Peace Prize winner Aung San Suu Kyi is free. While this is cause for celebration and great relief from those of us who have long called for her release, one cannot fail to stress that there is also great outrage that she was incarcerated in the first instance. The State Law and Order Restoration Council [SLORC], the military Junta in Burma, has sought to thwart democracy at every turn.

Led by Aung San Suu Kyi, the National League for Democracy [NLD] party won a democratic election in 1990, while she was under house arrest, yet the SLORC has never allowed the elected leaders of Burma to take office. Instead they have forced these leaders to flee their country to escape arrest and death.

The United States Senate has often spoken in support of those brave Burmese democracy leaders. We have withheld aid and weapons to the military regime, and have provided some, albeit modest amounts, of assistance to the Burmese refugees who have fled the ruthless SLORC. Pro-democracy demonstrators were particularly vulnerable, yet having fled the country they found themselves denied political asylum by Western governments. In 1989, Senator KENNEDY and I rose in support of the demonstrators and won passage of an amendment to the Immigration Act of 1990 requiring the Secretary of State and the Attorney General to clearly define the immigration policy of the United States toward Burmese pro-democracy demonstrators. Congress acted again on the Customs and Trade Act of 1990 to adopt a provision I introduced requiring the President to impose appropriate economic sanctions on Burma. The Bush administration utilized this provision to sanction Burmese textiles. Unfortunately these powers have never been exercised by the current administration.

The SLORC regime had to be denounced. The Senate continued to press for stronger actions. On March 12, 1992, the Foreign Relations Committee unanimously voted to adopt a report submitted by myself and Senator MCCONNELL detailing specific actions that should be taken before the nomination of a United States Ambassador to Burma would be considered in the Senate.

Last year the State Department Authorization Act for 1994–95 contained a provision I introduced placing Burma on the list of international outlaw states such as Libya, North Korea, and Iraq, an indication that the United States Congress considers the SLORC regime to be one of the very worst in the world. The Senate also unanimously adopted S. 234 on July 15, 1994, calling for the release of Aung San Suu Kyi and for increased international pressure on the SLORC to achieve the transfer of power to the winners of the 1990 democratic election.

Thankfully, Aung San Suu Kyi has now been released. But the struggle in Burma is not over. The SLORC continues to wage war against its own people. Illegal heroin continues to be produced with their complicity. And the SLORC continues to thwart the transfer to democracy in Burma. The New York Times concludes appropriately:

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

We in the Senate must rededicate ourselves to the strong support of those in Burma working to overcome this tyranny. I congratulate Aung San Suu Kyi on her extraordinary bravery and determination, and celebrate with her family the news of her release.

I ask that the July 13, 1995, editorial be printed in the RECORD.

The editorial follows:

[The New York Times, July 13, 1995]

NEW HOPE FOR BURMESE DEMOCRACY

The release of the political prisoner Daw Aung San Suu Kyi in Yangon, formerly Rangoon, is good news. Mrs. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, had been under house arrest for nearly six years. The next test for the regime, which changed the name of the country from Burma to Myanmar, will be to follow Ms. Aung San Suu Kyi's freedom with a return to some form of political pluralism and with other improvements in human rights.

Mrs. Aung San Suu Kyi's National League for Democracy won elections under her leadership in 1990. The military refused to recognize the results, imprisoning and intimidating many of the newly elected legislators. Burmese expatriates say torture is still routinely used in prisons and by the military in its repression of ethnic minorities.

Mrs. Aung San Suu Kyi's release has rekindled the hopes of many Burmese for a return to democracy. At her first public appearance, she stuck a conciliatory note, saying she wanted to promote dialogue with the military junta. She acted properly in cautioning against unrealistic expectations. Nevertheless, hundreds of people have made the pilgrimage to her home in Yangon since her release, demonstrating the deep loyalty of her followers.

But Mrs. Aung San Suu Kyi is re-entering a society in which her own name has been a forbidden word, where personal freedoms are severely restricted and political life brutally curtailed. She refused to make any deals with the authorities to gain her freedom, and she has made it clear that she intends to pursue her democratic goals.

Myanmar is eager to break its isolation and join the region's economic boom. Japan, which covets its rich natural resources, is already preparing to warm up relations with Yangon. But Myanmar will need substantial help from agencies like the World Bank and the International Monetary Fund to join the international economy.

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

INSULAR AREAS APPROPRIATIONS AUTHORIZATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 134, S. 638, regarding the insular areas, that the committee substitute be agreed to, that the bill be read for a third time, and passed, and the motion to reconsider be laid upon the table.

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

The Senate proceeded to consider the bill (S. 638) to authorize appropriations for United States insular areas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 (99 Stat. 837, 841) is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

''(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

''(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further,* That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: *Provided,* That the total of all contributions from any Federal source after January 1, 1995 may not exceed $32 million and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.

SEC. 2. FEDERAL MINIMUM WAGE.

Effective thirty days after the date of enactment of this Act, the minimum wage provisions, including, but not limited to, the coverage and exemptions provisions, of section 6 of the Fair Labor Standards Act of June 25, 1938 (52 Stat. 1062), as amended, shall apply to the Commonwealth of the Northern Mariana Islands, except—

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public Law 94–241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking

system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

''(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: Provided, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph.''.

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting ''paragraph (3) of this subsection'' and inserting in lieu thereof ''paragraph (4) of this subsection''.

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 93–435 (88 Stat. 1210), as amended, is further amended by—

(a) striking ''Guam, the Virgin Islands'' in section 1 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands'' each place the words appear;

(b) striking ''Guam, American Samoa'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, American Samoa''; and

(c) striking ''Guam, the Virgin Islands'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.''.

With respect to the Commonwealth of the Northern Mariana Islands, references to ''the date of enactment of this Act'' or ''date of enactment of this subsection'' contained in Public Law 93–435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a ''State of the Islands'' report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

Section 501 of Public Law 95–134 (91 Stat. 1159, 1164), as amended, is further amended by deleting ''the Trust Territory of the Pacific Islands,'' and inserting in lieu thereof ''the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia,''.

So the bill (S. 638), as amended, was read for the third time and passed as follows:

S. 638

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

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 (99 Stat. 837, 841) is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

''(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

''(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after January 1, 1995 may not exceed $32 million and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.

SEC. 2. FEDERAL MINIMUM WAGE.

Effective thirty days after the date of enactment of this Act, the minimum wage provisions, including, but not limited to, the coverage and exemptions provisions, of section 6 of the Fair Labor Standards Act of June 25, 1938 (52 Stat. 1062), as amended, shall apply to the Commonwealth of the Northern Mariana Islands, except—

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public

Law 94–241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

''(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: *Provided*, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph.''.

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting ''paragraph (3) of this subsection'' and inserting in lieu thereof ''paragraph (4) of this subsection''.

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 93–435 (88 Stat. 1210), as amended, is further amended by—

(a) striking ''Guam, the Virgin Islands'' in section 1 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands'' each place the words appear;

(b) striking ''Guam, American Samoa'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, American Samoa''; and

(c) striking ''Guam, the Virgin Islands'' in section 2 and inserting in lieu thereof ''Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.''.

With respect to the Commonwealth of the Northern Mariana Islands, references to ''the date of enactment of this Act'' or ''date of enactment of this subsection'' contained in Public Law 93–435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a ''State of the Islands'' report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

Section 501 of Public Law 95–134 (91 Stat. 1159, 1164), as amended, is further amended by deleting ''the Trust Territory of the Pacific Islands,'' and inserting in lieu thereof ''the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia,''.

DISTRICT OF COLUMBIA TRANSPORTATION PROJECTS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 1023.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I am pleased that the Senate is considering legislation today to allow the District of Columbia to move forward with transportation projects that are critically needed for the entire metropolitan Washington region.

I want to make clear to my colleagues that this legislation is consistent with the temporary match waivers that Congress has provided in 1975, 1982, and 1991. Under previous matching share waivers, 39 States have utilized this flexibility.

The legislation before the Senate is again a temporary waiver of the local matching share required before a State, or in this case the District of Columbia, can obligate Federal highway dollars. It is not a complete forgiveness of their financial obligation to provide a 20 percent match of these Federal dollars.

This legislation requires the District to repay these matching requirements by the end of fiscal year 1996—September 30. If the District fails to comply, their 1997 Federal highway apportionments will be reduced.

The legislation also requires that these Federal funds are to be used to maintain and upgrade National Highway System routes in the District, and other projects which the Secretary of Transportation determines to be important to the entire region.

Any other project the District decides to move forward with must be matched with local funds. In other words, this bill only temporarily waives the local match for those projects important to maintaining the District's most heavily traveled roads.

Mr. President, during the committee's consideration a provision was added to require the Department of Transportation to report to the Congress on those projects funded in 1995. This provision gives us further assurance that the District will properly use these funds on those most regionally significant projects. The committee has made clear that following a review of the use of the 1995 apportionments, if these funds were not allocated to worthy projects, then the committee will reconsider the waiver for fiscal year 1996.

These are the same roads which serve as the gateways to our Nation's Capital and are the major commuter arteries for the metropolitan region.

These are the same roads which contribute to the functioning of the Federal Government and serve the thousands of tourists from our States who travel here each year.

Mr. President, it is important to emphasize that this legislation is necessary to reduce congestion which plagues the entire region. The projects to benefit from this legislation are ones that compliment the transportation priorities of Virginia and Maryland, such as the 14th Street Bridge and Pennsylvania Avenue.

Also, I ask unanimous consent to have printed in the RECORD a copy of a letter from Virginia Secretary of Transportation Martinez placing Governor Allen's administration solidly in support of this legislation, and a letter in support from the distinguished Representative from the District of Columbia, Ms. NORTON.

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

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
July 7, 1995.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR WARNER: This letter is to provide the Commonwealth of Virginia's position on the proposed legislation to authorize the U.S. Secretary of Transportation to increase the federal share of certain highway projects in the District of Columbia for fiscal years 1995 and 1996. This legislation would in effect provide a temporary waiver of the local match for highway projects in Washington, D.C.

It is important for the economic health of Northern Virginia and the region to continue the development of critical transportation improvements. The regional projects that Virginia is working with the District include the 14th Street Bridge improvements and certain Intelligent Transportation System (ITS) projects.

Virginia supports this measure to allow the needed transportation projects to move forward this construction season and not delay much needed projects. If we can provide any additional information, please do not hesitate to call me.

Sincerely,

ROBERT E. MARTÍNEZ.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC. July 17, 1995.

Hon. ROBERT DOLE,
Majority Leader of the Senate, Washington, DC.

DEAR SENATOR DOLE: On July 11, the Senate Environment and Public Works Committee passed legislation, introduced by Senator John Warner, that would waive the local match of federal highway funds for the District of Columbia for FY 1995 and FY 1996. I write now to seek your assistance in getting this legislation through the Senate.

Without swift passage of this legislation in both chambers, before August 1, $82 million in FY 1995 apportioned monies and a similar amount in FY 1996 will be unavailable. It is essential to the economic health of the District and the region to repair the gateway streets used by regional commuters and 20 million visitors annually.

No new highway projects are planned this fiscal year in the District; nor have any bids been solicited over the past 18 months because the District's fiscal crisis has left the city unable to meet the matching funds requirement for federal monies. As you know, this federal money does not linger in the government bureaucracy but gets flushed right into the private sector when a city bids from private sector contractors to work on the projects.

The waiver in the Warner bill is based on precedents from P.L. 94–30 in 1975, P.L. 97–424 in 1982 and P.L. 102–240 in 1991. With the waiver, vital District projects to improve the major gateways into the city could proceed, aiding more tourists and commuters than D.C. residents, and providing desperately needed jobs and economic development for the city.

Please help.

Best personal regards.

Sincerely,

ELEANOR HOLMES NORTON.

Mr. WARNER. Mr. President, on a related matter, I would like to share with the Senate my longstanding interest in preserving the historic integrity of Constitution Avenue. This panoramic avenue has witnessed many landmark events in our Nation's history. It links the Lincoln Monument to the U.S. Capitol with many of the principal U.S. Government offices, national museums, and the National Gallery of Art gracing this historic avenue.

Unfortunately it has fallen into a serious state of disrepair. It has become a corridor overburdened with mobile street vendors.

Formerly known as B Street, it was renamed Constitution Avenue in 1913 and hosted President Franklin Roosevelt's inaugural parades. President Roosevelt was the first President to break with tradition and host his inaugural parade along Constitution Avenue rather than the formerly used routing along Pennsylvania Avenue.

Today I believe that the historic beauty of Constitution Avenue is marred by an increasing number of vendor vehicles permanently located along this corridor. These vendors create gridlock, as they scramble to park, during peak usage of this vital corridor. They distract from the intrinsic beauty and historic tradition of this corridor. Cannot the users and visitors to this great capitol city have one avenue free of commercial buildings and commercial vehicles?

I have shared these views with the Mayor of the District of Columbia, and I will continue to work for these goals.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 1023), was deemed read for a third time and passed, as follows:

S. 1023

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 ''District of Columbia Emergency Highway Relief Act''.

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of a project within the District of Columbia described in subsection (b) shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—A project referred to in subsection (a) is a project—

(1) for which the United States—

(A) is obligated to pay under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay under title 23, United States Code, during any portion of the period beginning on the date of enactment of this Act and ending on September 30, 1996; and

(2) that is—

(A) for a route proposed for inclusion in the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation);

with respect to which the Mayor of the District of Columbia certifies that sufficient funds are not available to pay the full non-Federal share of the costs of the project.

(c) REPAYMENT.—

(1) OBLIGATION TO REPAY.—Not later than September 30, 1996, the District of Columbia shall repay to the United States, with respect to each project for which an increased Federal share is paid under subsection (a), an amount equal to the difference between—

(A) the amount of the costs of the project paid by the United States under subsection (a); and

(B) the amount of the costs of the project that would have been paid by the United States but for subsection (a).

(2) DEPOSIT OF REPAID FUNDS.—A repayment made under paragraph (1) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(3) FAILURE TO REPAY.—

(A) DEDUCTIONS.—If the District of Columbia fails to make a repayment required under paragraph (1) with respect to a project, the Secretary of Transportation shall deduct an amount equal to the amount of the failed repayment from funds appropriated or allocated for the category of the project for fiscal year 1997 to the District of Columbia under title 23, United States Code.

(B) REAPPORTIONMENT.—Any amount deducted under subparagraph (A) shall be reapportioned for fiscal year 1997 in accordance with title 23, United States Code, to a State other than the District of Columbia.

SEC. 3. REPORT TO CONGRESS.

Not later than November 1, 1995, and November 1, 1996, the Secretary of Transportation shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) each project within the District of Columbia for which an increased Federal share has been paid under section 2;

(2) any specific cause of delay in the rate of obligation of Federal funds made available under section 2; and

(3) any other information that the Secretary of Transportation determines is relevant.

ORDERS FOR FRIDAY, JULY 21, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately begin consideration of H.R. 1817, the military construction appropriations bill.

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

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, under the previous order, the Senate will resume consideration of the MILCON appropriations bill at 9 a.m. tomorrow. Also, under the unanimous consent agreement entered into earlier this evening, the Senate will resume consideration of the rescissions bill at 10:20 tomorrow morning. Under that agreement, there will be approximately 40 minutes of debate remaining on the bill. Following that debate, at approximately 11 a.m. the Senate will proceed to vote on a motion to table the first Wellstone amendment. That vote may be followed by an immediate vote on the motion to table the second Wellstone amendment to be followed by a vote on passage of the rescissions bill.

All Senators should, therefore, be aware that rollcall votes will occur throughout Friday's session of the Senate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HATFIELD. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:27 p.m., recessed until tomorrow, Friday, July 21, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1995:

DEPARTMENT OF STATE

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. WILLIAM J. DENDINGER, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN P. OTJEN, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR., 000–00–0000
BRIG. GEN. EDWARD L. ANDREWS, 000–00–0000
BRIG. GEN. DAVID K. HEEBNER, 000–00–0000
BRIG. GEN. MORRIS J. BOYD, 000–00–0000
BRIG. GEN. ROBERT R. HICKS, JR., 000–00–0000
BRIG. GEN. STEWART W. WALLACE, 000–00–0000
BRIG. GEN. JAMES M. WRIGHT, 000–00–0000
BRIG. GEN. CHARLES W. THOMAS, 000–00–0000
BRIG. GEN. GEORGE H. HARMEYER, 000–00–0000
BRIG. GEN. JOHN F. MICHITSCH, 000–00–0000
BRIG. GEN. LON E. MAGGART, 000–00–0000
BRIG. GEN. HENRY T. GLISSON, 000–00–0000
BRIG. GEN. THOMAS N. BURNETTE, JR., 000–00–0000
BRIG. GEN. DAVID H. OHLE, 000–00–0000
BRIG. GEN. MILTON HUNTER, 000–00–0000
BRIG. GEN. JAMES T. HILL, 000–00–0000
BRIG. GEN. GREG L. GILE, 000–00–0000
BRIG. GEN. JAMES C. RILEY, 000–00–0000
BRIG. GEN. RANDALL L. RIGBY, 000–00–0000
BRIG. GEN. DANIEL J. PETOSKY, 000–00–0000
BRIG. GEN. MICHAEL B. SHERFIELD, 000–00–0000
BRIG. GEN. JAMES C. KING, 000–00–0000
BRIG. GEN. JOSEPH G. GARRETT, III, 000–00–0000
BRIG. GEN. LEROY R. GOFF, III, 000–00–0000
BRIG. GEN. DANIEL G. BROWN, 000–00–0000
BRIG. GEN. WILLIAM P. TANGNEY, 000–00–0000
BRIG. GEN. CHARLES S. MAHAN, JR., 000–00–0000
BRIG. GEN. JOHN J. MAHER, III, 000–00–0000
BRIG. GEN. LEON J. LAPORTE, 000–00–0000
BRIG. GEN. CLAUDIA J. KENNEDY, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 618, 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CROPS

To be lieutenant colonel

*JOHN D. PITCHER, 000–00–0000

MEDICAL CORPS

To be major

RAY J. RODRIGUEZ, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KYUJIN J. CHOI, 000–00–0000
WILLIAM D. DAY, 000–00–0000
JASON W. HAINES, 000–00–0000
MURZBAN F. MORRIS, 000–00–0000