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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BUNNING of Kentucky].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 5, 1996.

I hereby designate the Honorable JIM BUNNING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We pray to You, O God, for justice, but we also accept our responsibility to do the works of justice; we pray to You, O God, for the vision of righteousness, but we know You expect us to walk the road of righteousness; we pray to You, O God, for the blessing of peace, but we accept our obligation to walk the paths of peace. Remind us, gracious God, not to forfeit our accountability or cover our omissions, but let us use the abilities that You have given us in ways that support the common good and strengthen the bonds which bind us together. O gracious God, we thank You for the visions of justice, righteousness, and peace, even as we pray for strength to do our duty to You and to our country. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BUNNING of Kentucky] at 11 a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize ten 1-minutes from each side.

HAZEL O'LEARY'S TRAVEL EXPERTISE

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

Mr. KINGSTON. Mr. Speaker, I think now we can see why Mrs. Clinton apparently wanted to get rid of the White House travel agency; they have a travel expert in the Secretary of Energy, Ms. O'Leary. Listen to these great winter fares: India, $729,000; Pakistan, for a mere half million dollars; China, $845,000; and the new low winter discount, South Africa for $560,000. No wonder the White House does not need a travel agency. These are great rates.

I understand, Mr. Speaker and Members of Congress, if you like to travel with your family, your friends, your staff, your associates, the persons you stand next to in the grocery store line, anybody you happen to see on the street, bring them all. They have a fleet of airplanes that used to belong to Madonna or somebody like that, and they can let you fly in comfort with an airplane with stand-up bars, beds, piped-in Barbra Streisand music and everything else in the world. It is a wonderful thing to be doing while the Federal employees are shut out of work because we pay $20 billion each month on interest on the national debt.

Mr. Speaker, this is a national scandal. I would say it is time to do the right thing. Resign, Ms. O'Leary; let the taxpayers have a break.

INTO THE REALM OF THE UNBELIEVABLE

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

Mr. PALLONE. Mr. Speaker, I continue to be amazed by what I hear from the Republican side. I think truly they have gone over to become a bunch of kooks this morning. I heard that they are finally going to bring up a continuing resolution to send the Government workers back to work and to pay them, but I understand they are not going to be able to do their work. They are not going to be spending money or appropriating money so they can actually do their job.

They will be on the job. They will be paid, but they will not be able to perform their job. Then I heard another

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kooky thing this morning. They are suggesting that the Secretary of the Treasury be impeached because he is trying to avoid a Government default. Truly now, I realize that the Republican side, the Republican leadership has really gone over into the realm of the unbelievable. They are acting like a bunch of crazies who want to impeach the Secretary of the Treasury because he wants to avoid a default, who want to send the Government workers back to work and get paid but they are not allowed to perform their jobs.

HAZEL O'LEARY'S JUNKETS

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

Mr. ZIMMER. Mr. Speaker, the recent General Accounting Office revelations on Hazel O'Leary's junkets show that her performance is even worse than we had imagined. There are hundreds of thousands of dollars that are completely unaccounted for of the expenditures that she made in her trips overseas.

She spent more days out of the country than in the country, including a trip to South Africa for $663,000 with 63 staffers using Madonna's airplane; India for $730,000 with 37 staffers; Pakistan, $500,000; China, $845,000; Vienna, three times to beautiful Vienna, one time with an entourage so large that a diplomat from the United States wired back to the State Department that the size of her entourage exceeded critical thermonuculear mass.

Moscow, four times, London, Brussels, Florence, Hong Kong, Prague, Costa Rica, the Ivory Coast. Mr. Speaker, it is time for Hazel O'Leary to go. She must resign or be fired.

TOP 10 REASONS FOR REPUBLICAN GOVERNMENT SHUTDOWN

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

Mr. ENGEL. Mr. Speaker, from the home office in Bronx, NY, the top 10 reasons why House Republicans shut the Government down: No. 10, they are not essential. No. 9, they never liked the Washington Monument anyway. No. 8, if Medicare can wither on the vine, why should not Federal workers? No. 7, furloughed employees will have more time to read Time magazine's Man of the Year story. No. 6, it does not matter whether people work or not; Republicans have been gutting worker protection laws all year long. No. 5, the CR to reopen the Government will contain a clause allowing the Speaker to leave the President's plane by the front door. No. 4, Republicans say furloughed workers will not dare to bitch when we give a tax break to the rich. No. 3, the EPA will not be able to monitor the hot air coming from the freshman House Republican caucus. No. 2, Republicans are writing a new poem entitled, ''If Government Can Be Shut, Then Medicare Can Be Cut.''

And the No. 1 reason why House Republicans have shut the Government down: To give more time for furloughed workers to return those unwanted Christmas gifts.

GOVERNMENT SHUTDOWN

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

Mr. LEWIS of Kentucky. Mr. Speaker, what is the truth about the Government shutdown? The truth is this. The radical liberal left of the House of Representatives have been obstructionists for many, many years and they are continuing it this year, and in this coming year.

Mr. Clinton, in his second so-called budget, wanted to slow the rate of growth in Medicare, bring about tax relief. That was greeted with, my goodness, this is terrible, this is awful, from our friends across the aisle.

I wonder when the President talked about extreme Republican freshmen if he should not have looked at himself when he was talking about the tail wagging the dog. Is he afraid he might lose his base if he presents a balanced budget and puts the Government back to work?

JAPAN HAS A NEW PRIME MINISTER

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

Mr. TRAFICANT. Mr. Speaker, while the American Government is shut down, Japan has a new Prime Minister. The new Prime Minister was their Trade Minister, Mr. Hashimoto. The new Trade Minister is the Prime Minister for one major reason: Mr. Hashimoto beat back American demands to open up Japanese markets. The Japanese people say Mr. Hashimoto fights for Japanese workers. Mr. Hashimoto takes care of Japan. Mr. Hashimoto will not cave in to America.

My colleagues, Mr. Hashimoto's rise to power says it all. In Japan, elected leaders are expected and rewarded for taking care of Japan. Maybe in America we should follow suit. Think about it.

WHAT IS TRULY HAPPENING

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

Mr. COOLEY. Mr. Speaker, yesterday the Democratic Party could have put back to work 133,000 public employees in what is called the Interior appropriations bill. We are trying on this side of the aisle to remedy some of the problems that this country faces and putting the Government back to work and providing services for the American people.

We were not able to do that, and yet we are being criticized as the obstructionists in this process. We are not the only obstructionists. We are trying everything possible to put this Government back to work within the balanced budget that we have presented to the President. But instead we are being criticized for doing our work by the other side, who will not even come across and help us put these people back to work.

I think that it is about time we look at the issue. Stop listening to the big lies and start realizing what is truly happening here.

PUT THE GOVERNMENT BACK IN OPERATION

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

Mr. VOLKMER. Mr. Speaker, lunacy still prevails in the House of Representatives under Speaker NEWT GINGRICH. Since December 15, we have had Federal employees locked out, cannot go to work. We have Federal employees that are working but are not going to get paid.

Now the Republican lunatics are now going to propose that we let the Federal workers go to work, that is fine, get paid, that is fine, but they cannot do anything because they are not going to fund the functions that they are to perform. Lunacy still prevails.

Now, it is interesting to me that just last night the Speaker said, ''As a former Army brat, I believe it is morally wrong and indefensible to have Federal workers in the crossfire.'' Yet he has refused to permit a clean resolution to continue the operation of the Federal Government to come forward.

We, on this side, have repeatedly, since December 15, asked to take up a clean resolution. Let us put the Government back in operation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would caution those who are giving 1-minutes not to use words that might be taken down. ''Lunacy'' and ''lunatics,'' in addressing any Members on the floor of the House, are not permissible words.

THE HARD NUMBERS

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

Mr. HERGER. Mr. Speaker, $5 trillion of debt, $200 billion deficits, $187,000 in interest debt for a child born

today. These are the hard numbers—the facts that back up the need for a balanced budget. I could stand here all day and talk numbers. But, the fact is, Mr. Speaker, balancing the budget is not about numbers—it is about people. People like our children and grandchildren that will bear the burden of today's fiscal irresponsibility. It is about letting taxpayers keep more of their hard-earned money. It is about who can spend money better, the Federal Government or the American family. It is about lower interest rates so families can afford to buy a home and live the American dream. Mr. Speaker, the Republican Congress is serious about balancing the budget—the President needs to start doing what he said he would do, and work with this Congress to give the American people what they deserve—a balanced budget.

IN SUPPORT OF HOUSE JOINT RESOLUTION 155, A CLEAN CONTINUING RESOLUTION

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE. Mr. Speaker, it is obvious that we have an extreme disagreement about this budgeting process. Many of us disagree that we should take $245 billion as a tax cut to give to those making over $200,000. That is a fair debate, Mr. Speaker. But what we should not be doing is holding hostage public servants who need to provide services for Americans.

I agree with the Speaker of the House that it is morally wrong and indefensible to have Federal workers in the crossfire. Again, Mr. Speaker, I agree with that. This is why House Joint Resolution 155, a clean continuing resolution that I introduced with over 40 original cosponsors will open this Government entirely for the veterans, for those receiving Social Security, for those receiving Meals on Wheels, for the NASA employees preparing now to launch another *Challenger*, for passports for businesses in Houston, TX, who are being blocked by not being able to do their business, and the missionaries that cannot go and do missionary work.

Mr. Speaker, pass a clean continuing resolution that will open this Government today, House Joint Resolution 155.

IN SUPPORT OF A BALANCED BUDGET

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

Mr. FRISA. Mr. Speaker, I am proud to stand tall in this Congress as a freshman Republican, because for the first time in more than a lifetime Congress has done its job. We have done the hard work to balance our budget with no gimmicks and no tricks.

But our big spending President refuses to do his job. He talks. He ducks. He zigs. He zags. He flips and he flops. But the one thing the President will not do is his job. That is to present the balanced budget.

I think the American people, Mr. Speaker, should call the White House at 202–456–1414. Ask the President where is his balanced budget. America demands it for our children and our grandchildren. It is about time the President rolled up his sleeves and did the hard work for America.

TAX DOLLARS NOT AT WORK

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

Mr. WYNN. Mr. Speaker, today is day 21 of the Government shutdown. Again, your tax dollars are not at work. But it does appear that the haze may be lifting a bit on the Republican side. Even these self-styled revolutionaries seem to have figured out that Government operations are essential and that we should not be abusing the taxpayers' employees by having them out of work.

□ 1115

The only problem is, while they are proposing to send them back to work with pay, they are not proposing to fund the operations and functions that they perform. It seems highly questionable. Let us take a look.

Toxic waste inspections that preserve our clean water cannot be performed, health inspections may not be able to be performed. Occupational safety inspections may not be performed, and trade operations at the Department of Commerce may not be performed, these trade operations which create jobs.

So, although the haze may be lifting a little bit, there is still a lot of confusion because the employees are at work, but they cannot do their jobs.

IT IS TIME TO GET THE FEDERAL WORKERS BACK TO WORK

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

Mr. DAVIS. Mr. Speaker, I was moved today to hear the comments of a young man from Baltimore at a rally outside here, a Federal employee talking about the hardships that this furlough has placed on him and his young family, and I place the following in the CONGRESSIONAL RECORD:

Like the rest of you who are here today, I am a furloughed Federal Government employee . . . and I am essential.

I work for the Health Care Financing Administration in Baltimore, Maryland. At HCFA, I work to assure that all Medicare and Medicaid beneficiaries receive quality health care. While my fellow furlough workers and I are not at work, millions of beneficiaries run the risk of not receiving quality health care. This is an extremely serious matter.

I am here today to explain to President Clinton, Bob Dole, Newt Gingrich, Dick Armey and other House Republicans what it means to be on furlough while the Government continues to be shut down.

I am not alone. My situation is not unique.

This past summer I got engaged to be married. My fiance is a full time graduate student. We knew this year was going to be tough managing on one income. Not this tough. The rent is still due on the 1st of the month. Creditors want their payments. Tuition needs to be paid. Our lives will go on, but not without some serious pain.

The furlough not only has affected my state of finances, but also my state of mind. First, our political leaders declare us ''not essential''—an ultimate slap in the face. Then they allow this Government Shutdown to continue through Christmas and New Years—Happy Holidays everyone. Lastly, we have been told that we will receive back pay. This, however, does not keep the creditors at bay.

We deserve the respect we are entitled to. We serve because we want to serve. We work for the Federal Government because we want to help the public. Are the negotiators really helping the public? I think not.

Here we are standing in front of the U.S. Capitol. A symbol of Democracy. An institution where leaders debate over differences in ideology. In the past, these debates have ended in compromise. Compromise is the name of the game. If an individual decides to come to Washington, DC to serve, he or she must understand the importance of compromise. I urge the negotiators to reach a compromise on the budget so we can put this behind us.

As a result of the budget impasse, federal workers are being used as pawns. But the real loser is the American Public.

Enough is enough. Again, we urge you, send us back to work.

Also, Mr. Speaker, I would like to say that it is time to get the hostages off the plane. It is time to get the Federal workers back to work. They have been unintended victims of this. We are on the verge of at least paying them for the time that some of them have missed, and some of them have been working and not been paid, and now it is time to get the rest of them back to work and performing the duties of Government.

I favor a clean continuing resolution, but, if we cannot get that, I am for taking whatever steps we can toward moving this Government to open again.

My message to both the President and the congressional leaders is let us negotiate this out, and to the President it is let us see what his balanced budget is. We know he does not like what his balanced budget is. We know he does not like what has come from this side. I would like to see what he proposes in comparison.

I hope that they will work this out in the very near future. We are going to give them until January 26 to work this out.

ARE THERE NOT JUST 21 RESPONSIBLE REPUBLICANS?

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

Mr. HOYER. Capital crisis, shutdown II, day 21, and we are looking for just 21

responsible Republicans, just 21 Republicans who have the common sense and courage to put country above party conference, just 21 Republicans who have the heart to help moms and dads and families in distress, just 21 Republicans who will have the honesty to recognize the destructiveness of the course set by the Republican leadership driven by its most extreme faction, just 21 Republicans who can publicly act on the convictions they have privately acknowledged.

Are there not just 21 Republicans in the House of Representatives who will follow the leadership of Senator DOLE, who aspires to lead the country? What mob psychology prevails to prevent just 21 Republicans from doing what is right, just 21 Republicans to say, with BOB DOLE, enough is enough?

WE DO NOT NEED 21 REPUBLICANS, WE NEED 1 PRESIDENT TO OFFER A BALANCED BUDGET

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

Mr. GUNDERSON. Mr. Speaker, we do not need 21 Republicans. We need one President, just one President that will offer this country a balanced budget. That is all it takes, just one President to keep his word to offer a balanced budget, and we will get on with the process, the Government will run, and we will get this thing solved.

As my colleagues know, the fact is the President signed into law a continuing resolution. That continuing resolution committed that we would have by January 3 of this year a bipartisan balanced budget agreement. The President has not even submitted a balanced budget proposal.

People wonder why negotiations are not going anywhere. How can they go anywhere? We do not have anything to negotiate. We have no idea where the President stands on taxes. We have no idea where the President stands on domestic spending. We have no idea how the President suggests we ought to achieve a balanced budget. He says he is for one, and that is good, so let us see it.

Mr. Speaker, my colleagues do not need 21 Republicans. They need one President to offer a balanced budget.

SUPPORT THE CLEAN CR

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

Mr. OLVER. Mr. Speaker, enough is enough. The extremists among the House Republicans are finally realizing the public's opposition to their hostage-taking tactics. So why are they still playing games?

Mr. Speaker, the other body, the Senate, has already passed a clean continuing resolution, and there are moderate Republican House Members who agree with letting the entire Government operate this month while negotiations continue. The House Republican leaders should get the message and stop wasting taxpayer dollars.

I am adding my name to the clean CR introduced by the gentlewoman from Texas [Ms. JACKSON-LEE] which allows all Federal employees to do their jobs while they get paid. Every Member of this House should support a full restoration of Government services and end this pointless gridlock.

CRISIS CREATES SOME OPPORTUNITIES

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

Mr. DREIER. Mr. Speaker, what an incredible irony, this budget crisis that we are facing and have been going through for the past several weeks. The irony is that we have found that devolution is working because this crisis has created an opportunity for it. We saw the President in his news conference the other night talk about the pain that will be created, has been created, with this Government shutdown, the Meals on Wheels Program in jeopardy, unemployment benefits not being paid, Medicare recipients not being reimbursed, Medicare providers not being reimbursed.

Mr. Speaker, the fact of the matter is that was nothing more than a sky-is-falling speech that the President gave.

This morning on National Public Radio a very interesting piece was provided in which they went around the country and talked in a number of States with those involved with the Meals on Wheels Program, Medicare providers, those who were dealing with the unemployment benefits issue, and State and local governments are in many instances, not all, but in many instances, picking up the responsibility there. So we have, in fact, got a tremendous opportunity to deal responsibly with this issue, and devolution is going to work.

LISTEN TO WHAT YOUR LEADERS ARE SAYING

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

Mr. DEUTSCH. Mr. Speaker, I come over to the Republican side of the aisle today to speak and to quote Republican leaders.

From BOB DOLE:

> Enough is enough. I do not see any sense in what we are doing. I would hope that we would have a quick action in the House. People have been gone from their jobs long enough. Enough is enough.

In addition, I quote another great Republican leader, NEWT GINGRICH:

> As a former Army brat I believe it is morally wrong and indefensible that Federal workers are in the cross-fire.

The reckless Republican right have left their leaders. I say to my colleagues on the Republican side, ''Please, come to your senses. Act like adults. It is indefensible what is going on, and it cannot be defended.''

For those who saw ''Nightline'' last night, shame, shame, shame for those who were trying to defend this position. It is impossible. My colleagues should look at what their leaders are saying.

I say to the reckless right, ''Please, for the good of the country, listen to your leaders. End this shutdown today, this afternoon, now.''

A CONTINUING RESOLUTION IS NOT THE ANSWER

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

Mr. GOSS. Mr. Speaker, the gentleman from Maryland [Mr. HOYER] has asked for 21 responsible Members of the Republican Party in the House of Representatives to come forward. There will be 236 responsible Members of the Republican Party coming forward today, and we will indeed provide the quick action and the morally responsible position that has been referred to by previous speakers.

It is the lost liberal left and the President in the White House who is listening to them that has caused this problem.

Mr. Speaker, we have had 40 years of business as usual, our social contracts are in disarray, our quality of life is down in this country, we are $5 trillion poorer because these social programs do not work, and the best that the other side can come up with is more business as usual, a continuing resolution is the answer. It is not the answer.

The answer is to do what we are trying to do; that is, a balanced budget in 7 years with real numbers, and to get the President of the United States to live up to his pledge to do it.

A VERY EXPENSIVE THEATER TICKET FOR THE TAXPAYERS

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

Mrs. SCHROEDER. Mr. Speaker, as one who is prepared to leave this body, with my quasi-emeritus status let me say I think this institution is in one ''mell of a hess'' today. It is in terrible shape. We have Democrats coming down and citing their agreement with the Republican leaders, and we see the reckless right on their side having abandoned their leaders. We are having to cite their leaders, and they are running from their leaders.

What is going on? Mr. Speaker, we have now spent over $1.5 billion on this shutdown, this little political theater. That is a very expensive theater ticket. Taxpayers ought to be very angry about that.

But this is not enough for the reckless right. Now they want to impeach

Secretary Rubin. They want to impeach Secretary Rubin because he has been trying to pay the bills and not totally default.

It is not like this Government does not look foolish enough. They want it to look even more foolish.

I encourage them to listen to their own leadership and stop this political theater now.

LAYING ON THE TABLE HOUSE RESOLUTION 310, EXPEDITING COMMITTEE HEARINGS DURING REMAINDER OF FIRST SESSION OF THE 104TH CONGRESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 310, a resolution expediting the commencement of committee hearings during the remainder of the first session of the 104th Congress, be laid on the table.

The SPEAKER pro tempore (Mr. BUNNING). Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, could the gentleman from California explain what this is?

Mr. DREIER. Mr. Speaker, the Chair has already ruled.

The SPEAKER pro tempore. Yes, the Chair has already stated ''without objection'' on this request. The gentlewoman from Colorado [Mrs. SCHROEDER] was not on her feet.

DISPOSING OF SENATE AMENDMENT TO H.R. 1643, EXTENSION OF MOST-FAVORED-NATION TREATMENT FOR BULGARIA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1643) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria, with the Senate amendment thereto, and to consider in the House the motion printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. All points of order against the motion are waived. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule provides for taking from the Speaker's table H.R. 1643, with the Senate amendment, and consideration in the House of the motion printed in the Committee on Rules report accompanying this resolution. The Senate amendment and the motion in the committee report shall be considered as read, and all points of order against the motion are waived.

The rule provides for 1 hour of general debate on the motion, equally divided by the chairman and ranking minority member of the Committee on Appropriations. The rule further provides that the previous question is considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1130

Mr. Speaker, from the 1st day of the 104th Congress a year ago yesterday, the new majority in the House has maintained that balancing the Federal budget in 7 years is our top priority. To fail in this effort is to let down America's families, especially our Nation's children They are the ones that will pay the bill for continuing the tax, spend, and deficit policies that Washington insiders have maintained for decades. The bill just for interest payments on our debt is approaching $187,000 in lifetime tax payments per American child. That is why we must change the direction of this Government.

Mr. Speaker, the President and Congress made a commitment on November 20 of last year to enact a 7-year balanced budget using honest economic assumptions. The balanced budget was to reform welfare and provide a tax cut that lets families keep more of the money they earn. The balanced budget was to provide an economic stimulus to finally get family incomes moving upward, something that the Clinton administration unfortunately has failed to do.

Finally, the balanced budget was to increase spending on health care, education, and veterans, while maintaining a vibrant national defense.

Mr. Speaker, the majority in this House made one major mistake in our efforts to reach a balanced budget agreement to save the future for our children. That mistake, Mr. Speaker, was believing the President of the United States. We believed the President when he said he would balance the budget in 5 years. We believed him when he said he would support a 7-year balanced budget. We even believed the President meant it when he signed the last continuing resolution saying that a 7-year balanced budget would be enacted by the 1st session of the 104th Congress.

At this point, Mr. Speaker, it is clear that the President is very committed. He is committed to saving Washington, not to saving Medicare. He is committed to balancing his poll numbers, not to balancing the budget. He is so committed to business as usual that he was willing to see Federal workers thrown out on the street, rather that putting a balanced budget on the negotiating table.

Mr. Speaker, one thing should be very clear at this point: Those of us committed to balancing the budget will not go along with business a usual. This Congress and this country are well into uncharted territory in this budget showdown because there is finally a majority in Congress that will say ''no'' to Washington's deficits and Washington's spending. We are not willing to just declare victory and draw up a phony budget that will result in the same type of debt and waste in 2002 that we have today. The President has refused to lead, choosing cheap political rhetoric over a balanced budget. Therefore, Congress has taken the lead. The President has refused to lead to find common ground on appropriations bills so that Federal workers can be paid. Therefore, we are leading with a bill to put Federal workers back on the job with pay through January 26.

Mr. Speaker, we must be clear. This is not a business-as-usual continuing resolution. This bill will only fund targeted Federal programs which enjoy a bipartisan consensus of support. The bill funds some of those programs through March 15; others, through the end of the fiscal year.

If the President would really like to satisfactorily see all Federal programs funded, he should offer his version of a 7-year balanced budget using honest numbers.

Mr. Speaker, over the past several days, while negotiations have been going on, I have had a little time, because I have not been in the midst of those negotiations. I have been spending some of that time rereading the Federalist Papers. I am more committed than ever to the belief that the Congress does not work for the Government. The Congress is here to serve the American people.

How would James Madison, Alexander Hamilton, and John Jay react to a Congress so beholden to Government programs that its primary duty was to ensure that Government is free to spend taxpayer money? Madison believed that the primary role of Congress was to serve the people by ensuring a just society that protects individual liberty. Our debt-ridden status quo Government is not living up to that mission.

Mr. Speaker, our first duty is to deliver a balanced budget to America's children. The President was prepared

to sacrifice Federal workers to maintain the bureaucracy that he values more than the people who serve in it. While we will balance the budget, we will do it without causing undue pain to Federal employees and those who receive necessary Federal services.

Mr. Speaker, I urge my colleagues in a bipartisan way to support this rule, and I reserve the balance of my time.

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

Mr. Speaker, the bill we are considering is a small step in the right direction.

The American people are sick and tired of seeing their Government services held hostage because Speaker GINGRICH disagrees with the President. The U.S. Government has been closed for 21 days. Of 2 million civilian Federal employees, 280,000 have been sent home, and 480,000 are working, but not getting paid. That means a total of 38 percent of the Federal work force is not getting a paycheck.

This shutdown has gone on entirely too long. It is hurting a lot of people, and without this bill it would only get worse.

Without this bill, in the next 2 weeks, Meals on Wheels in 12 States would stop, and senior citizens who rely on Meals on Wheels to help them live on their own, will be forced to head for a nursing home, or worse.

Next week, Massachusetts Unemployment Offices would close, and families who are temporarily out of work would have no way to buy food, heat their homes, or pay their rent. Our national forests, museums, and parks would remain closed to tourists who had their hearts set on their vacations. And small businesses near our national parks would continue to lose $14 million every day the Government is closed.

These people did nothing wrong. They expect Government services, they earned Government services, and under no circumstances should they have to pay the price for this political blackmail.

With this bill, those people will no longer be sacrificed on the alter of politics.

But others will, what about them?

This month, 49,000 families may be evicted from their homes because their housing vouchers are not getting renewed. And what about student loans and small business loans?

Why are we opening the Government piece by piece? These games are serving no purpose, in fact, they are hurting people. Let us do a clean continuing resolution, get the Government open, and get on with real legislation.

Although this bill is better than nothing, Mr. Speaker, it will have ridiculous consequences.

Under this absurd bill, all Federal employees are to report back to work, but only some of them are authorized to actually do work. In other words, if you work in the Passport Office, you go to work, and do your job. If you work in the Housing Office, you go to work and sit there.

What on Earth is that? This sounds like a Rube Goldberg situation. Tell me: Who is working, and who is really working?

Mr. Speaker, this is ludicrous. Let us get the entire Government open, let us get all the Federal employees back to work, let us get this country running again. As the Senate majority leader said, ''Enough is enough.''

Mr. Speaker, I urge my colleagues to defeat the previous question in order to end the shutdown once and for all. If we defeat the previous question, in about 6 hours we could open the entire Federal Government. We would allow time for negotiations by keeping the Government open at least until January 26.

Mr. Speaker, let us give the American people their Government back.

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

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, the only ludicrous thing around here is this unconscionable, irresponsible Congress that has piled $5 trillion in debt on my children and my grandchildren, and I resent it. One thing is for sure, we are putting an end to it this year. This Congress is going to force this President to accept a balanced budget, no matter what. In saying that, Mr. Speaker, I want to thank my good friend, the vice chairman of the Committee on Rules for yielding me the time this morning. I rise, as Members can tell, in the strongest possible support for this rule and this bill.

Mr. Speaker, we are obviously at a difficult and a very critical juncture in our efforts to complete work on the important budgetary decisions for our country, our Government, and our Nation; namely, the remaining appropriation bills and the 7-year Balanced Budget Act. There is still no agreement between the Congress and the President over this 7-year balanced budget that I have just been talking about.

The President has vetoed several of our regular appropriation bills and thereby blocked the reopening of Government. That is the Veterans' Administration, the Department of Housing, the Environmental Protection Agency. It is all of these agencies that are not functioning because this President has vetoed these appropriation bills.

Mr. Speaker, back on November 20 the President signed into law a commitment by this Congress and this President to enact a 7-year balanced budget using no smoke and mirrors, but using the impartial Congressional Budget Office estimates. That legal deadline expired 2 days ago at noon on January 3. Late in November we sent the President the balanced budget that we Republicans, by law, submitted. It was properly certified by the impartial Congressional Budget Office. Yet, on December 6, the President vetoed that bill. There was no movement from the White House to reach a compromise balanced budget before the continuing resolution expired on December 15.

As near as I can tell, there has been very little movement since that time, by the White House, to even submit a CBO-certified balanced budget that we have asked for every single day since December 15. We have offered to put everything on the table in those negotiations, it does not matter whether it is Medicare, Medicaid, welfare reform, the Defense bill, the tax provisions. We are willing to negotiate anything, as long as we get figures to negotiate from. The White House table is not on the level because it still tilts toward a deficit of around $100 billion in the seventh year. That is a far cry from the balanced budget the President is committed to giving us.

Mr. Speaker, I regret that so much attention has been diverted by the consequent shutdown of parts of the Government, because it has blurred our focus on the really big picture, the picture that the American people want us to focus on. We might all do well to paraphrase that sign on the wall of candidate Bill Clinton. Do Members remember what that sign was in his campaign headquarters? That sign said: ''It's the economy, stupid.'' Now that we have all committed by law to a 7-year balanced budget, I would suggest that there is a new sign on the walls of this Capitol and the White House that reads: ''It's not the Government, stupid, it's the future;'' or, you could change the sign to read: ''It's not the Government, stupid, it's our children and our grandchildren.''

That is what the historic debate today is really all about, the future of our country, of our economy, and the lives and the livelihood of our children and our grandchildren who are saddled with this mountain of debt that we have been piling on ourselves for years now, turning us into no more than a Third World debtor Nation. That is so, so, sad.

Today, however, provides us that opportunity to get back to what that big picture is all about, and put it back in focus by putting Government workers back to work with pay, if they want to work, and by funding some of the essential services that are so vital to the American people, such as the elderly, the poor, the children, veterans, visitors to our parks, and those who need to travel abroad.

But let me emphasize, Mr. Speaker, we are not reopening the Government by our actions today, so do not think that we are, since this amendment will not provide for across-the-board funding for all of the programs, the grants, loans, and other matters for which appropriations have not been enacted. We may have that opportunity for a limited and conditional short-term continuing resolution in a subsequent piece of legislation that we could consider yet today.

As a matter of fact, when this debate is over on this rule, I believe we will go to the Committee on Rules and we will bring that rule to the floor. But it would be contingent, if we do that, just so there is no misunderstanding, on real progress in the current stalled balanced budget negotiations. It would make that short-term CR contingent on the President coming to the same table we have been sitting at by presenting his own CBO-scored 7-year balanced budget. That would be significant progress to get those negotiations moving again. We were already burned once by a previous unconditioned congressional resolution that proved to be no incentive for the administration to get down to serious business.

□ 1145

We will not be burned a second time, I assure you.

So in conclusion, Mr. Speaker, I would advise my colleagues to come over here, support this rule and the motion it makes in order. As our minority colleagues on the Committee on Rules admitted, this is a step in the right direction. At midnight last night, my good friend JOE MOAKLEY admitted to this, and he was going to come here and support the rule and support this bill before us.

For this bill to succeed, however, we will need a second step in our direction from the other end of Pennsylvania Avenue, over there; that is the only way we can eventually meet in the middle on a mutually agreed-upon 7-year balanced budget that will benefit all Americans across the board.

We fully intend to stay the course on that glide path to a balanced budget. As I said, we are not about to be burned twice. We will put this conditional continuing resolution on the floor. If the President gives us a balanced budget so that we can compare figures to figures, then this full Government will start to function as early as Monday morning. That is what this is all about.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Colorado, my good friend who is retiring from this body and who has been such a valuable Member for so many years.

Mrs. SCHROEDER. I wanted to ask the distinguished gentleman from New York why the Democrats were not allowed a motion to recommit in this bill so that we could offer a full and clean resolution to open up the Government rather than this muddled one. I do not remember that happening in ages, and I am really surprised the gentleman from New York denied us that opportunity.

Mr. SOLOMON. I would say to the gentlewoman, because this is not a resolution, it is not a bill. This is an amendment to a Senate amendment which does not allow for a motion to recommit.

But you do have the right to pursue a previous question fight, as you know.

Mrs. SCHROEDER. So clearly we have to defeat the previous question. That is the only way we get an option to be able to bring to this floor a resolution to open Government once and for all; is that right?

Mr. SOLOMON. Mr. Speaker, I would suggest a bipartisan effort that we not do that, because this bill is already agreed to in the Senate by Senator DASCHLE, the Senate leader over in the other body.

We want to move this; we want to make sure that the Federal workers are paid for their back wages and that they are called back to work. The way to do it is with this legislation. I thank the gentlewoman.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to my classmate, the gentlewoman from Colorado [Mr. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman very much for yielding me this time.

I must say I am very troubled that we do not have the opportunity under this rule to be able to move to recommit the bill and do a clean continuing resolution to open the Government. I really see this body moving from extremism to fanaticism, and that troubles me. We have had 14 votes so far, the way I count it, to open this Government, and we will soon have the 15th on the previous question. I think people should be aware of that.

You do not need keys to unlock this Government, you need a voting card; and all you have to do is vote right on the 15th vote, even though we have not on the last 14, and we can get this Government open and we will stop looking so silly.

There are many things that have been said that I would like to respond to. I think that this targeted solution that we have, which I will certainly vote for if that is the only one we get, but it is going to look very foolish. What we are going to be doing is paying people to go to work, but there will not be any work for them to do, because there will be no programs for them to administer or anything else. So really we have not gotten where we want to be.

Furthermore, for the private sector, for the private contractors, for the small businessmen who are waiting for SBA loans, for all of that, they are going to still be shut out, and I would think since they are the real taxpayers out there, they are going to get a little tired of being denied these services from the Government.

So I would hope we could have a clean CR.

I also want to say, as one who voted for prior budgets that no one on that side of the aisle voted for, when we took over, when President Clinton took over, this deficit was at $300 billion a year, and he brought it down to $161 billion a year through only votes on this side of the aisle. We are attempting, and we have a balanced budget amendment that we can do in 7 years, but the question is, who pays, and whether or not you give huge tax credits on the rich.

That is what this is about. It is not about whether we have one; it is, who pays for it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, if there is no better option available, I will certainly vote for this first proposition. But I have to make clear that this proposition would lead one to believe that last night in the Republican caucus, Goofy and Mickey Mouse got married. I mean, this is going to leave such an incredibly ludicrous situation on our hands.

What it means is that the zealots in the Republican caucus are sounding retreat, but they are still shooting hostages as they withdraw. Because this proposal that they are bringing to us will deal with the needs of Government employees, they will take care of the Washington problem, but it will not deal with the rights of the taxpayers.

Taxpayers have a right to have their Government fully open; they have a right to receive all of the services for which they have already paid taxes; and this proposition will not do it. This proposition will mean, for instance, that there will still be 20,000 Pell grants per day that will not be processed. It will mean that States will still be left holding the bag for $7 billion a month in Medicaid costs. It will mean that there will be 2,000 NIH research grants which will not be renewed, including 400 cancer grants.

It will mean that there will be 300 Head Start projects with 200,000 kids that will be out of luck because those projects will not be able to be funded under the terms of this very limited Government opening. It will mean that NASA contractors will still be left high and dry. It will mean that we will be paying Government workers to do some work, but they will be limited in what work they can do; and we will still not be paying contractors who are doing much of the work that Government contracts with them to do.

That will have an immense long-term cost to the taxpayer, because anybody who does business with the Government as a contractor, the next time around when they sign a contract, will charge much higher prices so that they do not wind up taking the kind of financial bath that they are taking so long as we have this continued partial shutdown.

So I will simply say that I urge Members to vote against the previous question so that we can offer a substitute which would open up Government in its entirety, so that we do not only just deal with the problems of Government workers, but also provide taxpayers with the full range of services to which they have already been entitled by virtue of the fact they have already paid taxes to achieve those services.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. FROST], a very important member of the Committee on Rules.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this proposition before us, which we will all support because it is the lesser of the evils, and it is because we have to do something. This proposition reminds everyone of a Rube Goldberg cartoon; you may have seen those where they have contraptions and they have levers and they have something down here.

Let us be very clear what we are doing here, or what the Republican majority is doing here. Certain programs will run until September 30. Certain other programs will run until March 15, and then Federal workers will come in and be able to sit in their chairs on all programs until January 26, but they will not be able to do anything if they do not happen to work for one of those programs that runs until September 30 or one of those programs that runs until March 15.

This is a monstrosity created by a Republican caucus in chaos. We should defeat the previous question and substitute a rational approach that puts everybody back to work and funds all programs in a clean CR.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, under the rather fitting title of providing for the consideration of most-favored-nation treatment for Bulgaria, we are about to pass legislation to do something, not much, but a little, about the problems of the shutdown of the Government that has been brought about by my Republican colleagues over here. What we are doing, however, is doing it under a closed rule.

The Republican Members have very carefully seen to it that the Committee on Rules again denies this House an opportunity to take care of the Government employees and to take care of the people who are paying taxes to provide for Government services which are authorized by this body and by the Senate.

What we are seeing here is that a closed rule is going to deny us the means to really get the Government up and going.

If I were to come in here on my own and walk down to the well and offer a piece of legislation like this which says that we are going to let some Federal employees work and get paid for doing nothing, and some get paid for doing a little bit or doing almost nothing, and to allow contractors not to do the job, and to continue a situation where, for example, in my district, the F–100 Ford truck cannot be certified by EPA, and that we are going to pay people for doing nothing, they would say, DINGELL, you are out of your cotton-picking mind. This is nothing more or less than a replay of welfare.

What we are doing is setting up a situation, quite shamefacedly and improperly under the title of ''Consideration of Most-Favored-Nation Treatment for Bulgaria,'' to have us move forward to set up people who are not going to produce and who are going to continue to cost us somewhere between $40 and $60 million a day for unproductive work, building an ongoing backlog of work that is not being done to address the real problems that people are having in this country.

I say that this is an embarrassment, and I do not blame my Republican colleagues for misnaming it.

Now, I intend to vote for the proposal. I intend to vote against this rule, because the rule is a disgrace, and I intend to vote to defeat the previous question, as it well should be, so that we can get a decent proposal before this body.

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

Mr. Speaker, James Madison regularly talked about the importance of individual liberty, and quite frankly, we have seen the reach of the Federal Government in this crisis that we are facing right now.

The fact that the F–100 truck cannot be certified, the fact that the Disney-Cap City's merger cannot go through demonstrates how far-reaching the Federal Government is, and our goal of trying to reduce the size and scope is obviously a positive one.

Mr. Speaker, I yield 4½ minutes to the gentleman from Sanibel, FL [Mr. GOSS], my very good friend and the distinguished chairman of the Subcommittee on Legislative and Budget Process.

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

Mr. GOSS. Mr. Speaker, I would like to thank my friend from greater downtown Metropolitan San Dimas, CA, for yielding me this very generous allotment of time; and I rise in support of his rule.

Mr. Speaker, I know that Americans are very frustrated with the twists and turns the balanced budget debate has taken in these past weeks, and I know that there have been very real sacrifices out there made by some Federal employees, their families, some entrepreneurs whose livelihood depends on the operation of the Federal agencies that are currently impacted, and some inconvenience to citizens and tourists alike who want to use facilities.

I think that the bill that this rule makes in order will largely address these problems and ensure appropriate Government services are provided, a quick response that was asked for earlier today on this floor by Members of the other party.

We all wish for a speedy resolution of the specific impasse that we have here so that we can get back to the work and concentrate on the main effort. The main effort is to get the President of the United States on a glidepath toward a true, 7-year balanced budget and a more efficient, less intrusive Federal Government.

Along with that wish goes the resolve that many of us feel, the moral imperative; and it is a moral imperative noted by Americans across the country, not, repeat not, to squander this opportunity to bring balance to our budget for the first time in three decades and to get our spending under control.

□ 1200

Mr. Speaker, during the long debate over the last few months, some of us have asked why can we not simply restore business as usual and worry about balancing the budget some other time. In fact I have heard some of those voices here today. In the short term this probably would smooth out a few wrinkles, but the long-term implications are devastating.

It is precisely this inclination to put off the tough arguments, to postpone the really difficult decisions and to sidestep the most grueling choices that have brought us to the point where we are in this country today fiscally. We know that there is never a right time to effect major change. There are never comfortable ways to fundamentally alter the status quo, when almost all agree the status quo is broken.

It is an inherently anxious and uncomfortable business that we are engaged in here. But responsible people all know that it has to be done and, if we allow this opportunity to pass by, it is going to be gone forever. The next 40 years, with the same failure rate in society and the same cost of trillions brought to us by the Democrats over the past 40 years is not a pretty picture, and it certainly is not a worthy goal for the United States of America as we start the next century.

I am sorry to say that this administration, for all its public statement about wanting a balanced budget, allowed an entire month to pass from mid-November to mid-December without a workable or even serious balanced budget presentation. The President's vetoes on three major spending bills at the outset of the current shutdown ensured that tens of thousands of government employees would be in limbo during the holiday season.

Frankly, it is the view of many that some in the administration have sought to use Federal employees and their families as sacrificial public relations pawns to delay committing to the terms of a real enforceable balanced budget plan. Cynically, these same victims who are Americans and taxpayers have been used as fodder in a barrage of scare stories by the White House and its tax and spend allies here on the Hill.

Mr. Speaker, we do live in extremely uncertain times. We have troops in Bosnia doing the hard work of peace under extraordinarily difficult circumstances. In the private sector we

read now that we have some 40,000 employees of a major company who are faced with losing their jobs due to corporate downsizing. We have Federal employees worried about when they will get paid and when this shutdown will end. We have millions of American children facing a future of extraordinary debt because of years of lousy liberal tax and spend leadership accepting the easy way out on the question of our budget.

I hear some today calling for more of that. I know that real people are suffering real consequences of this struggle. But I also know that real people will suffer greater consequences if we fail to succeed in this effort. This rule allows consideration of a targeted bill to put thousands of Federal workers back to work and to get paid and ensures the continuation of a handful of vital government services. But as important as those goals are, they will be lost unless the President comes to the table with a serious balanced budget proposal so that we can take further steps to get the Government back on the track. I suppose also at stake is whether the President will keep his word. He has promised the voters a balanced budget. He has promised us a balanced budget. Now is the time.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time remains on both sides?

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from California [Mr. DREIER] has 10 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 18 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I want to congratulate the American citizens and taxpayer who have been ringing the phones off the hooks of a lot of Members of Congress who believe it is ridiculous to keep this Government shut down over this dispute.

Now, just so everyone understands, people are being paid not to work. Now they get to go to work but they cannot do their work. At least that is partial victory. This puts Federal workers back at work getting paid so they can make their car payments, heating bills, their mortgage payments, tuition payments, buy some groceries. But why not the whole Government? Why not put the whole Government back to work and let them actually do their job?

Yes, this does cover railroad retirement. Yes, it covers Meals on Wheels, passport services, veterans benefits. That is the good news. But what about the areas that it does not cover? Federal workers who will not be able to do the toxic waste cleanups, the environmental inspections, who will not be able to make the small business loans, issue the export licenses, or pay vendors who provide Federal services.

What about the West Virginia Legislature which has to meet next week? What kind of budget does it put forward with this kind of resolution? What it means is it is going to have to guess and make supplemental State appropriations to cover what the Federal Government should be covering.

Yes, I am going to vote for this because it is a partial opening. In fact, this is a half Congress, is it not, because we had half of a Government shutdown and now we are going to open it up half again. We are just going halfway. Why not give the American taxpayers who are paying the full amount of their taxes, why not give them a full Government back? That is what this resolution ought to be. Defeat the previous question and we will get the full Government back up and running.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have to say this is the kookiest proposal I have ever heard. I have to oppose the rule. I was in my district last week, and I went to an EPA lab where they are in charge of Superfund cleanup and it has all been shut down. There was no one in the office.

Under this proposal, all the employees would go back to the EPA office in Edison, NJ, but they would not be allowed to do any work. They would not be allowed to answer inquiries because they would not have an appropriation to deal with the Superfund. The contractors who would do the Superfund work would not be able to actually go on the job and do the cleanup. The people that have to do inspection or enforcement want an appropriation for the gas for their cars so they could go out and look at the site.

It is the craziest, I call it the kookiest thing I have ever heard. I cannot believe that the Republican leadership is now asking us that this is our only alternative. I will vote for it because I want to see the workers go back. But I think that we should bring up a clean CR, a continuing resolution, and we should not be held hostage to this attitude now, which is approaching fanaticism on the Republican side.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I want to congratulate those Members of the Republican Party for their foresight and fortitude in coming forward at this time with this CR, but it is more like a partial plan rather than a full plan. Of course, there are times when a half a loaf is better than no loaf at all. However, there are times when going halfway can be very, very dangerous, especially for those people who go to work every day.

What we are doing this with is allowing people to go back to work, yet we are leaving them exposed to hazardous conditions because we are not allowing the EPA to its work. We are saying to people who are exposed to safety problems on highway contracts that you can work but the OSHA people will not be allowed to check for safety standards.

I believe that what we are doing here is in fact exposing working people to some untenable situations. So I would say that what we ought to be doing is looking at how we cannot just go halfway but go all the way in making sure that people do not only work but are safe when they carry out their duties and responsibilities.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this legislation is both good news and bad news. The good news is that the Republicans have finally decided to stop holding three-quarters of a million American Federal workers as hostage. In Vermont we have close to 2,000 Federal workers who are working today but are not getting paid. These people have mortgages to pay. They have children to feed. They have financial obligations to meet. It is immoral. It is wrong to hold them and every other Federal Worker who is furloughed and not being paid as hostage.

It is also wrong to hold millions of Americans who need passports, who need environmental protection, who need Meals on Wheels, who need all of the services that this Government should be providing as hostage, who have paid for these services but are not getting them.

The bad news is that, while Federal workers will be paid, many of them will not be given the resources that they need to do their jobs properly. That is insane. Why do we give people the money to go to work but then not allow them the resources to properly fulfill their function?

Mr. Speaker, the truth of the matter is that this is not a debate about a 7-year balanced budget. If our Republican friends were serious about balancing the budget in 7 years, which I think can be done, they would not be spending $50 billion more on defense spending despite the end of the cold war. They would not be spending more money on the CIA despite the end of the cold war. They would not be giving huge tax breaks to the rich when the richest people in America today are richer than they have ever been before.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Speaker, we now learn that the Republicans have a bill to pay Federal employees, bring them back to work but not fund their agencies. In other words, what the Republican majority wants is to have Government workers all dressed up with somewhere to go but nothing to do. They are going to pay Government workers to go to work and then do nothing.

The American people should demand to know who came up with this idiotic

idea. It is the stupidest thing I have ever seen Congress do, and Congress has done some pretty dumb things. Get this: National parks will be open; rangers will be paid, but they will not be given gas money to patrol the parks. EPA will employ their workers but will not be able to restart cleaning toxic waste dumps. The Small Business Administration will be running. They will not be giving out loans.

I have a better idea. Let us pay NEWT GINGRICH and the Republican freshmen and then not let them do anything. This would truly be a great accomplishment.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], my very able Committee on Rules colleague.

Ms. PRYCE. Mr. Speaker, today it is time to finally ease the pain of our Federal employees and to quit blurring the picture. The focus needs to be on the President's failure to negotiate in good faith and not on the unfortunate people that he has put in the middle of this. I deeply regret that our Federal workers have been placed in the middle of this debate, and I know that they have experienced hardship and uncertainty over the last 21 days.

I understand their frustration and anger over a situation over which they have no control. They do not deserve it. Mr. Speaker, today we are acting in good faith, and it is time for the President to do the same. Franklin Roosevelt once said it is the duty of the President to propose and the duty of the Congress to dispose.

The President needs to propose a balanced budget, just as he agreed to, just as he signed into law weeks ago that he would do, and he needs to do it now. We cannot negotiate if one side will not even give us their position. That is what is happening at the White House day after day as our people go down there to try to balance the budget. The President will not tell them where he is coming from.

I urge my colleagues to support this rule. It is what our colleagues on the other side of the aisle have been asking for for weeks. I urge the White House to join in and finally offer a balanced budget that will leave nothing left to be said. They will get their CR, the full CR. Everything will be up and running. So I encourage my colleagues, tell the President to do the right thing finally. Give us a balanced budget.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we do have a dispute, not about whether to balance the budget but how and by what specifics. But what the Republican Party has decided to do is to punish the American people because they do not like the way the President wants to balance the budget.

The problem is that the American people in fact do not like what they are doing. So we get one more ludicrous version of an effort to get themselves out of the hole they dug. Basically this is a resolution that says stop me before I shut the Government down again.

□ 1215

Except, Mr. Speaker, they do it incompetently.

We had expected, many of us, a certain degree of fanaticism from the new Republican majority. I had not expected to see a somewhat new phenomenon, incompetent fanaticism, dysfunctional extremism. They want to do drastic things, but they do not know how to make it work, and the proof of that is that what they have come forward with is so repugnant that their own majority would not support it except under coercion.

And let us be very clear. They have brought forward a parliamentary procedure that will prevent any reasonable amendment. Therefore the key vote on this will be the motion of the previous question.

Some of the Republicans over there who are unhappy at laboring under the yoke of this ideological incompetence will tell their constituents that they wish they did not have to support this, that they would like to have voted to open the Government. Understand, however, that when they vote for the previous question on this rule, they will be acting in total variance with that statement. Any Member who says that he or she wanted to open the Government, but voted for this previous question, has in fact misrepresented what the situation is.

It was made clear by the chairman of the Committee on Rules, Mr. Speaker, the only opportunity people will have to fully open the Government, let the Government function, will be to vote for amendments, which means defeating the previous question, and those Republicans who are telling their constituents one thing and vote another way will be held accountable in November.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Albuquerque, NM [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I rise in support of the rule and in support of the bill and, as well, in support of the rule and the bill in the next to be offered. I want to say first that I believe that these proposals will help Federal employees earn the pay that they should earn for being employees. In fact, this proposal goes even further than Senator DOLE's proposal, in that this will pay Federal employees through January 26, not just through January 12, and give a longer period of time where I hope constructive negotiations will occur.

It has to be pointed out that Federal employees and others have been victims in the impasse between the Congress and the President. They have not done anything to deserve it. They were caught in the middle.

It should be emphasized that it is the responsibility of both sides that caused a partial Government shutdown. The President's vetoing three appropriations bills and the Democrats threatening a filibuster in the other body to stop a fourth appropriations bill are just as much a part of the responsibility of the Government shutdown as anything the Republican side of the Congress has done.

If both sides are responsible for the shutdown, then both sides now must get together and end it.

Our side is offering a compromise. We are offering to put Federal employees back to work.

As pointed out, this does not include, in most cases, the operating funds of the agencies for travel and so forth. That will be delivered as soon as the President of the United States compromises by offering a balanced budget proposal. This request on our part is just for the President to do what he agreed to do in November when both sides agreed to reach a balanced budget with the same framework, which is 7 years, using the Congressional Budget Office for economic projections.

The Republicans have offered such a budget. I do not agree with all of its provisions, but it meets that framework. A number of Democrats in the House have offered such a budget, a number of Democrats in the other body have offered such a budget. Only the President of the United States refuses to offer a balanced budget, and, when he does so, the whole Government will open.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I think it is appropriate I follow my colleague, the gentleman from New Mexico [Mr. SCHIFF], when he talks about the President not submitting this CBO 7-year, and I have heard that now for a month. But the Republican side has not submitted a 7-year CBO budget that protects Medicare, protects Medicaid, and protects education.

Now negotiations are a two-way street. We have heard for a month that the President has not done something. Well, neither have they.

I am going to support this CR today, and this rule, but it only recognizes part of the problem. Federal employees go back to work to process passports, pay for senior citizen nutrition, open the national parks, and veterans' compensation. I am glad they finally recognized the need to do that, but we still do not have—the EPA will not be able to clean up Superfund. Medicaid grants to our States, since they want to block grant to the States, but yet they are not even giving what money is supposed to be there now, and also law enforcement functions.

They continue to talk about the need to have a balanced budget, but they are

not willing to pay Government contractors, people who are now contracting with the Government to—this resolution does not help those Government contractors.

We need to go much further, but this is better than nothing.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Albuquerque, NM, Mr. SCHIFF, to respond to the statement of the gentleman from Texas, Mr. GENE GREEN.

Mr. SCHIFF. Mr. Speaker, since the gentleman from Texas mentioned my name, I want to say that the Republican side believes that it has provided sufficient funds for Medicare. We believe that the Medicare level of funding we proposed is exactly what the President proposed last year in his health care reform proposal.

The point is, until we get the President's specific numbers, Mr. Speaker, we will never know how much he thinks is sufficient funding for Medicare and other programs and how it differs from ours, and that is our point.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

(Mr. COLEMAN asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. COLEMAN. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding me some time.

Mr. Speaker, I think it is important for my colleague, the gentleman from New Mexico [Mr. SCHIFF], to understand of course that while it is easy to sit here and just say it is the President's fault, where have all my colleagues been? We are 9 weeks into the next fiscal year, half of the time the Government has been shut down, and our colleagues have not passed all their appropriations bills. Is there a problem that they cannot govern?

And yet today, and I am going to include in the RECORD today an article in the Washington Post where House Republicans say ''turned up the pressure on the Clinton administration by threatening impeachment of the Secretary of Treasury.'' Why? Because he wants to avoid America's default? Boy, that is really bad, is it not? A member of the administration does not want America to default.

In addition, I will tell my colleagues something: You better start paying attention to where this country is headed with all of this turning up the pressure. It is time you start paying attention to putting America first and the people that are out there wanting the services of Government first. You know it is not just the Federal workers we're talking about here. We're talking about Americans who pay their taxes getting services for the dollar paid in taxes.

The article referred to is as follows:

[From the Washington Post, Jan. 5, 1996]

REPUBLICANS THREATEN TO IMPEACH RUBIN IF HE BORROWS AGAIN TO AVOID DEFAULT

(By Steven Pearlstein)

House Republicans yesterday turned up the pressure on the Clinton administration by suggesting they might initiate impeachment proceedings against Treasury Secretary Robert E. Rubin if he continued to ignore the will of Congress by borrowing more money for the Treasury.

Reps. Gerald Solomon (R–N.Y.) and Christopher Cox (R–Calif.) raised the impeachment specter after Rubin met for 90 minutes with key legislators at the Capitol to discuss the impasse over increasing the $4.9 trillion ceiling on federal debt. Raising the debt ceiling is mired in the larger battle over balancing the federal budget.

''Those of us who are concerned with the constitutionality of Secretary Rubin's behavior will be watching him closely and will support impeachment proceedings should he continue to bypass the Constitution,'' said Solomon, chairman of the House Rules Committee.

Minutes after Solomon's comments moved on news services, prices for U.S. Treasury bonds took a sharp dive, losing about 1 percent of their value. The effect was to raise yields on the benchmark 30-year bond to 6.03 percent from 5.95 percent late Wednesday. Some stock market analysts also attributed a portion of the 20.23-point slide in the Dow Jones industrial average to the impeachment threat.

Solomon and other Republicans were enraged late last year when Rubin, in an effort to avert a first-ever default on U.S. government obligations, invoked his authority under the law to replace government securities held in two federal employee retirement accounts with IOUs. Rubin then issued new debt to pay off bondholders when their Treasury bonds came due.

Yesterday Rubin told House members that he was considering taking additional steps to avoid default. He said his legal advisers are exploring similar options should the debt ceiling be unchanged when the Treasury faces its next cash crunch in mid-February.

At the meeting, Cox said he warned Rubin that if he tried again to avert default, ''it would set in motion a series of hearings and inquiries that would be dedicated to a political resolution of this matter.''

A ''political resolution,'' Cox explained, might include removing a Cabinet member from office, but quickly added that any talk of impeachment was still ''premature.''

Howard Schloss, a spokesman for Rubin, dismissed the Republican threats yesterday as a ''political ploy'' designed to take the public attention off the Republican-engineered partial shutdown of the federal government. And other Republicans quickly moved to try to downplay the constitutional confrontation.

The chairman of the House Appropriations Committee, Rep. Robert Livingston (R–La.), said of the impeachment threat, ''It's not in my curriculum,'' the Associated Press reported. And Rep. Henry Hyde (R–Ill.), chairman of the House Judiciary Committee, which would consider any impeachment resolution, studiously declined comment.

According to House officials, only one Cabinet member, William Belknap, secretary of war in the Grant administration, has ever been impeached by the House. Belknap was later acquitted by the Senate.

Republicans, backed by a legal opinion prepared by former Republican attorneys general William Barr and Edwin Meese, argue that the Constitution vests Congress with the sole authority to decide how much debt the government can take on. When Rubin exchanged federal debt for non-interest-bearing IOUs in two federal employee retirement funds last November, he effectively usurped the power of Congress, they said.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time.

I have tried to lower my voice in the context of this debate because I am having trouble understanding what my Republican colleagues are trying to accomplish here. I do not know how they rationally justify shutting down the Government during the negotiation, either partially or fully.

I think what we have is a bad case of incompetence on the part of our new governing majority in the Congress, and I often wonder when I talk to my constituents, if I were running this Government and I ran it the way this Congress has run the Congress for the last session, the first session of this Congress, what they would call me. I can only call them incompetent. I wonder what they would call me if I ran this Government the way they are running this Congress.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, Members, sometimes admitting to making a mistake is difficult, and I think this legislation is evidence of that, that our colleagues on the Republican side have made a mistake. Senator DOLE showed that they made a mistake the other day, and they are trying to come back to some sanity, and they have not quite gotten there.

This bill is good for the employees because it honors the contract we had. They are going to get paid for the time they worked. But it is a raw deal for the taxpayer. Twelve thousand NASA contractors are not going to get paid in the Johnson Space Center. Small businesses are not going to get their loans. Three thousand NIH grants will not be renewed, including 400 cancer grants. Baylor College of Medicine at the Texas Medical Center, 327 grants and contracts are going to be terminated, $78 million at risk. Real employees are going to be laid off. Homeowners who rely on the Federal Home Administration for FHA loans are not going to get their loans processed, and that is going to ripple through the whole real estate economy.

Let us defeat the previous question. Let us do what Senator DOLE asked. Let us put the Government back to work. Let us give the taxpayers a good deal, and let our colleagues just admit they made a mistake.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from East Petersburg, PA [Mr. WALKER], the chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, every time we have one of these debates and they turn into an orgy of name-calling, one wonders whether we are in the House of Representatives or out in la-la land somewhere, but the fact is the descriptions I have heard on the House floor today of what is going on here do remind me of being out in la-la land.

First of all, we have a resolution that is coming to us under this rule. Under this rule we would, in fact, pay the Federal employees, and we would, in fact, put some programs back into action through a process of targeted appropriations. That is a step in the direction that we think we need to go in terms of opening the Federal Government on terms that can be sustained into the future.

Second, there will be another resolution to come that will be a continuing resolution that will open all of the Government up until January 26. For all of these speeches that we have heard about not having the Government up and running, we will do it until January 26 provided that the President submits a balanced budget.

Now realize that many of the people who talk about clean continuing resolutions are really talking about a dirty deal for the American people. Mr. Speaker, they want a dirty deal in large part because they want to keep everything running just as it has been running before. Clean continuing resolutions mean that we just take Government as it has been practiced for the last 40 years and extend it out into the future. The American people are saying no to that. The American people want a balanced budget.

So what we have said is, ''You can get your continuing resolution if, in fact, what you will do is give us our balanced budget,'' and then I hear some people on that side of the aisle suggest, well, the President should not have to actually have to put a balanced budget down. Why, that would mean hard choices. Well, guess what? Doing the right thing often means hard choices.

It is time, my colleagues, to do the right thing here. Let us have a continuing resolution, but we ought to tie it to a balanced budget because that is what the American people have demanded. We think that is the right direction to go. Let us do this targeted appropriation that actually pays the workers, but understand a vote against the previous question is a vote against paying the Federal workers, a vote against the previous question is a vote against targeted appropriations.

□ 1230

Mr. MOAKLEY. Mr. Speaker I yield 1 minute to the gentleman from Maryland [Mr. HOYER], ranking member on the Committee on Appropriations.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the previous speaker in my opinion is absolutely 180 degrees wrong. A vote for the previous question, if we could get 21 Republicans to join BOB DOLE, who seeks, of course, to lead all the Republicans and our country, just 21 voting against the previous question, we will offer a clean continuing resolution, yes, to open the Government.

Why do we want to open the Government? So that we will not continue to pursue a morally indefensible policy, the gentleman from Georgia, NEWT GINGRICH, January, this year, of continuing to use Federal employees as the pawn, as the hostage, as the bludgeon to force the President to do something. That is not what our democracy is about. Our democracy is about pursuing constitutional ways and means to pass legislation and make policy.

Mr. Speaker, let us join together, extricate the Federal employees from this fight, which as the Speaker says is morally indefensible, and go on with doing what I think we need to do, a balanced budget, but with good personnel policies.

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

Mr. Speaker, I would remind my friend that, of course, the legislation we are moving ahead will in fact take Federal workers out of the crossfire and provide them with payment.

Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Del Mar, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, all Government will be open if the President agrees to follow his word and give us a balanced budget. That was due 2 days ago. The President signed a bill with his name on it. He has not done it yet. So it should not be too hard by January 26 to do that. All Government will be open. What less could you ask for, for the President to keep his word, for a change.

If we take a look, in 12 of the 13 bills, my colleagues on the other side want to spend, want to spend, want to spend. In 1966, you want a Democrat President? You are going to increase spending and you are going to increase taxes.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the rule, because I wish this legislation would open the Government entirely, like House Joint Resolution 155, that I introduced, a clean continuing resolution that would entirely open this Government. This rule does not allow us to amend to provide a vote on a clean continuing resolution to open the Government so it can provide full service to the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, this continuing resolution is a Band-Aid. It is not even half a loaf. We are creating a wounded, hobbled government that is still going to hurt a lot of people. It is like telling the Atlanta Braves to go out and win the World Series again, but ''without your pitching staff.''

Mr. Speaker, the biggest tragedy here is that Indian Health Service hospitals are going to suffer enormously. This bill will not provide funds to heat Indian schools, Indian jails, Indian cells. Next week, while this body is in recess, the Shiprock Hospital in New Mexico, a Navajo hospital, is going to run out of IV bags, gauze, and bandages. This hospital serves 4,800 patients, and they are not going to be able to order supplies. My hospital is just one of hundreds of Indian Health Service hospitals throughout the country, serving 1 million people that are going to face these shortages. There are Navajos and native Americans in wheelchairs that are going to be turned down. Let us reject this rule and deal with this issue honorably and compassionately.

Mr. Speaker, I cannot support this rule because my constituents are without health care and food and this bill does not help them.

The Indian Hospital in Shiprock, NM, which serves 4,800 patients cannot order supplies needed to keep people alive.

The hospital is running out of carbon dioxide which is essential in operating rooms and intensive care units.

Next week while this body is in recess the hospital will run out of IV bags, gauze, and bandages.

Before the Congress returns the hospital will have to turn away wheelchair bound patients with spinal injuries because the hospital does not have the supplies to help them.

And my hospital is just one of hundreds of IHS hospitals throughout the country that face these shortages. IHS hospitals provide health care to over 1 million people.

Forty young people in my district in an alcohol rehab program do not have food supplies to last until next week.

I cannot support this rule because it does not allow me to make a difference for millions of people in need.

Althought the leadership chose to include funding for Indians, it is only limited to general assistance and foster care payments for American Indians and Alaska Natives remains in the balance.

The Albuquerque area clinics are now able to only treat Indians facing imminent, serious threats to their health.

In Lawton, OK, the IHS hospital has had to begin turning away transfer patients from other service areas.

Indian hospitals across the Nation remain crippled by the fact that they are running on reserves, having had to cut back on community and prevent programs, being unable to purchase new drugs, blood, and plasma. Even the purchase of heating fuel is threatened.

The House continuing resolution does not provide any funding for heating fuels for Indian schools, for Indian police or jails—the Hopi Tribe and Fort Peck Tribe have begun releasing nonthreatening prisoners—or for 638 self-governance contract employees.

The bottom line, Mr. Speaker, is that we need to pass a clean CR which would fund these vital programs which affect the lives, health, and safety of Indian children and families.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, for those who are listening in this Chamber and in America, let us think about what this proposal does. We have gone from the absurd to the ridiculous. We have had a situation that really has been indefensible. Finally, my Republican colleagues, the radical right, are starting to follow their leadership a little bit, that they had an indefensible position where we furloughed workers but we decided to pay them at the same time.

Now what this resolution does is, we are bringing the workers back, but we are telling them, ''There is nothing to do,'' because you do not have to be an MIT economist to understand, as the gentleman from New Mexico [Mr. RICHARDSON] pointed out, you cannot run a hospital without an IV, you cannot be a DEA agent without gasoline for your car. It really is as crazy as it sounds, the proposal. Just as reasoned Americans changed the radical right, they are going to change the radical right on this proposal, too. I would ask people out there to call their Members, 202–224–3121, and let them know.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, in all of this discussion and debate about who goes to work, who does not go to work, who gets paid, who does not get paid, who will have the tools and the gasoline and the wherewithal to do their work, I am reminded of the comment once made by my fellow Missourian, Mark Twain: ''The more you explain it to me, the more I don't understand it.''

It was Lyndon Johnson who liked to use the phrase ''Let us come and reason together.'' If we did that as a body collectively, this Nation would be far better off. It would drive us irresistibly to two conclusions: No. 1, we would adopt what the Senate has done, under the leadership of Senator DOLE, from my neighboring Kansas; it would also cause us to look seriously at the Democratic conservative coalition proposal that got a substantial number of votes on this floor.

Thre is an answer to this impasse: reason. Adults, people of good will, can reach those decisions. That is what we should do.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to my friend, the gentleman from Glens Falls, NY [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is said to see us stand up here and just keep throwing spears back and forth. Mr. Speaker, there is a headline here in one of the papers this morning that says, ''House GOP Backs Off Shutdown.'' Truly, what Speaker GINGRICH has done, believing in this statement right here, he has bent over backwards for the last 48 hours, working with a diverse group of Republicans and conservative Democrats, to try to come to a compromise to see if we cannot get this Government functioning and get on the road to a balanced budget. That is coming from the bottom of his heart when he made this statement.

Mr. Speaker, here we have a bill before us today which is going to provide for nutrition programs for Meals on Wheels, child welfare programs, administration of unemployment insurance, so terribly important, passport visas, veterans compensation. This is what this bill is all about.

But I hear talk about defeating the previous question. I can assure Members that with Speaker GINGRICH for the last 48 hours literally banging people on the head to get them to come to a consensus to bring this bill together, to put these people back to work, you are jeopardizing it with talking about defeating the previous question. If you defeat the previous question. If you defeat the previous question, I am going to tell you, we might have trouble putting our consensus back together, and this whole thing could fall apart. That is not what you want, that is not what I want, and it certainly is not what Speaker GINGRICH wants. I urge Members to pass the previous question. Let us get on with the rule, and let us pass this vital piece of legislation.

Mr. MOAKLEY. Mr. Speaker, I include for the RECORD the amendment I would offer if the previous question is defeated.

The text of the amendment is as follows:

AMENDMENT TEXT FOR THE PREVIOUS QUESTION

In the resolution strike, ''the motion printed in the report of the Committee on Rules accompanying this resolution'' and insert in lieu thereof, ''a motion to concur in the Senate amendment with an amendment consisting of the text printed in section 2 of this resolution.''

At the end of the resolution add the following new section:

"Section 2. Title I Section 106(c) of Public Law 104–56 is amended by striking "December 15, 1995" and inserting "January 26, 1996"."

TITLE II

VETERANS AFFAIRS

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipt, and funds, for the several departments, agencies, corporations and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payments of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees during periods when there is otherwise no funding authority for their salaries. Any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.—Notwithstanding any other provisions of law, beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.

SEC. 314. Appropriations made pursuant to section 301 are made notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 53 of the Arms

Control and Disarmament Act, and section 10 of Public Law 91–672.

TITLE IV

That the following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996: *Provided*, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided*, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.

(a) If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(b) For purposes of this subsection, the term ''State'' shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

(2) Amend the title so as to read: ''Making appropriations for certain activities for the fiscal year 1996, and for other purposes''.

Mr. Speaker, I yield my remaining time to the gentleman from West Virginia [Mr. MOLLOHAN].

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 1 minute.

Mr. MOLLOHAN. Mr. Speaker, I rise in opposition to the rule. Here we are in day 21 of what can best be described as a hostage situation. I wish someone from the other side of the aisle could stand up and explain the thinking behind all this, because frankly I do not understand what kind of games are really being played here. The situation is irrational. It is wasteful. Worst of all, it is hurting people; Federal workers and their families for sure, but citizens, senior citizens, underprivileged children, the disabled, and countless others who need Government services and depend on them for their basic needs.

May I give the Members an example? Just today I heard from an out-of-work coal miner in my district. He was supposed to begin school to get a fresh start, but he cannot. Why? Because the Republican majority in this Congress is holding up the funds for his retraining. He is being held hostage, and so are countless other Americans.

Now we are about to consider some kind of a continuing resolution, and if it comes to a vote, then sure, I will support it because it releases some of the hostages, but shame on those who will not release all of the hostages. Mr. Speaker, there is a better way. Let us pass a clean CR.

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

Mr. Speaker, the columnist Charles Krauthammer wrote an interesting piece the other day in which he made it clear that if this were business as usual, we would see a package agreed to with phony numbers, phony assumptions, and all; but, quite frankly, this is not business as usual. Unfortunately, we are in a position where many of my colleagues on the other side are, unfortunately, representing the party of government. We, on the other hand, epitomize the party of the people. We are the party that is trying to do what it is that the American people sent us here to do, and that is balance the Federal budget.

We are all concerned about the fact that the Federal Government is shut down. That is the reason we have come up with this package, which does ensure that Federal employees are not caught in the crossfire. We hope that business as usual will come to an end. We found, unfortunately, that this problem has created a clear understanding of the fact that the Federal Government's reach is way too far. A truck cannot be certified by the EPA, a private sector business merger cannot go through, because the Federal Government is closed down.

We need to reduce the size and scope of Government. We need to balance the budget for our children and their children. Let us move ahead, pass this responsible package which will pay those Federal workers.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 6]

YEAS—228

Allard	Crapo	Hastings (WA)
Archer	Cremeans	Hayworth
Armey	Cubin	Hefley
Bachus	Cunningham	Heineman
Baker (CA)	Davis	Herger
Baker (LA)	Deal	Hilleary
Ballenger	DeLay	Hobson
Barr	Diaz-Balart	Hoekstra
Barrett (NE)	Dickey	Hoke
Bartlett	Doolittle	Horn
Barton	Dornan	Hostettler
Bass	Dreier	Houghton
Bateman	Duncan	Hunter
Bereuter	Dunn	Hutchinson
Bilbray	Ehlers	Hyde
Bilirakis	Ehrlich	Inglis
Bliley	Emerson	Istook
Blute	English	Johnson (CT)
Boehlert	Ensign	Johnson, Sam
Boehner	Everett	Jones
Bonilla	Ewing	Kasich
Bono	Fawell	Kelly
Brownback	Flanagan	Kim
Bryant (TN)	Foley	King
Bunn	Forbes	Kingston
Bunning	Fowler	Klug
Burr	Fox	Knollenberg
Burton	Franks (CT)	Kolbe
Buyer	Franks (NJ)	LaHood
Callahan	Frelinghuysen	Largent
Calvert	Frisa	Latham
Camp	Funderburk	LaTourette
Campbell	Gallegly	Laughlin
Canady	Ganske	Lazio
Castle	Gekas	Leach
Chabot	Gilchrest	Lewis (CA)
Chambliss	Gillmor	Lewis (KY)
Chenoweth	Gilman	Linder
Christensen	Goodlatte	Livingston
Chrysler	Goodling	LoBiondo
Clinger	Goss	Longley
Coble	Graham	Lucas
Coburn	Gunderson	Manzullo
Collins (GA)	Gutknecht	Martini
Combest	Hall (TX)	McCollum
Cooley	Hancock	McCrery
Cox	Hansen	McDade
Crane	Hastert	McHugh

McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—187

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

NOT VOTING—18

Bryant (TX)
Chapman
Fazio
Fields (TX)
Flake
Greenwood
Hayes
Lightfoot
Myers
Norwood
Quillen
Rose
Stark
Stockman
Studds
Torricelli
Wilson
Wyden

□ 1301

Mr. PETE GEREN of Texas and Mr. FORD changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, due to an unavoidable detainment earlier today I was unable to cast my vote on rollcalls 6 and 7. Had I been present I would have voted on rollcall vote No. 7, a ''yes''; rollcall vote No. 6, a ''no.''

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO MODIFY MOTION OFFERED BY MR. LIVINGSTON

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the rule just passed be amended to read as follows: ''It shall be''——

Mr. DREIER. I object.

Mr. OBEY. Can I read it first, Mr. Speaker?

Mr. DREIER. I heard the unanimous-consent request, and I objected.

The SPEAKER pro tempore. The gentleman from Wisconsin will proceed.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the rule just passed be amended to read as follows: ''It shall also be in order to consider an amendment by the minority leader or his designee adding at the end of H.J. Res. 334 a new title II, consisting of the text of H.J. Res. 131''——

Mr. DREIER. Mr. Speaker, I object.

Mr. OBEY. ''Continuing funding for many critical Federal departments through January 26, 1996, and authorizing——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Mr. Speaker, I object.

Mr. OBEY. ''A 2.4-percent pay raise for the Armed Forces of the United States.''

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DREIER. Now that he has completed, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Are we at the point in the procedures of this House where Members are gagged before they can even bring a question to the Chair? Are we really at that point, Mr. Speaker?

The SPEAKER pro tempore. If the gentleman will suspend, the Chair will give the gentleman an answer.

The Chair was trying to get order, and the gentleman kept reading, and the Chair would have gotten order, and that is the regular order of the House.

The objections would have been heard after the gentleman had finished stating the request. That is the normal order of the House.

Mr. OBEY. I hope the gentleman from California will respect that.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 334, I call up the bill (H.R. 1643) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria, with a Senate amendment thereto.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment and the motion.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TEMPORARY EXTENSION OF THE CONTINUING RESOLUTION.

(a) IN GENERAL.—Section 106(c) of Public Law 104–56 is amended by striking ''December 15, 1995'' and inserting ''January 12, 1996''.

(b) EFFECTIVE PERIOD.—The amendment made by subsection (a) shall be considered to have taken effect on December 16, 1995.

SEC. 2. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

Beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be eligible for unemployment compensation benefits with no waiting period for such eligibility to accrue. With respect to any person who is eligible for such benefits by reason of the preceding sentence, any such benefits received shall be subject to repayment in the same manner and to the same extent when eligibility by reason of the preceding sentence ceases as if such cessation were an end to the period of unemployment.

The text of the motion is as follows:

Mr. LIVINGSTON (or his designee) moves that the House concur in the Senate amendment with an amendment, as follows:

(1) In lieu of the matter proposed by said amendment, insert:

TITLE I

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All nutrition services for the elderly under the account heading ''Aging services programs'' under the Administration on Aging in the Department of Health and Human Services;

All grants to States for child welfare services, authorized by title IV, part B, subpart 1, of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for

Children and Families in the Department of Health and Human Services;

All Federal Parent Locator Service activities, as authorized by section 453 of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for Children and Families in the Department of Health and Human Services;

All State unemployment insurance administration activities under the account heading ''State unemployment insurance and employment service operations'' under the Employment and Training Administration in the Department of Labor;

All general welfare assistance payments and foster care payments, as authorized by law, funded under the account heading ''Operation of Indian programs'' under the Bureau of Indian Affairs in the Department of the Interior;

All projects and activities funded under the account heading ''Family support payments to States'' under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Payments to States for foster care and adoption assistance'' under the Administration For Children and Families in the Department of Health and Human Services;

All administrative activities necessary to carry out the projects and activities in the preceding two paragraphs;

All projects and activities funded under the account headings ''Dual benefits payments account'', ''Limitation on administration'' and ''Limitation on railroad unemployment insurance administration fund'' under the Railroad Retirement Board;

All projects and activities necessary to accommodate visitors and to provide for visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the facilities operated by the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial; and

All projects and activities necessary to process VISAS and passports and to provide for American citizen services, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, except for the projects and activities under the headings ''Family support payments to States'' and ''Payments to States for foster care and adoption assistance'', for which date shall be March 15, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

SEC. 111. Notwithstanding any other provision of this Act, except section 106, funds appropriated under section 101 for the payment of vested dual benefits under the Railroad Retirement Act shall be made available so as to fully fund the payments made on January 1, 1996, and the payments to be made within the period covered by this Act including those payments to be made on the first day of each month within the period covered by this Act. In addition to the funds appropriated under section 101 of this Act, $12,800,000 is appropriated to restore full funding for payments made for the period prior to January 1, 1996.

SEC. 112. Notwithstanding any other provision of this Act, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this Act, notwithstanding paragraph (3) of said subsection.

TITLE II

VETERANS AFFAIRS

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.—

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payments as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees excepted from the provisions of the Antideficiency Act (31 U.S.C.

1341 et seq) who are continuing projects and activities conducted in fiscal year 1995 who work during periods when there is otherwise no funding authority for their salaries.

SEC. 302. Appropriations made by section 301 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 303. No appropriation or funds made available or authority granted pursuant to section 301 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 304. No provision which is included in the appropriations Act enumerated in section 301 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 305. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 306. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of the Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 26, 1996, whichever first occurs.

SEC. 307. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 308. No provision in the appropriations Act for the fiscal year 1996 referred to in section 301 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 306(c) of this Act.

SEC. 309. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 310. ALL FEDERAL EMPLOYEES DEEMED TO BE EXCEPTED EMPLOYEES.—

(a) IN GENERAL.—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through January 26, 1996—

(1) by inserting after the first sentence ''All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.''; and

(2) by striking out the last sentence.

SEC. 311. EXCEPTED EMPLOYEES UNDER NORMAL LEAVE POLICY.—Federal employees considered excepted from furlough during any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.—Notwithstanding any other provisions of law, beginning on January 2, 1996, any federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.

SEC. 314. Appropriations made pursuant to section 301 are made notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 53 of the Arms Control and Disarmament Act, and section 10 of Public Law 91–672.

TITLE IV

That the following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided,* That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 402. Appropriations made by section 401 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 403. No appropriation or funds made available or authority granted pursuant to section 401 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 404. No provision which is included in the appropriations Act enumerated in section 401 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this Act.

SEC. 405. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

SEC. 406. Unless otherwise provide for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 407. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 408. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 409. No provision in the appropriations Act for the fiscal year 1996 referred to in section 401 of this title of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 406(c) of this Act.

SEC. 410. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 411. Notwithstanding any other provision of this title of this Act, except section 406, whenever the Act listed in section 401 as passed by both the House and Senate as of the date of enactment of this Act does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 401 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 401 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 412. Notwithstanding any other provision of this title of this Act, except section 406, whenever the rate for operations for any continuing project or activity provided by section 401 or section 411 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366.

SEC. 413. Notwithstanding any other provision of this title of this Act, except sections 406, 411, and 412, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.

SEC. 414. This title of this Act shall be implemented so that only the most limited funding action of that permitted in this title of this Act shall be taken in order to provide for continuation of projects and activities.

SEC. 415. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this Act.

SEC. 416. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be used to implement or enforce any system or registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE V

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.—

(a) If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

(b) For purposes of this subsection, the term ''State'' shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

(2) Amend the title so as to read: ''Making appropriations for certain activities for the fiscal year 1996, and for other purposes.''

The SPEAKER pro tempore. Pursuant to House Resolution 334, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

REQUEST TO MODIFY MOTION OFFERED BY MR. LIVINGSTON

Mr. OBEY. Mr. Speaker, I ask unanimous consent to modify the motion at the desk to include the following amendment at the appropriate place: In section 101, insert ''all authorized projects and activities and programs of the Department of Veterans' Affairs not otherwise provided for in this act.''

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

Mr. LIVINGSTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO MODIFY MOTION OFFERED BY MR. LIVINGSTON

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent to modify the motion at the desk to include the following amendment: ''At the appropriate place under section 101, insert the following new citation: Black lung benefits administered by the Department of Labor and the Social Security Administration and the related administrative costs.''

Mr. LIVINGSTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO MODIFY MOTION OFFERED BY MR. LIVINGSTON

Mrs. THURMAN. Mr. Speaker, I ask unanimous consent to modify the motion at the desk to include the following amendment: ''At the appropriate place under section 101, insert the following new citation: Rehabilitation services administered by the Department of Education.''

Mr. LIVINGSTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to dispose of the Senate amendment to H.R. 1643, now under consideration.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I have another unanimous-consent request.

Mr. LIVINGSTON. Mr. Speaker, who is recognized for the purposes of time?

The SPEAKER pro tempore. The gentleman from Louisiana has the time.

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

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

Mr. LIVINGSTON. Mr. Speaker, I am pleased to bring to floor a motion to dispose of the Senate amendment to H.R. 1643.

This bill originated in the House as a grant of most-favored-nation status to Bulgaria. The Senate amended this bill by striking all of the text of the House-passed version and inserting a provision that would extend the expired continuing resolution until January 12.

The motion that I am offering today would strike the Senate-proposed provision and insert instead a targeted appropriations bill. Most of the targeted activities are the same ones the Senate proposed in another bill it originated, S. 1508.

Mr. Speaker, the targeted appropriations bill we have offered today would provide funding until September 30, 1996, for the following activities: nutrition programs for the elderly, which includes the Meals on Wheels Program, which serves 600,000 elderly; child welfare programs that provide assistance in 2,500,000 child maltreatment cases and the Federal Parent Locator service, affecting 20,000 child support cases; administration of unemployment insurance; general assistance payments affecting 53,000 native American families and foster care payments affecting 3,000 native American children; railroad retirement payments for 170,000 retired railroad workers; visitor services in the National Park System and the wildlife refuges, affecting 383,000 visitors per day, in the 155 national forests, and in the national museums, affecting 102,000 visitors per day; passports, visa, and American citizen services abroad to enable processing 23,000 passports and 20,000 visas per day; veterans compensation, pensions for over 2,500,000 veterans, and educational program payments for 170,000 GI bill students; and the operation of the District of Columbia using its own revenues.

□ 1315

The bill provides two other targeted appropriations until March 15, 1996. They are aid to families with dependent children, affecting 13 million recipients and foster care and adoption services.

Mr. Speaker, in addition to these targeted appropriations, this bill declares any Federal worker who has been furloughed to be an excepted employee, and when these workers return to their jobs they, and all the currently excepted employees, would be paid and would receive back pay from December

16, 1995. This provision would be effective until January 26, 1996.

Now, Mr. Speaker, these are the major provisions of this targeted appropriations bill. Other more minor provisions cover authorization of payments to States for furloughed State employees whose salaries are reimbursed by the Federal Government, and authorizations dealing with the leave policy of Federal employees and eligibility for unemployment compensation.

Adopting this motion, which provides a targeted appropriations bill, will provide funding for some of the most important of our governmental services that have been shut down since the last continuing resolution expired and will eliminate most of the inequity problems this situation created for our Federal workers. We need to pay the people who have been working, and we need to pay the others who want to come back to work. This bill will do exactly that.

Mr. Speaker, this bill will rectify some major problems of the current partial shutdown of the Government.

Mr. Speaker, we should pass this bill while the bigger negotiations continue that will lead to the reopening of the entire Government. It is not a total answer to the situation we are in, but it is a step forward. I strenuously urge the adoption of this motion.

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, as everyone in this House knows, the gentleman from Louisiana and I are very good friends, although he made the mistake of joining the wrong political party, and I think if our friendship can withstand these differences, it will be quite a testimony to the possibilities in life.

But let me simply say that I think we are at a very serious point in the history of this institution. We have seen for the last month an incredibly silly situation in which Government workers were first paid for work that they were forbidden to do, and now they are forbidden to be paid for work which they are being required to do. I have had a situation in my own district where a very large number of people who are not Government employees have had their lives severely messed up by this silly situation.

Mr. Speaker, I have such affected persons in Superior. I have a student at the University of Wisconsin in Superior who is Finnish. He is from Finland. He is a member of the university hockey team. He cannot get his entry visa into the United States because the Government is shut down. People like Tyler Radenz in my district, George Rohmeyer of Marshfield, Carrie Linder of Ashland, David Weber of Wausau, Carolyn Hern of Dedolth, Buckley Gilk of Merrill, Robert Vandeslice of Sheldon, Klaus Kroner of Stevens Point. These are real live human beings, with real names and real problems, and all of those problems have been caused by the Congress of the United States.

I think we need to make certain people understand why we are in this situation, so let me go back to basics. The fiscal year began on October 1. By October 1, this Congress had not passed a single appropriation bill of the 13 bills before us, so a continuing resolution was required in order to keep the government open. One short continuing resolution was passed.

But since then the situation has been quite different. Since then a number of appropriation bills have been passed. Six of them are still not passed. Three of them have been vetoed. Three have not even gotten to the President.

We have been told time and time again by our friends on the Republican side of the aisle that the reason the Government is shut down is because the President vetoed appropriation bills. That is simply not the case. We have had Presidents veto appropriation bills throughout the entire history of this Congress.

Since the Civiletti memo, which first required the shutdown of Government when appropriation bills were not passed in a timely fashion, and that was in 1981, we have had only 8 working days in 14 years during which the Government has been shut down. Yet today we have gone an enormous amount of time with chaos, not just for Government employees, but for the taxpayers who we are supposed to be serving as well, and that is not because the President vetoed appropriation bills. The President, when he vetoed those three appropriation bills, asked the Congress to keep the Government open while those differences between the Congress and the President were resolved.

Mr. Speaker, 70 percent of the dollars in dispute on appropriation bills, 70 percent are contained in appropriation bills which have yet to reach the White House desk. The District of Columbia appropriations bill, the foreign operations bill, and the Labor, Health, Education, and social services bill, none of those bills has gotten to the President because of disputes within the Congress itself.

So let us not hear any more nonsense about the President shutting down the Government, because that is exactly what it is. That assertion is nonsense. The Government is shut down because this country was told since April by the Speaker of this House, Mr. GINGRICH, and a good many others in the Republican leadership, that they intended at the end of the fiscal year to shut down the Government unless they got the President to buy into their budget deal. So that is why the Government is shut down today.

Now we have had some new developments. We had Senator DOLE, the leading Republican candidate for President, who decided to break with the Republicans in the House, and he offered a proposal to keep the Government open. I applaud him for that. That is exactly what we ought to do.

First the Republican House caucus resisted that. Now, belatedly, they have decided to have a partial Government opening. But the problem is that the way they intend to reopen these parts of the Government will deal with some of the problems of Government workers, but they will not deal with the problems of taxpayers, who still will not get the full array of services to which they are entitled.

As I said earlier, Pell grants will be held up; 400 cancer research grants are being held up; 300 Head Start programs are going to be squeezed; we are not going to be seeing contractors with the Government paid for the services they are providing. That is irresponsible, and it will be a very expensive decision long term, because contractors will demand higher reimbursement in the future, having seen the mess that has been created by the majority party.

Then, the worst of all offenses, in my view, is that yesterday one Member of this House, a distinguished committee chairman, threatened to try to impeach the Secretary of the Treasury if he did everything possible to keep Government open, as he has been trying to do since this impasse first began. As a result of that threat, the stock market went down, the bond market sagged, and I would submit to you that means that millions of Americans have lost some of their own wealth, the value of some of their own hard-earned savings, including a lot of pensioners, because of some of the irresponsible and extreme comments coming at us from the majority side of the aisle.

I think the time has come for this Congress not just to provide this limited opening up of Government services, but to open up the Government to provide the full range of services to which the taxpayers are entitled. That is what we wanted to do on the previous motion.

Mr. Speaker, I would urge Members to vote for this resolution, but I would also urge the majority to bring forward another resolution which fully opens up Government, because if you do not do that, what you are simply doing is engaging in a political retreat, but still shooting American taxpaying hostages as we go.

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

Mr. OBEY. Mr. Speaker, the gentleman should get time from his own side.

Mr. LIVINGSTON. Mr. Speaker, I am most pleased to yield 6 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding me time.

Why I was asking the gentleman from Wisconsin to yield is the gentleman from Wisconsin is trying to rewrite history. The gentleman's claim that the reason that the appropriations bills are not passed is because the Republicans have not passed them and sent them to the President. The gentleman is correct that three of the bills

were vetoed by the President. What he fails to show you on his chart, the biggest part of that pie, the red part, is the Labor-HHS appropriations bill being held up in the Senate by liberal Democrats. We could pass that bill today if the liberal Democrats would stop their filibuster.

So I come to this floor in support of this legislation that takes a dramatic step toward fiscal responsibility, while freeing the Federal workers from the perils of the President's poisoned veto pen and his lack of memory of commitments that he has made.

This bill marks the beginning; this bill is the first day of the rest of the year. Let me explain. I am convinced that the President does not want a balanced budget. For 46 days the President could negotiate a balanced budget, and he has chosen not only not to negotiate, but the President has not even chosen to uphold the law that he signed on November 20 that expired last Wednesday. So I am convinced that there is not going to be a balanced budget. So what do we do for the rest of the year? We do what we were sent here to do, and that is to pass appropriation bills and send them to the President.

Now, this President wants more spending. That is why he does not want a balanced budget, because the minute he lays a 7-year balanced budget on the table he has just cut $1 trillion of spending over the next 7 years, and the liberals are fighting that with every fiber of their soul. They want to continue to spend the American family's money, they want to continue to raise the debt on the American family. That is what this is all about.

So, we have found another way of funding these agencies, a very creative way. This is not giving in. This is not moving toward the President. This is what we were sent here to do. We are going to do a targeted appropriations, and we are going to fund those agencies that we want to fund. We are not going to fund those agencies that we do not want to fund.

Now, I was asked, well, then why are you only paying the Federal employees to January 26? The reason I do not want to pay them for the rest of the year is I could guarantee, if this process continues, there are going to be some Federal employees sometime around January 26 or around February that are going to get notices that they better go look for another job because their agency or their program is not going to be funded.

That is why we only paid them to January 26. That is where we are today. And I might say, later on this afternoon we are going to pass a CR triggered by the President.

□ 1330

Finally, if he just will lay out a 7-year balanced budget, honestly scored by CBO using honest numbers, he can open the Government and give those workers that my colleagues say have nothing to do, something to do, because he could open the Government until January 26. It is in the President's hands to give these people, especially the furloughed workers, something to do to earn their pay. The President could just simply do it by honoring his promises that actually started in his campaign.

To those who question our resolve about getting to a balanced budget, let me just say that the Republicans will never surrender in our efforts to get a balanced budget, but we will not keep Federal employees on the firing line when it is Bill Clinton who should be fired for not coming up with a real budget using honest numbers.

This legislation is a very important step to getting to that balanced budget. After all, we will not make targeted appropriations for programs that waste taxpayers' money for no reason. Do not expect Republicans to make targeted appropriations for Ron Brown's Commerce Department or Hazel O'Leary's Energy Department, or other wasteful Government agencies.

We, in the House, are now in control. Members, we do not have to consult with the Senate, we do not have to consult with the Democrats. If we do not like an agency, we just do not have to bring it up here to vote on it and it is unfunded. It will not be funded.

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

Mr. DELAY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, do I understand the gentleman to say that the second resolution that will come up this afternoon will, in effect, say we will fund the entire Government; that all the President has to do is file his balanced budget amendment; is that correct?

Mr. DELAY. Mr. Speaker, the gentleman is correct; all the President has to do is keep his promise, or at least obey the law that he signed.

Mr. ROGERS. And if the gentleman will continue to yield, if the President files a 7-year balanced budget amendment, just files it, we do not have to act upon it, just file it, we will open up the entire Government?

Mr. DELAY. That is right. It has to be certified by CBO as being honest.

Mr. ROGERS. Mr. Speaker, I think the gentleman has done a wonderful job and I commend him for it.

Mr. DELAY. Mr. Speaker, I thank the chairman, and reclaiming my time, let me just finish by saying that the American people have seen the future of Government that is partially closed, and many have found that it works just fine.

We will get to a balanced budget by weeding out wasteful and inefficient Washington spending, and this is a good way to start that process. So I urge all of my colleagues to support this very historic legislation.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Since my friend from Texas mentioned the issue of travel in his remarks, let me raise a question to the distinguished gentleman from Louisiana. The gentleman opened his remarks on this debate by saying that this resolution that we have before us right now would open up the most important Government services that have been shut down in this Government, and he listed them; named them.

He also mentioned in that list all projects and activities necessary to process visas, passports, and to provide for American citizens' services. Now, American citizens' services abroad can very well mean and, in fact, does mean providing for taking care of legislators, Federal legislators, who travel abroad.

REQUEST TO AMEND MOTION OFFERED BY MR. LIVINGSTON

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that this resolution be amended to prevent congressional travel abroad.

Mr. ROGERS. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. Will the gentleman from Louisiana yield for that purpose?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I would say to the gentleman that the gentleman might have a valid point and this may be an issue we have to take up later on, but it is not the purpose of this legislation.

Further reserving the right to object, I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, would the gentleman in the well be willing to include the White House travel office in that proposal?

Mr. LIVINGSTON. Mr. Speaker, further reserving the right to object, I do not think the gentleman included the Secretary of Energy's incredibly wasteful travels around the world, but because that may be a good subject for this House to resolve in the coming days and weeks, I would put that one on the table.

Mr. Speaker, I object at this time.

The SPEAKER pro tempore. Objection is heard.

Mr. BONIOR. Mr. Speaker, I expected there would be objection, but that just shows my colleagues where we are with this debate. Here we have a situation where we have really a half-baked resolution before us. To show Members how insane it is, we are opening up some areas of the Government, but we still have a resolution that does not address the issues of contractors who process Medicare claims. It will affect over 24,000 private sector jobs and millions of Medicare claims.

We have no funds for small business loans, meaning that 260 small businesses are losing tens of millions of dollars a day, no funds for cleaning up the poisonous waste that is affecting our neighborhoods and our lands and our industrial sites around America.

Thousands of people are going to be laid off because they cannot do those jobs.

Funds for home loans, people who have saved and scrimped to put the money together to get a home loan to make the American dream of ownership real for their families are being denied, and here we are going to allow Members of Congress to travel all over the world? And when I asked for a unanimous consent that they be excluded until we get this resolution problem with the budget taken care of there was objection.

So I say to my colleagues, we are at this impasse, an unprecedented impasse. We have been through 220 years of government, 10 wars, a Civil War, they came in here and burned this building down and went over to the White House and burned the White House down, and we have never had the Government shut down longer than we have right now. And after 21 days, even though my colleagues over here have not seen the light yet, they are starting to feel the heat, and part of the heat is keeping us here, doing our work, not globe trotting around the world while this crisis is before the American people.

Now, my friend from Louisiana said, well, maybe another time we will do this. There is going to be a third continuing resolution today, maybe we can include that. That is another time. Maybe we can include that in that continuing resolution. So I urge my colleagues, as half baked as this is, we need to support the resolution, but believe me, we have a long way to go before we can get this thing straightened out.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute, and would say to the previous speaker that he has raised a good point. In fact, there have been Republicans and Democrats who have abused the travel rules. Personally, I think that we ought to take the travel abuse question before the standing committees, and thoroughly review the criteria under which travel is abused, not only in the House of Representatives and the other body but throughout the executive branch.

This is a real and critical issue, and, in fact, I am going to invite my friend from Florida [Mr. YOUNG], to conduct hearings on the use of military aircraft for the purpose of travel by the executive branch and the legislative branch that does not benefit the taxpaying citizen.

Good and valuable travel is worthwhile and helps the relationship of this country to other countries around the world, but certainly we have seen evidence that there has been abuses. We have to look at the matter more closely.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Every day I have said during this shutdown, let our people go back to work. This resolution that we have before us is going to do that. It is not the answer to the entire situation of the shutdown, but it is a major and very important first step.

Some 760,000 Federal employees throughout the country, whether they are working or not working, whether they are accepted or not accepted, have not been receiving a salary. Like all of us, they have mortgages, rent, utilities, tuition, other living expenses that they have to pay and the check has not come in.

This measure is going to do that. It is not only going to pay them, it is going to let them go back to work, because we do not believe that anybody who works for the Federal Government is not essential. They are there because they are essential.

This is going to have targeted appropriations; targeted appropriations for the elderly, for the children, for child support enforcement, passports and visas, for administration of unemployment offices, for museums and parks, a long litany of the emergency situations where we do need to have funding. AFDC would be funded through March, the rest would be funded and be assured of that through the entire fiscal year, September 30.

I think this is important. Now, we need more than that, I agree. We need to have our Federal contractors know that they can be involved with the Federal Government for those contracts. We need to make sure that those grants that NIH has are going to be able to be allocated where they belong, the National Science Foundation, and that will come with the next resolution that we are going to pass.

Now we can say to the President, ''Mr. President, just submit what you said you would submit, a balanced budget scored by CBO in 7 years.'' If I were he, I would submit one. I would probably submit it with no tax cuts in it. Let him do it. As soon as he does that, that triggers off the entire Federal Government fully operating in conjunction with the private sector and all the services.

Please vote for this and encourage the President to come up with a balanced budget in 7 years scored by CBO.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today we will consider legislation that represents a retreat by the extremist wing of the Gingrich Republicans. Their agenda was to punish old people, punish children, punish veterans, and others by holding this Government hostage. Today, after relentless and rightful pounding public pressure, they are sounding retreat and some Federal workers will go back to work.

This is a curious piece of legislation. The Republicans' strange strategy of shutting down the Government has been followed by an even stranger strategy of bringing employees back to work but not giving them the operating funds to do their jobs. They are going to pay Federal employees now to do nothing. Once again, the American people and the American taxpayers lose.

□ 1345

My Republican colleagues' strategy to link the budget to shutting down the Government failed, and now, quite frankly, they are scrambling. It failed because the values of these extreme Republicans do not represent the values of the American people, neither on a shutdown of the Government nor on the issue of the balanced budget.

The American people believe that we must balance the budget, but only if we protect Medicare and Medicaid, education and the environment, and not provide one of the biggest tax breaks in this Government's history to the wealthiest Americans.

In November, the Congress voted and the President agreed to a continuing resolution that would balance the budget by protecting America's values and America's priorities, including Medicare, Medicaid, education, and the environment. We need to honor that agreement.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. GILCHREST. Mr. Speaker, I rise in support of the resolution. Mr. Speaker, we have all heard the awesome crash when an irresistible force hits an immovable object. Maybe in the last week we have gotten some insight into that particular explosion. We have seen the crash between a 30-year culture of deficit spending and the resolve of a nation to have some sense of fiscal responsibility.

To my great regret, we have seen Federal employees and others squeezed between the forces of the past and those of a frugal future. For those of us who support a balanced budget, perhaps we were naive to think that the tradition of deficits would die quietly and easily, but today we have to govern. We have to recognize that the White House in all likelihood will probably not come to the table with a balanced budget any time soon, and we must put the Federal employees back to work.

As George Will has pointed out, Britain's parliamentary system does not lend itself to train wrecks; we do not see this kind of showdown in Cuba; but the Founding Fathers vested Congress and this particular House with the power of the purse and the power of debate. The President, our Founding Fathers gave, apparently, which seems obvious now, the power to be an obstructionist.

Unlike previous Congresses who chose to blame the President with the

fiscal deficit, we have accepted the responsibility and the people have given us this idea to balance the budget. It is a superior idea, for today we will end the shutdown as prudent government requires, but the fight for a balanced budget will not stop here and it will ultimately succeed.

As has been pointed out before, history knows no force more powerful than an idea, and the idea to balance the Federal budget; its time has come.

Mr. Speaker, I urge support for this resolution.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I am going to support this resolution because it is what I call a one-third measure. Not a half measure, it does not go that far, but a one-third measure.

My friend, the gentleman from Maryland [Mr. GILCHREST] who preceded me, is a gentleman for whom I have a great deal of respect and even more than that, affection, but I would remind the gentleman that when he talks about the President of the United States being an obstructionist, I would remind him in 1980, the entire debt of this Nation was $945 billion. It grew by $3.5 trillion over the next 12 years under President Reagan and President Bush. Were they not obstructionists? Did they not care about this deficit? They could have stopped it, as the gentleman claims the President is stopping this process.

Mr. Speaker, the fact of the matter is, we work together on policies to try to move this Government forward. The gentleman from Texas [Mr. DELAY], the whip, and so many of the Republicans have been talking about the President not meeting his obligation under the law. This is the law. It says nothing, nothing in section 203 about the President putting a balanced budget on the table. Nothing, my friends.

Read it. Stop misleading the American public and intimating that the President has not told the truth or has not met his commitments. In fact, this President has spent more time negotiating with the Republican leadership in the Senate and the House than any President in history. Apparently, Senator DOLE thought it was negotiation in good faith, because he unanimously led a unanimous consent for a continuing resolution to put Government workers back to work and to put Government back to service for the American public.

My friends, we will pass this resolution, this bill. In my opinion, it is flawed at best; but it is necessary, and I will support it. But let us tell the truth.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume just to say that I am reminded that Bush and Reagan had Democrat Houses of Representatives.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I am glad that the gentleman from Michigan who spoke a few minutes ago brought up the travel situation, because Hazel O'Leary, the Democrat, the Clinton appointee, the Secretary of Energy, spent $500,000 going to Pakistan, $729,000 going to India, $663,000 going to South Africa, not to mention trips, trips, trips, Vienna, Paris, Moscow, all over the world.

Mr. Speaker, I think it is incredible that the Democrat Party is not outraged and demanding her resignation so that we can go on to try to balance the budget and get a firm grip on the situation right now, so that we can cut down on the deficit.

It is absolutely absurd for her to be spending money like that when Federal employees are out of work because President Clinton will not negotiate, will not come to the table.

The gentleman talked about history. I think it is important to bring history into it. Yet, when we talk about our Founding Fathers, we should always be reminded that they did not have a $5 trillion deficit. They would be alarmed to know that we spend $20 billion each month in interest on the national debt.

Mr. Speaker, I think we need to pass this. We need to get the Government working again and we need to balance the budget.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I am new to Congress, but when I reread the Constitution last night, I reminded myself again that the Constitution provides for systems of checks and balances, vetoes and veto overrides. Nowhere is there a provision to shut down the Government when we do not succeed in getting our own way.

But as the majority whip, the gentleman from Texas [Mr. DELAY] said: ''We are only going to vote today on what the Republicans want to do.'' I think it is important that the gentleman said that. We are only going to allow those agencies to go back to work that the gentleman from Texas and the Republicans like.

One of the questions I have, although I will vote for this because I want the retirees from the railroads to get their money, is what happens to startup industries in Silicon Valley? If a startup industry wants to go public after next week, because the Securities and Exchange Commission is running out of money, this company, even after 18 months of work, will not be able to do so. It may be that we do not think that the Securities and Exchange Commission should be involved in this process at all, but we should not leave these companies hanging out to dry. We should be grown-ups, like Senator DOLE.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today in support of the Livingston motion, the Back to Work bill. This legislation will, for the first time in this Congress, bring furloughed Federal employees back to work with pay; and those employees who have been working, make sure they are also paid.

It also has a very important additional element. It will make sure that there will be full funding through September 30, 1996, for the following agencies: the Nutritional Services for the Elderly, Federal Parent Locator Service, the State Administration of Unemployment Benefits, general assistance and foster care payments for Native Americans, grants to States for child welfare services, railroad retirement benefits, Visitors Services for the National Parks System, the National Wildlife Refuges, and National Forests, the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center, and the Holocaust Museum.

In addition, the issuance of passports and visas, the consular services for American citizens abroad, veterans' benefits and payments to the VA contractors for medical services, and, of course, the District of Columbia for their funds.

This legislation is the right move and a bipartisan Congress should in fact adopt it. I expect that once we adopt it, the Senate will follow suit and hopefully the President will sign it into law. But at the same time we will also hopefully pass, this afternoon, legislation which will finally fund all government operations, only after Congress receives notice from the Congressional Budget Office that they have certified the President has submitted an honest 7-year balanced budget.

Mr. Speaker, the country wants a balanced budget, and they want it for the reason that we can reduce for the first time the overburdening cost of carrying a deficit too large, too expensive, and one that has cost every single man, woman, and child more than the Defense Department's annual budget.

Mr. Speaker, I ask my colleagues, therefore, to join me in supporting this legislation which will make sure that we have our balanced budget, but we also make sure that our Federal workers who are providing constituent services and who want to support their families get back to work and are paid.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, this bill is better than nothing, but for the 2,000 Almacs employees who just got their pink slips on September 15, this bill means nothing to them.

There was a glimmer of hope, because the President and the Department of Labor promised them $2 million, one-third of which was going to go to them immediately to help get them the new jobs. For Richard and Robert

LaBreche, they went to the competitor and the competitor would only pay them $4.75 an hour. That is not enough for them to make ends meet. They were used to getting $30,000 a year.

Mr. Speaker, they could get those new jobs if they got the retraining dollars they needed, but this bill does not open up the whole Government and that is what is wrong with it. We should open up the whole Government and let all the people get the representation that they are paying for as taxpayers of this country.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute to respond to the gentleman that just spoke in the well.

Mr. Speaker, I would point out to the gentleman that after this bill is through, we are going to come up with a bill that will allow the President of the United States to put the entire Government back to work, completely, unequivocally, and without exception, at least until January 26.

Mr. Speaker, all the President has to do to trigger this bill is put a balanced budget on the table, which is scored by CBO as being honest and legitimate, that balances the budget by the year 2002.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, this is important legislation, it is creative legislation, but it is made necessary by the unusual circumstances in which we find ourselves.

Mr. Speaker, it is a fact that the Federal employees are innocent victims, caught in a crossfire between the White House and Congress. It is not only unfair, but really immoral to deprive them of their salaries. they are in this situation through no fault of their own and any remedy righting the situation requires that they get paid.

So that is what this effort accomplishes and it is very worthwhile. More than that, it is an effort to bring the President to the table, living up to his word when he signed a bill on November 20 promising to produce a balanced budget scored by the Congressional Budget Office with honest numbers. He has yet to do that, and that is the real sticking point.

I have heard people on the other side criticize us for not doing our job, for not coming forth with the appropriations bills. But, of course, we have. It is the Senate, the other body, rather, that has strange and peculiar rules that permit filibuster, and that has halted in its tracks the appropriation for Health and Human Services.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Speaker, would the chairman of the Committee on the Judiciary tell this House whether in the Constitution it has shutdown as an alternative form of forcing a dialog between the executive branch and the legislative branch? Because I understood the Constitution to read that the President would have the power to veto, and in that instance the Congress and the President would get together and negotiate. The gentleman from Illinois is making a good point that the House is in between.

Mr. HYDE. Mr. Speaker, reclaiming my time, the gentleman has consumed all my time. I am sure that was not his nefarious purpose. I am out of time; otherwise, I would have a very learned answer for the gentleman.

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Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, first of all, there is a document back here that says the President and the Congress shall enact. It does not say that he is going to bring forth. But I am more concerned about the continuing resolution that is before us.

Just a few minutes ago, I offered a unanimous consent to put back in rehabilitation services because we have a major problem out there, folks. I have to tell Members, I got a letter from my community college, this is happening all over the State of Florida, it is happening all across this country, where in fact our departments of labor no longer can finance their agreement to provide these dollars for students to go back to school. They are walking into classes and being told that there is no money available to them. Here is a woman, shutdown effects rehabilitation. A woman who had been in a coma. She came out of the coma. She has gone back trying to get services so that she can be a productive citizen, so she can pay taxes to this country. She wants to be a good person. She is being denied this by this Government.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I thank the distinguished chairman of the Committee on Appropriations for yielding time to me.

I would like to ask a couple of questions. We have, in addition to the Federal employees who have been furloughed and unpaid since December 15, in my district thousands of Federal contractors, a majority of whom have been working with fiscal year 1995 money, and their employees have been unpaid by the Federal Government because their contracting officers have not been able to work, according to EPA, and the contracting officers, technical representatives, and those who oversee these contracts. Under this these people would be put back on the work, those key contracting officers.

Does the gentleman see any reason why the fiscal year 1995 money then could not be spent to these contractors at that point?

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

Mr. DAVIS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I know the gentleman understands that all Federal employees are now going to be paid because of the gentleman's valiant efforts. There seems, to this gentleman, to be no impediment toward using fiscal year 1995 money in its entirety to pay whatever contractors are out there who are eligible to receive those funds.

Mr. DAVIS. Mr. Speaker, would it not seem to the gentleman reasonable that the administration, we would hope the administration would do everything possible at that point to utilize these contracts in the interest of the Government?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will continue to yield, unless the administration has political reasons for acting in such a manner, I would think there would be no reason for them not to pay those contractors.

Mr. DAVIS. Mr. Speaker, I thank the gentleman.

Let me finally say that I will support this, the bill before us today. It is not everything I had hoped for, as a representative of many Federal employees who have been furloughed and not paid during this time period, but it is a step in the right direction.

We have really let the hostages off the plane today. Now the budget battle can be engaged between the President and Congress. I hope that leaders from both sides will sit together, act like grownups, and work out these agreements and we will not have to go through this again.

This has been a long and difficult period for Federal employees. I want to personally thank those who have stayed in there, working over Christmas vacation, working through the new year, many of them being unpaid while we here have not been able to do our job in agreeing with the President. I think the Federal employees during this period have been the unsung heroes of this and the only people who can hold their heads high while Congress and the President have dithered.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I am glad that the national embarrassment of this Government shutdown is at least coming to an end temporarily. Throughout the shutdown I have been arguing for no budget, no pay. It was a simple concept. If Members of Congress did not do their duty and keep the Government running, Members of Congress would not receive their paychecks.

That did not sit very well with some of the Republican leaders, and it has never been brought to the floor. And that is unfortunate. But today I have a compromise proposal for the gentleman from Louisiana [Mr. LIVINGSTON]. I would like to suggest that we say in the future that the very last appropriations bill which can be sent by

this Congress to the President is the legislative appropriations bill. After we have done all the other appropriations bills, we will take care of ourselves.

The concept is simple. We do not get dessert until we have cleaned our plates. And when Members of Congress realize that they cannot play with the lives of innocent Federal employees unless they risk their own staff and their own time here in Congress, I think they will take it more seriously. Let us hope this embarrassment is not just over temporarily. Let us hope it is over permanently. But let us get down to a balanced budget but not on the backs of innocent people.

Mr. LIVINGSTON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Louisiana [Mr. LIVINGSTON] has 6 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 10 minutes remaining.

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

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I just would like to make a couple of points here.

I am glad to see that we are finally moving in the right direction. This absolutely does not do a whole heck of a lot, but it gets people back on the payroll. I am hearing so much from many from this side of the aisle about a balanced budget, that the President is not bringing forward a balanced budget. I did a little research. The last Republican President to offer a balanced budget was Richard Nixon. There were two budgets offered by Ronald Reagan.

There were two votes taken on budgets by Ronald Reagan, neither one of which was balanced. One of them got one vote, Jack Kemp gave it one vote; and the other got 37 votes. So to say it is an obligation of the President of the United States to offer a balanced budget and hold the President hostage and these people hostages because the President will not present a balanced budget.

I would like to know what compromises the Republicans have made on the budget that passed here and was legitimately vetoed. We do not know what concessions they have made. They have not come by. They have not come back with a budget that is balanced in 7 years and scored by CBO and done the protection that the President insisted on. So I think it is a little bit unusual to demand that the President offer a balanced budget before we can negotiate to put all these people back to work. It is a little bit, I would say, in my opinion, it is a little bit hypocritical to blame the President of the United States for us not doing our job and sending these appropriations bills to us, at least 2 months overdue and then even objected to from the majority of this body.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I said earlier this morning, Mr. Speaker, I wanted us to approach this in a bipartisan manner. I was before the Committee on Rules last evening at about 10:30 to offer to them House Joint Resolution 155, a resolution that would comply with the intent of this Congress to put Federal workers back to work on behalf of the American people but in fact give them the resources to do their job.

With this present legislation on the floor of the House, we still will have—come Monday or whenever this Government opens—Federal mortgages and housing vouchers will be halted. Contractors handling Medicare claims will still not be paid. Federal funds to States for Medicaid will still be limited. Grants for State JOBS programs and social services will still not be issued. Assistance to small businesses, the very backbone of America, small businesses that in fact provide the opportunity for people to work, will not be able to get SBA guaranteed loans.

We can do this together, Mr. Speaker, if we pass a continuing resolution to fund the entire Government, a clean CR, House Joint Resolution 155. This is not a good piece of legislation. It does not help workers do the job for America.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition.

Sometimes we look at all of this and we wonder where these numbers come from, a 7-year balanced budget. What is magic about the 26th of January? Why does this only go to the 26th of January? Is it tied to the State of the Union Message?

I would suggest that this is a resolution to allow the Speaker to go on a fundraising trip across this country. He will be in Seattle on the 10th of January. I do not know where else he is going to be, but this is simply to get people out of town so they can raise money for the next election. It is not to deal with the problems of this country.

Mr. Speaker, I rise in strong opposition to the Republican plan to partially reopen the Government and will not be a part of their cynical political game to hold the Federal Government hostage until they can pass their extreme and irresponsible agenda.

The House Republicans are offering two separate bills today. They want to partially reopen the Government by paying some Federal employees to go back to work, but without giving them the resources to serve the American people. For example, they want to send the Small Business Administration employees back to work, but will prohibit them from disbursing loans. They want to send Environmental Protection Agency employees back to their offices, but not allow them to make sure that the Nation's waterways remain clean. Everywhere you look, the lights will be on, but no one will be allowed to serve and the public's business will go undone.

All Federal workers should be allowed to go back to work immediately, with full pay, but, in my view it is absurd and foolish to put Federal employees back to work without giving them the resources to serve the people who rely on them.

The second part of the Republican strategy seeks to blackmail the President by holding Federal employees and the services they provide hostage until he agrees with their extreme political agenda. This legislation states that Congress will pass a clean continuing resolution, one that would both put Federal employees back to work and allow them to adequately serve the American people, if and only if the President supports their economic agenda of destroying the safety net and giving a huge tax cut to America's wealthiest.

I will not vote for legislation which seeks to blackmail the President and engages in a blatant attempt to supersede the powers given to Congress by the U.S. Constitution.

Mr. Speaker, we could avoid passing this ruinous legislation altogether, if the House Republican leadership would be willing to join their Senate colleagues in passing a clean continuing resolution—with no strings attached. In doing so, they could easily reopen the Government without holding the American people who rely on it for needed services hostage.

Unfortunately, Mr. Speaker, they are unwilling to even allow the Senate-passed continuing resolution to come to a vote.

Let's get America back on track, let's pass a clean continuing resolution. Most importantly though, let's not put Federal employees back to work without allowing them to do their job.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I think the previous speaker has just summed up what is at hand here or what is afoot, is a better way to put it. What this simply is is a very strange and goofy way to provide an opportunity for Members of Congress to get out of town for the next 2 weeks, put Government people back on the payroll, but limit what they can do.

It solves the problems of Government workers who are not getting paid, but it leaves an awful lot of problems for taxpayers who are still not getting served. That is a fundamental problem. If that is as far as the majority party will go, then we have no choice but to support it because it is a partial opening up of the Government.

I wanted to point out another interesting bit of strangeness. The Prompt Payment Act requires that the Government pay its bills within 30 days. If no payments are made, the Government is required by law to pay interest on those outstanding obligations at a rate of 6 percent. That means that, because these obligations are piling up, we are going to have to pay added interest, added interest at a time of such a large debt, because of the stubbornness of Members in this House who insist on putting their ideology ahead of our obligation to serve all of the taxpayers

whether they be Republican, Democrat, Independent, or anything else.

I would urge Members to vote for this resolution, but would urge the majority party to bring a resolution before this House that truly opens up all of Government so that we can provide all of the services that we are obligated to provide.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from New York [Mr. FORBES], a member of the Committee on Appropriations.

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

Mr. FORBES. Mr. Speaker, I rise in support of the resolution and this effort before us today.

Mr. Speaker, this is about the President keeping a promise that he made, a promise that he made on November 20 to the American people that he was going to participate, participate in creating balanced budget over the next 7 years, a balanced budget that would be with honest numbers, no more smoke and mirrors. That is really what we have before us. Is this opportunity to unite as Americans in favor of a balanced budget, something my friends in the minority have long expressed support for, something the President of the United States has long expressed support for.

Going back to 1992, when he was a candidate for the Presidency of the United States, he said he wanted a balanced budget. We have pleaded with him, we have begged him. We have spent 20 hours in concert with the President of the United States, 20 hours of face-to-face negotiations begging and pleading, Mr. President, bring us the balanced budget. Here is the blank slate, Mr. President. Tell us how you want to balance the budget and we will be with you.

We have an opportunity today to give the President again another opportunity to fully open up the Government, move forward on a balanced budget and let us get Americans back to work.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

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Mr. YOUNG of Florida. Mr. Speaker, I detect a breath of bipartisanship as we approach a vote on this important piece of legislation, not a heavy breeze, or not a big wind, but at least a breath of bipartisanship, and that is what it is going to take to get our job done. We need to pass this legislation, which I strongly support, and allow the people, who are not responsible at all for the dilemma that we find ourselves in, to get back to work and to get paid.

There have been a lot of delays. The gentleman from Wisconsin [Mr. OBEY], our friend, has presented charts so many times indicating the delays and the bills that did not get to the President. The fact is all but three of the appropriations bills got to the President, and he vetoed four of them.

But that is not the issue today. The idea is not who do we blame, but how do we get most of the job resolved, and that is what we are going to do by passage of this legislation today.

In addition I wanted to say to my dear friend, the gentleman from Michigan [Mr. BONIOR], who raised a very good point about the use of Federal funds for travel, that I plan to pursue this issue. During the early consideration of the defense appropriations bill I announced to the House that we intended to find out how much money was being spent for the use of military aircraft for nonmilitary travel by all branches of Government.

We would have already had those hearings, except for the delays that were caused by the many issues preoccupying the President and Congress. But all of that is in the past now, Mr. BONIOR. We are going to have those hearings that the gentleman is interested in.

But I would like to close on this thought. The bipartisanship that we feel today would serve this Nation and this Congress well if we could remember that here in this hallowed Chamber is where we do the people's business, and if we would take our political activities and our campaigning for the next election back to the precincts and our districts where they belong, then the people's business would be better served.

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, I would like to take this opportunity to express my support for the effort to reopen the Government. The shutdown is costing taxpayers $50 million a day. The total cost of the 21-day shutdown, by far the longest in history, now exceeds $600 million. Democratic appropriations members have made over 30 attempts to reopen the Government without restrictions while budget negotiations continue. However, all of these attempts have been blocked by the Republican majority.

I have also been opposed to all motions to adjourn and/or recess before the Congress has passed all of its appropriations bills. The Gingrich revolution has not allowed the necessary work of the Congress to be completed. We should not go home until our work here is completed.

I have been a member of the Appropriations Committee when the Democrats held the majority in the House and we served under a Republican President. During this period, the Republican President vetoed appropriations bills many times. However, the Democratic majority allowed the Government to continue operations while the parties settled their differences. In fact, while President Reagan was in office, the Government functioned under a continuing resolution that lasted for 1 year.

By October 1, not 1 of the 13 appropriations bills had been passed by this Congress. Today, six appropriations bills have not become law. Instead of working out the differences and passing this critical legislation, the Republicans have staged this showdown between Congress and the President. In every instance in the past where Congress failed to pass one or two appropriations bills, the majority has passed a continuing resolution to allow those agencies to be funded at no increased level of spending. It is simply wrong to hold millions of Federal workers and Americans who rely on the Government services to the whim of this majority.

Today, the Republicans are offering a targeted continuing resolution. I am in opposition to this targeted approach. While this approach represents progress toward ending the Gingrich Republican shutdown, it still does not cover critical needs such as Federal Medicaid matching funds, payments to Medicare contractors, small business loans, worker protection, environmental protection, and Superfund cleanup.

Under this bill, some workers would be provided pay until January 26, others until March 15, and still others until September 30. This chaotic approach is ludicrous. The Republicans are already allowing people to stay home from work and get paid, now they are allowing people to go back to work but not to perform all of their duties. Why not give the American taxpayers the full value of their Government? Why approve only a restricted temporary Government?

The Republican effort to tie budget negotiations to appropriations funding is one I disagree with. This tactic is economically and morally wrong. The President of the United States has the power, under the Constitution, to veto any legislation he feels is not in the best interest of the country. The Congress has the ability to either override the veto or negotiate with the administration. Congress does not have the constitutional right to hold Federal workers hostage because the President has acted in opposition to their efforts.

This bill is the result of the fanaticism by a minority of Republicans. There are enough votes in the House to open the Government without these ridiculous restrictions. However, because the Republican freshmen have been opposed to compromise, the leadership has not allowed a clean continuing resolution to be voted on.

Although I am opposed to the limited nature of this bill, it is the only effort the splintered Republican majority is able to offer and I will support it as a better alternative over the current shutdown.

Mr. OBEY. Mr. Speaker, I yield our remaining 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished Democrat leader.

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

Mr. GEPHARDT. Mr. Speaker, it is with great reluctance and disappointment that I rise in support of this legislation. I have been disappointed by suggestions by those on the other side of the aisle that the President of the United States has somehow broken a promise or gone back on his word. I think that assertion is absolutely wrong.

If we look back at the agreement and the original continuing resolution, the President did not agree to put down a 7-year budget scored by CBO by a certain time, no more than the Republican side agreed that they would put down a budget that he would score as being sufficient for his priorities of saving Medicare and Medicaid and not giving tax cuts to the wealthy paid for by the cuts in Medicare and Medicaid. The agreement was that when a negotiation yielded a hoped-for settlement or agreement, that that agreement would balance the budget in 7 years. The President has kept that agreement, not just the letter of that agreement, but the spirit of that agreement.

When we go from working in the Congress, as we do under the Constitution, to either override a veto or to pass another bill, we move into a different realm. That realm is now a room in the White House. It is a negotiation in private to try to reach an agreement that is good for the country. I have been in the meetings. I find it abhorrent for people to say that he is not acting in good faith. That is not what I have seen and heard.

I participated in the summit in 1990 with President Bush. The negotiators spent all of about an hour with President Bush in 1990. I am not complaining. We talked with Richard Darman who was his representative in the negotiation.

In this negotiation, which has been going on for days, this President has sat in the room for at least 40 hours, face-to-face with the Speaker of the House and the Senate majority leader, and he is painstakingly working the details to find an agreement that, yes, will balance the budget in 7 years, by CBO judgment, but which will also meet his requirements of saving Medicare and Medicaid, saving education and the environment, and not slashing those programs to pay for tax cuts for the wealthiest Americans.

Now because somehow the President has not passed somebody's sincerity test, and for what reason I cannot tell my colleagues, we now have before us a measure which makes no sense. Who can explain to anybody why we are going to bring people back to work and pay them, in some cases for doing nothing? Last week we paid people to stay at home; next week I guess we are going to pay them to do nothing. We ought to put another proviso in this to provide people crossword puzzles so they will have something to do in the office. This makes no earthly sense.

I beg the majority to come to their senses. They have achieved what they wanted to achieve. This President is negotiating in good faith.

In the name of sense and decency, let these negotiations go on, and let us get an honest compromise and a balanced budget that recognizes the priorities of the American people.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of the time.

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

Mr. LIVINGSTON. Mr. Speaker, decency, common sense, good-faith, all of those great words are nice but here is the agreement, in case we forget. But here is the resolution that passed the House of Representatives and the Senate and went to the President and he agreed to it. The wording in the law is as follows: ''The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office,'' et cetera, et cetera, et cetera.

I will say that the words are very clear in that law and the President is in violation of this agreement.

Now where, Mr. President, is the balanced budget to be achieved in the next 7 years? The President has not produced it, and, when he does, according to the next piece of legislation that will clear this House of Representatives today, the Government will go back to work as planned on a normal basis. Until then, Mr. President, we are going to continue to be faced with a problem. The President wants the status quo. He wants to continue to fund the big bureaucracies. He wants to take the taxpayers' money and he wants to spend it as normal. We do not. We want to cut Government. We want to slice back the role of the Federal bureaucracy that the Democrats have created over the last 40 years.

And there it is the current situation, Mr. Speaker and my friends and colleagues. Let us put Government back to work temporarily, right now, until January 26.

But the crisis is not over. The President must fulfill his responsibilities under this agreement to balance the budget in 7 years. If he does not, the crisis will go on because we are indeed committed to save this country, to save the economic future of our children and our grandchildren by putting the country back on a firm and normal fiscal track so that we pay our bills, and we save this Nation from economic catastrophe.

Mr. COSTELLO. Mr. Speaker, I rise today in support of a balanced budget. In fact, I have consistently cosponsored and voted for a balanced budget amendment. However, I continue to be disappointed that we are in a stalemate about how to reach this goal.

The Federal Government has been shut down for 21 days. This shutdown—the longest in history—has cost the taxpayers in excess of $600 million to date. Over 200,000 Federal workers have gone without pay since December 16. They, like other Americans, have mortgages, car payments, utility bills, and mouths to feed. In addition, millions of Americans depend on a variety of Government services that they have already paid for. Americans have needs that are not being met because the Republicans in the House refuse to agree on a compromise balanced budget.

Today, the House will pass a resolution to provide funding for selected Government functions, including the Meals on Wheels Program; visitor services in the National Parks; passport and visa services; railroad retirement payments and unemployment insurance. While this is a small step in the right direction for our Nation, I am gravely concerned because this targeted approach does not cover other critical needs such as payments to Medicare contractors, Federal Medicaid matching funds, small business loans, worker protection, environmental protection, and Superfund cleanup. It could also lead to the ludicrous situation of paying Federal workers to do nothing.

President Clinton and the majority leader in the Senate were right weeks ago when they agreed to separate the issues of funding the Government this year and finalizing a 7-year plan to balance the Federal budget. We should pass a clean continuing resolution to fund all operations of the Government, including small businesses that rely on Government contracts. Then we must focus on the people's business to get the budget balanced in 7 years.

We operate in a democracy, not a dictatorship. People have paid in advance for Government services, they are not receiving. It is time to sit down and work out a 7-year balanced budget without denying the people Government services.

Mr. GILMAN. Mr. Speaker, though I do have some concerns with this measure, as a Member that represents over 4,000 Federal workers I will vote for this bill in attempt to end the plight currently plaguing my constituents.

I am heartened at the fact that with the passage of this measure we will end the current practice of punishing Federal workers because the President is unable to offer a 7-year balanced budget with real numbers. I believe strongly in our efforts to sign into law a 7-year balanced budget with real numbers, but believe it can be accomplished through tough negotiations, and not by punishing our Federal workers.

I do wish that Congress could offer a clean continuing resolution which would allow contractors with the Government to obtain the payment needed to continue performing the vital services they offer throughout our local communities.

It is important that we in the Congress bear in mind that those Federal workers currently furloughed want to work. They have not been furloughed because of bad performance, but because they have been pawns in the budget impasse.

Let me be clear. I believe strongly in the need for a balanced budget with real numbers, and I am encouraged that Congress is serious about achieving this goal. Accordingly, tough negotiations must continue between the President and the Congress. We must achieve a balanced budget.

But I believe there is no reason why these tough negotiations cannot continue while Federal employees are on the job doing the work for which they are being paid.

I ask my colleagues to support this measure and get our Federal employees back to work.

Mrs. COLLINS of Illinois. Mr. Speaker, during my tenure in Congress I have been witness to a whole lot of things, but I have never seen such a despicable display of political gamesmanship and purely partisan, selfish maneuvering as is coming from the Gingrich Republicans these days. While I reluctantly

support the very limited continuing appropriations bill we are considering today, I am appalled at the tactics that have been employed by the GOP over the last 21 days to hold the Federal Government and the American people hostage to their extreme ideological agenda.

Despite the fact that the majority leader in the other body, Senator DOLE, said a few days ago, ''Enough is enough,'' and rightly called on the House to pass a clean continuing resolution to reopen the entire Government, the Gingrich groupies continue to play games. While H.R. 1643 will reopen the Government for selected Federal activities, it remains an inadequate measure in that it leaves many critical Federal responsibilities unmet. In addition, while it properly returns our dedicated Federal employees to work with full pay, it neglects to fund many of the programs which they are charged to administer. In other words, it takes some of the political heat off the Republicans, without providing a real solution to the crisis we face.

For instance, the legislation before us fails to reinstate much-needed Federal Medicaid matching funds, payments to Medicare contractors, dollars for EPA toxic waste cleanup, student loans, HUD home loans, small business loans, Centers for Disease Control flu-tracking and public health oversight activities, and the Federal Emergency Management Agency's food and shelter program, just to name a few.

My constituents are fed up with the lack of respect shown by the Republican majority of this Congress for their needs and concerns. They are fed up with the shutdown of services vital to the proper functioning of their communities. They are fed up with the arrogance of the GOP Members that proclaim ''It's my way or no way at all.''

Mr. Speaker, the House Republicans at every turn of these budget negotiations have simply refused to carry out their constitutional responsibilities to govern. It is unbelievable, it is childish, it is dangerous, and it is wrong. Believe me when I say that the American people realize this and the American people will act accordingly to make their displeasure known.

Mr. STEARNS. Mr. Speaker, we are all concerned about our Federal workers and the need to find a way to end this shutdown.

While no one wants to see this situation continue, there is an even more overwhelming concern that is being voiced by the majority of the Members in the House. Their greatest fear is that if we comply with requests to pass a continuing resolution [CR] to get us through this month then the President will renege on his promise once again.

As we all know, in an effort to work in a bipartisan manner, back in November we passed a CR that would run through December 15. We did this in good faith. What happened to the promise made by the President to produce a balanced budget in 7 years using congressional budget numbers? We are still waiting that document to be put on the table. You know, Mr. Speaker, it makes it tremendously difficult to negotiate when only one side has produced the necessary budget that meets all the requirements that were previously set down by the President in his State of the Union Address in January of 1993.

What caused this shutdown? Quite simply, the President vetoed appropriations bills that currently force this partial shutdown. The agencies that have not yet had funds appropriated for 1996 are the State Department, Justice Department, Commerce Department, Interior Department, Small Business Administration, Veterans Affairs Department, Forest Service, Housing and Urban Development Department, and the Environmental Protection Agency.

People need to realize that most of the Federal Government would be open today if the President had either signed a balanced budget or signed the funding bills for the affected agencies. We are willing to work out a compromise with the President, but he has to tell us what he wants. So far, he has simply vetoed every bill that has hit his desk. That's not leadership, it's gridlock.

Mr. Speaker, 40 years ago there was no national debt to speak of, and Americans paid only 3 percent of their income to the Federal Government. Today, we have a $5 trillion national debt, and the average American family pays a full 25 percent of its income to the Federal Government. Taxes at all levels of government now consume 40 percent of the average family's income—more than they spend on food, clothing, and shelter combined.

The fiscal year 1996 appropriations process is proof of our commitment to balance the budget through thoughtful and sound spending. The representatives of the people of America have some very difficult spending. We have had to make cuts in many important programs; we have been forced to prioritize our spending—just as American families have been doing for years. We have done this because we are interested in the future of our country. We have put aside partisanship and self-interest so that our country will not buckle under the burden of its debt, so that our children may have a future.

I find it not only frustrating but also terribly disheartening that the President has chosen to veto a majority of the appropriations bills we have sent to him. He says that the appropriations bills don't provide enough money. The President feels that the Government does not spend enough money. Mr. President, we have a $5 trillion debt. This President has made it clear that his administration's goals are quite different from the vast majority of the American people.

These Presidential vetoes make it abundantly clear that he is committed to more of the tax-and-spend policies that have nearly ruined our country financially; the bills he vetoes have caused the shutdown of portions of the Federal Government, thus punishing his own employees simply because he refuses to adhere to the promise he made to produce a 7 year balanced budget using Congressional Budget Office [CBO] numbers. Congress has done what it had to do. We have proven our commitment to reduce Federal spending and to make the Government more efficient. Apparently, the President has a different agenda.

Why is a 7-year balanced budget so important? Many leading economists believe that a balanced budget would result in a drop in interest rates of up to 2 percent. For a 30-year, $75,000 mortgage, that's $37,000 saved over the life of the loan. Americans will have more take home pay because our budget includes a $500 per-child tax credit. We also have true welfare reform which is a No. 1 priority for most Americans.

What happens if we don't achieve our goal of a balanced budget in 7 years? Five years from now all Federal revenues will go to just five programs—health care entitlements, federal retirement, Social Security, and interest on the debt. Our children will be faced with lifetime tax rates of 80 percent just to pay interest on the debt. That's why it is so important that we stick to our principles. Our country needs to go in a new direction. We must cut taxes and cut spending. We must think of our children and their children. Currently, future generations will have to deal with a soaring debt and outrageously high taxes. Is this the legacy we want to leave them? I do not think so. I believe we will work out an agreement with the President. I pray that we do so for all those federal employees who have been asked to bear the brunt of this budget impasse.

Mr. Speaker, I would also like to ask my colleagues to please give consideration to cosponsoring legislation I have introduced, H.R. 2828. This bill provides for the comparable treatment of Federal employees, Members of Congress, and the President during a period in which there is a Federal Government shutdown. Let's put our paychecks where our values are and disavow special treatment.

Mr. VENTO. Mr. Speaker, the shutdown of the Government has affected Americans all across the country. The Federal government should be predictable and certain, but due to the inaction of this House under GOP leadership, the extreme accusations by some Republicans of an incompetent Federal Government are being made a self-fulfilling prophecy by these same Republicans.

As just one good example, I have received dozens of calls from railroad retirees in Minnesota who live on fixed incomes and have had their retirement benefits cut because of the shutdown! In fact, the Railroad Retirement Board has had to cut January vested dual benefit payments by 64% for 160,000 railroad retirees across the Nation. This means that retirees who earned their pensions through many years of hard work and who live on fixed incomes are having trouble meeting their rent payments. And of course there are no assurances that they will receive any of their benefits in the future if this shutdown continues.

The sad reality here is that these retirees are being denied the benefits they earned as the Republicans play political games and shutdown the Government and shut out Federal workers. This Congress ought to do its job and act today on a real continuing resolution to keep the full Government running—and provide the 160,000 railroad retirees with their earned benefits.

This isn't about who is for a balanced budget, rather it's how to balance the budget. Nor is this shutdown about political honesty, in fact the more some boast of their monopoly on truth and honesty, the more firm you should hold on to your wallet. We are thirteen weeks into the fiscal year and have had four weeks of Federal Government shutdown because of GOP straw man arguments about economic forecasts and games to seek political advantage. This resolution finally provides some relief but leaves many programs, and most importantly the people we serve, in a lurch. Ironically, it pays Federal workers but ties their hands so they can't do their jobs. As Mark Twain stated, ''The more you explain it to me the more I don't understand it''.

Mr. Speaker, it isn't the Federal Government that's incompetent, rather it is the Republican-

led, know-it-all, arrogant Congress, which after a year can't have its actions blamed on inexperience. No, the problem is indifference and political one-ups-manship. Enough is enough. Free the hostages and let the railroad retirees have their pensions. Put the American people's Federal Government back to work—the full Government, not this half-baked GOP political fig leaf designed more for political relief and which will just result in more shutdown threats and Federal Government uncertainty.

Mr. PAYNE of Virginia. Mr. Speaker, I am going to join reluctantly in voting for this measure. It will send our Federal employees back to work and restore normal operations to our national parks, Meals on Wheels, the passport office, and several other vital programs. We will end for now this cruel game that has made innocent Federal workers pawns in a political dispute over which they have no control.

As Senate Majority Leader DOLE said Wednesday: ''Enough is enough.'' And this measure is better than nothing.

But let there be no mistake, Mr. Speaker: This legislation is the most bizarre measure that I have seen in 8 years as a Member of Congress.

With it, we'll send HUD's employees back to work, but they won't be able to perform all of the duties and services that they're charged with.

Everyone would be back on the job at the Education Department, but there would be no new student loans.

And for the many Federal contractors who have been burned badly by this Government shutdown, this measure offers no relief. Medicare contractors, NASA contractors, and even those who supply food to Federal prisons will be among those who will continue to be harmed by the games that some people are playing in Washington.

Mr. Speaker, 1 year and 1 day ago, the Republican majority came to power pledging to run government like a business.

Well before coming to Congress I built and operated businesses. And I have employed hundreds of people. And let me tell you something: This is not how you run a business.

You don't send people to work and deprive them of the money or material they need to do their jobs and still expect to be successful.

We need a clean continuing resolution to put the Government back to work, and then let's spend our time and energy balancing the budget in 7 years. That's what we were sent here to do.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 334, the previous question is ordered.

The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 17, not voting 15, as follows:

[Roll No 7]

YEAS—401

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—17

Barr
Barton
Chabot
Chenoweth
Dickey
Ganske
Gibbons
Graham
Hastings (FL)
Hoekstra
Hostettler
Largent
Sanford
Shadegg
Smith (WA)
Souder
Tiahrt

NOT VOTING—15

Bryant (TX)
Chapman
Fazio
Fields (TX)
Flake
Hayes
Lightfoot
Myers
Quillen
Rose
Stark
Stockman
Studds
Wilson
Wyden

□ 1443

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''a bill making appropriations for certain activities for the fiscal year 1996, and for other purposes''.

A motion to reconsider was laid on the table.

□ 1445

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent to call up for immediate consideration House Joint Resolution 131, continuing funding for many critical Federal departments through January 29, 1996, authorizing a 2.4-percent pay raise for the Armed Forces of the United States, and waiving all points of order against such an amendment.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. HASTERT). Under the guidelines consistently issued by the successive Speakers and recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been

cleared by the bipartisan floor and committee leaderships.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, I have been authorized by the minority party leadership on this side of the aisle to make such a request. When will someone be authorized on the majority side to make such a request?

The SPEAKER pro tempore. That is not a parliamentary inquiry at this point.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. JACKSON-LEE. Mr. Speaker, in light of the previous vote, I ask unanimous consent to bring up House Joint Resolution 155, a clean continuing resolution that funds this Government as amended through January 26, supported by over 45 Members of this House, which will allow workers in the Federal Government to perform at their fullest services and to ensure that the Government is operating during the budget negotiations.

Mr. DREIER. Regular order.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers and recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentlewoman's request until it has been cleared by the bipartisan floor and committee leaderships.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. JACKSON-LEE. The inquiry is, as my colleagues stated, when would we be able to hear from the other side?

Mr. SOLOMON. Mr. Speaker, regular order.

The SPEAKER pro tempore. That is not a parliamentary inquiry.

REPORT ON RESOLUTION PROVIDING FOR DISPOSITION OF SENATE AMENDMENT TO HOUSE JOINT RESOLUTION 134, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104-448) on the resolution (H. Res. 336) providing for the disposition of the Senate amendment to the joint resolution (H.J. Res. 134) making further continuing appropriations for fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING SPEAKER TO DECLARE RECESSES FROM JANUARY 5, 1996, THROUGH JANUARY 23, 1996, AND WAIVING REQUIREMENTS OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY COMMITTEE ON RULES

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That (a) the Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 5, 1996, through Tuesday, January 9, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 9, 1996.

(b) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 9, 1996, through Friday, January 12, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 12, 1996.

(c) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 12, 1996, through Tuesday, January 16, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 16, 1996.

(d) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 16, 1996, through Friday, January 19, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 19, 1996.

(e) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 19, 1996, through Tuesday, January 23, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 23, 1996.

SEC. 2. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before the calendar day of Wednesday, January 24, 1996, and providing for consideration or disposition of any of the following measures:

(1) A bill making general appropriations for the fiscal year ending September 30, 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) A bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(4) A bill to provide for a balanced budget by 2002, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. KINGSTON). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Ms. PRYCE asked and was given permission to revise and extend her remarks and include extraneous material.)

Ms. PRYCE. Mr. Speaker, House Resolution 330 is a two-part resolution. First, it allows the Speaker of the House to declare recesses subject to the call of the Chair on the calendar days of Friday January 5, 1996, through Tuesday, January 9, 1996, and for 3-day periods thereafter until Tuesday, January 23, 1996.

Second, this resolution waives clause 4(b) of rule XI, which requires a two-thirds vote to consider a rule on the same-day it is reported from the Rules Committee, against certain resolutions reported by the Committee on Rules before calendar day Wednesday, January 24, 1996.

This resolution covers special rules that provide for the consideration or disposition of specific budget legislation, including fiscal year 1996 appropriations, continuing resolutions, public debt limit increases or waivers, and a 7-year balanced budget bill. The resolution also covers amendments, conference reports, or amendments reported in disagreement from a conference on such legislation.

Mr. Speaker, this resolution is primarily focused on moving toward a speedy solution to the budget dilemma that confronts this body, by facilitating the same-day consideration of urgent budget legislation that will reopen the entire Federal Government or provide a new 7-year balanced budget plan. When Congress and the administration come to agreement on these issues, the House will be able to act immediately to end the budget crisis.

However, in the absence of legislative activity that moves us toward these goals, this resolution provides the Speaker the ability to declare recesses while the budget negotiations between our leadership and the White House continue.

By recessing rather than adjourning, the House will effectively be on standby, ready to return should the White House come to meet its responsibility and submit legislation, as promised, that achieves a balanced budget and puts the Government back into full operation.

Further, should the President do his duty and the House does return ready for action, these urgent budget measures can be considered under an expedited process.

Mr. Speaker, with this resolution, the House is not abdicating its responsibilities. In fact, the House has

worked very hard, with a great deal of success, to fulfill its duties. As a result, about 75 percent of the Government is on the job, serving the taxpayers.

Three other appropriations bills, which would have put a large number of the remaining Federal employees back to work, were passed by Congress, but vetoed by the President. Had the President signed these bills, 95 percent Federal employees would have been working and receiving their paycheck.

Two other appropriations bills are pending action in the other body, and the last spending bill is still in conference.

Under this resolution, as soon as these appropriations bills are ready for consideration, the House may give them immediate attention under an expedited process.

And, the House just voted to fund some of the most important Government functions, so that meals for seniors, child welfare programs, unemployment benefits, AFDC, passports, and veterans programs would not be denied. Further, we just voted to ensure that Federal employees are no longer held hostage by the President's inaction and receive their pay.

The resolution now before us will allow the House to take the next step and reopen the entire Federal Government once the President produces his balanced budget, under a process that allows immediate action.

Mr. Speaker, responsibility can also be demonstrated by keeping one's promises. The Republican Majority has worked diligently over the past year to keep its promise to the American people by crafting and passing a Balanced Budget Act which eliminates the deficit in 7 years. However, these efforts may mean little if a balanced budget is not enacted into law.

The President has made a similar promise, numerous times, and most recently in writing. he signed into law a promise to Congress and the American people that he will enact a budget that reaches balance by the year 2002, using the Congressional Budget Office's numbers.

Currently, Congress, Federal workers, and the American people are waiting for the President to keep his word and fulfill his end of the bargain. Frankly, his failure to do so is unacceptable.

When the President finally gives us his budget from which to begin to negotiate, the terms of this resolution would permit the House to come back into session to respond quickly and appropriately.

Mr. Speaker, the budget impasse facing this House and the Nation is serious, and clearly, the shutdown of the Government is undesirable, but the future of our country is at stake. My colleagues who are committed to a balanced budget are not trying to ignore the situation at hand. Instead, those of us who are truly committed to a balanced budget are taking bold steps to confront the real financial crisis that faces our Nation, because it is responsible and it is right and we are so close and this is our last best chance.

This resolution will allow us to continue to work toward the goal of fiscal responsibility in a practical manner. House Resolution 330 is appropriate in light of these unique circumstances. It is a tool we need to keep the budget negotiations on line. I urge my colleagues to support it.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Ohio for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, the rule we are considering today is completely irresponsible.

The United States Government has been closed for 21 days. Of 2 million civilian Federal employees, 280,000 have been sent home and 480,000 are working but not getting paid. A total of 38 percent of the Federal work force is not getting a paycheck.

Thanks to the targeted appropriations bill we did earlier, those people will be able to go back to work and even get their paychecks, but, many of them will not be able to actually do their work because the Republican leadership won't let them.

Many Federal programs are still not funded and thousands of Americans are still not getting the services they expect and the services they earned.

Medicare contractors which employ 24,000 people will not get paid, States will run out of Medicaid matching funds to pay for poor children's health care, small businesses won't get loans; workplace safety and health complaints will not be inspected, and EPA is still unfunded which means superfund sites are not cleaned and environmental hazards are not investigated.

And what's the response of the people who closed the Government in the first place?

Mr. Speaker, the Republican majority is responding by going home.

For those who wonder why on earth anyone would do this, it's because Republicans want the President to do something he won't do. They want President Clinton to agree to their idea of cutting Medicare to pay for tax breaks for the rich. Until he does they are going to hold the entire country hostage.

Mr. Speaker, this 21-day shutdown tantrum is the most arrogant abuse of power I have seen in a very long time and I do not understand it.

I do not understand how Speaker GINGRICH can send his Republicans home while so many people are suffering. And make no mistake about it, the responsibility for this shutdown lies squarely in the lap of Speaker GINGRICH.

Mr. Speaker, this shutdown is serious and it is hurting a lot of people this month, 49,000 families may be evicted from their homes because their housing vouchers are not getting renewed.

Mr. Speaker, these people did nothing wrong. They expected Government services, they earned Government services, and under no circumstances should they have to pay the price for this political blackmail.

And to make matters worse, a majority of House Members want to open the Government, but the Republican leadership won't let us.

Some say this fight is about philosophy. They say that Republicans have closed the Government because they have philosophical differences with the President.

I guess I do not know very much about philosophy because I can not look some of these people in the eye and tell them there is a good reason for their frustration.

The people who think this philosophical difference is worth the pain it is causing are in the minority. Wednesday, a Republican Member said, ''GOP leaders know they would lose a vote on the floor.''

Mr. Speaker, this 21-day shutdown is cruel and unnecessary. It would end if it were brought to a vote. I urge my colleagues to defeat this rule, Speaker GINGRICH should keep Congress in town until the Government is completely open again.

With respect to the two-thirds waiver, I would say to my colleagues that they have managed to bring up a rule meant for last minute, emergency bills on just the second day of the session, at least we waited until the end.

□ 1500

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

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

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

Mr. SOLOMON. Mr. Speaker, I just turned in my prepared remarks. I was going to make an appeal to try to shorten the debate on not only this very important resolution but the one that is going to come up right after that. We have been working very closely with the other side of the aisle, we have been working very closely with the other body, with the leader of the Democratic Party in the other body, and we have had a lot of cooperation.

Then I hear my good friend, JOE MOAKLEY, the ranking member of the Committee on Rules, stand up here and go through a charade that we went through several weeks ago at Christmastime.

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

Mr. SOLOMON. I will be glad to yield to my good friend from North Carolina, a good Congressman.

Mr. HEFLEY. Mr. Speaker, I would be curious to know if the gentleman

listened to the political statement that his party made prior to yielding to the gentleman from Massachusetts? There was a political statement made over here, so let us——

Mr. SOLOMON. I have been listening very, very carefully, and what I am doing now is just trying to get us all to come to reason here, because this rule that the gentleman from Massachusetts [Mr. MOAKLEY] has just asked you to vote against is an expedited procedure rule.

What it does, it allows us anytime in the next 21 days, before the President's State of the Union Message, before we actually take up other legislation, it allows us to act in an expeditious manner on issues of terrible importance. It allows us to take up any amendments in disagreement that might come about from the other body through conference reports. It allows us to take up any of the vetoed bills for the Department of Veterans' Affairs and housing, the Environmental Protection Agency; it allows us to take up the Commerce–Justice–State bill; it allows us to take up the Interior bill that the President vetoed that is keeping the parks closed.

That is really what this is all about. But more important than that, it allows Members to take up this afternoon, before going home for the weekend, a continuing resolution that members of the minority have been asking for. It is a clean resolution for another 21 days.

What does that mean? That means that those of us who are going to stay around here for the next 21 days are going to be negotiating with the President, trying to bring about a compromise that will bring us a balanced budget in 7 years. That is really what this is all about.

So to stand here and say well, let us defeat this rule and let us be around here next week, you know, many of us are going to be around here all next week, but it is time now for us to pass this. We have assurances from the other body that they are going to accept by unanimous consent the bill we just debated that puts all of the Federal workers back to work, that pays them for their past wages, that is going to pay them for their future wages if they continue to work. That is what that bill did.

The next bill that will come up, if we pass this rule, is going to allow for a clean continuing resolution. That is what the President wanted.

If he does that, and if he gives us his budget that balances the budget in 7 years, we are going to see what his cuts in Medicare are, and if he is cutting $100 billion and we are cutting the increase by $180 billion, then we have got something to work between, between $100 and $180 billion. If he is calling for tax cuts and we are calling for tax cuts, let us see what the differences in the dollar amounts are.

That is what this resolution does. It is an expedited procedure. Every one of you should vote for it. We ought to cut out this political dart-throwing, and let us get down and get the Government back working, and let us get the balanced budget. That is what the American people want.

What do you think of that? Let us do it.

Mr. Speaker and Members, the resolution before the House will provide us with the scheduling flexibility necessary to complete the ongoing budget negotiations in a timely and orderly fashion.

It is important to note, as the gentlelady from Ohio explained, that this resolution not only authorizes additional recess authority to the Speaker but it provides expedited procedures for the consideration of a bill to balance the budget by 2002 or a bill including further continuing appropriations.

This resolution is in fact a resolution to allow us to continue our work in an expeditious manner.

As we are in the midst of only a partial government shutdown, let me take a moment to recap the status of the appropriations process. There is no need to assign blame for this partial shutdown. The facts will speak for themselves.

To date, seven appropriations bills have been enacted into law. One conference report is pending in the Senate and one bill is still in conference.

The bill that funds the Departments of Labor and Health and Human Services has passed the House but is facing a filibuster in the other body by the Democrat minority.

Three other bills, funding a huge percentage of the Federal Government, were vetoed by the President one week before Christmas. The President had an opportunity to open the bulk of the Cabinet departments and agencies now closed by signing those bills.

Three days after this partial shutdown began, President Clinton vetoed the Veterans and HUD and independent agencies appropriations bill, citing excessive cuts to the EPA.

Most accounts in that bill were cut to pay for an increase in the Veterans' hospital account. We have told the White House, in a good faith negotiation, to take money from any other parts of the bill except veterans, if the President insists on increasing funds for EPA, but he has refused to do so.

If the President had signed this bill, all of the workers in VA hospitals, Department of Housing, EPA, and a host of other agencies would be back on the job and earning their salary.

Also on December 18, the President had another opportunity to open many government offices for work. Instead, he chose to veto the Interior appropriations bill on the grounds that the cuts were too severe.

We told the White House, in another honest negotiation, to shift the money around to reflect their priorities without increasing the total dollars, but they refused to do it.

If the President signed this legislation, this bill, would have allowed countless Americans to enjoy our parks and museums.

On December 19, four days into the partial Government shutdown, the President closed four Cabinet departments and several agencies by vetoing the Commerce, Justice, State appropriations bill.

How could the President close the Justice and State departments, many Americans are wondering?

As with other bills he vetoed, the President objected to cuts in the bill designed to balance the budget overall. We told the White House that add-backs would be acceptable, if—and only if—the President specified where the cuts should come from, elsewhere in the bill.

Again, he refused. If the President had signed this bill, these Federal workers would be on the job earning their pay and the needless hassles in getting a passport would not exist.

We sent the President a clean CR, on November 20, with a simple paragraph attached committing the President and the Congress to enacting a bill that would balance the budget by 2002 scored by the CBO.

To this day, the White House has not presented such a document to the Congress.

Over the last few days, I have noticed the Democrat rhetoric obscuring the precise nature of the President's commitment in November.

Let me call Members' attention to House Joint Resolution 122, which passed the House on November 20, 1995 by an overwhelming vote of 421 to 4.

This legislation contained a temporary spending measure to keep the Government open and committed the President and the Congress to a 7-year balanced budget scored by the CBO.

The President signed this measure into law on November 20, 1995. So there is no confusion—this is Public Law 104–56.

Mr. Speaker, we are a society of laws, and our adherence to the rule of law has set our Nation apart in history. I urge the President to comply with the law he helped enact.

Over the last several days, we heard from some of our Democrat colleagues that we ought to resolve this partial Government shutdown immediately and deal with our philosophical differences over entitlement spending later.

The unspoken implication in this Democrat argument is—balancing the budget in 7 years is not all that important. We can deal with that pesky deficit sometime later. Balancing the budget is a goal that can wait for an undefined, later date.

Mr. Speaker, that is the kind of logic that has created the fiscal mess we are in today. This crisis cannot wait any longer.

The fact that public officials behaved irresponsibly in the past is not a compelling reason why we should do so today.

Mr. Speaker, since we have already passed a targeted appropriations bill funding selective programs to demonstrate our good faith, we are prepared to pass a continuing resolution conditioned on the President delivering a 7-year balanced budget scored by the CBO and delivered to this Congress. He can do this in a matter of hours or just minutes if he accepts the proposal.

I urge support for this resolution, so that we can continue this process of balancing the budget in 7 years.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this resolution might as well be entitled the congressional R&R resolution of 1996. That is what it really is.

The sad thing about this process is that an immense amount of energy on

both sides of the aisle, on both sides of the Capitol, have been invested in trying to restart the Government every 2 or 3 weeks rather than in trying to find real solutions to real problems that affect real people in each of our own districts back home. And now we are asked to do it again.

What this resolution really says is that the Congress will be allowed to get out of town, until the 25th, and the Government will be reopened partially during that time period. Then the day after Congress gets back to town, the Government shuts down again, at least those portions that have been opened up by the resolution that just passed.

That is clearly not a process designed to relieve the problems faced by taxpayers, or to relieve the problems faced by consumers of Government services. That is simply a process designed to relieve the pressure on Members of Congress to stay here and do their duty and seek resolution of these major issues. That is the problem.

I would respectfully suggest to the House that we ought to vote ''no'' on this resolution, and I believe that the congressional leadership and all of the rest of us ought to remain in town, working on these problems, until they are resolved, and the Government should be maintained in an open rather than closed status while we are going through that process.

All this is simply a device by which Members can either go to their districts or take a little vacation. Someone even said the Speaker is planning a fundraising trip. This simply lets him get out of town while the Government is temporarily opened for the convenience not of the public we are supposed to serve but of the Members of Congress. That is a lousy standard and I think we ought to turn this resolution down.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Columbus, OH, for yielding me this time.

Mr. Speaker, when I was managing the last rule that we brought up, I closed by referring to an editorial that was written by Charles Krauthammer. I went upstairs and I actually got a copy of that editorial.

Mr. Speaker, it was on New Year's Day, and Mr. Krauthammer wrote that:

> The grossest misperception about the great budget deadlock is the widespread notion, fed by the media, that this is just business as usual. In fact, it is the opposite. If this were business as usual, the Republicans would have found a nice, cozy compromise using phony numbers and meaningless projections, claimed victory and gone home happy.

Not only is this not business as usual, we left business as usual behind months ago. We are well into uncharted territory in this budget confrontation.

In the past, when there were budget disagreements, it would take a weekend of keeping tourists out of the Washington Monument to convince Congress and the President that they should find a way to get the Government going again. Unfortunately, this business-as-usual get-it-done-tomorrow attitude has left this country crippled by a massive $5 trillion Federal debt.

This debt is an anchor around our economy, stifling living standards, reducing our economic competitiveness, and making interest payments the second largest budget item for the Federal Government.

Congress is now run by a breed of elected officials that are committed, above all, to do what they said they would do when they ran for office. I must admit, this is a very new concept, especially in Washington. I can understand how many Americans could be confused by a Congress run by people who insist on meeting the commitments they made to the voters.

Americans, unfortunately, have come to expect politicans that promise a balanced budget when they run for office, and offer more debt once in office. They have seen Presidential candidates promise a middle-class tax cut while running for office, only to offer a tax increase once in office. It is understandable that people want to see Congress deliver on promises. They want ''promises made, promises kept.''

This Congress, Mr. Speaker, will do just that. Balancing the budget in 7 years is our promise. We will not settle for the business as usual of phony balanced budgets which have been offered by the President, he is 4-for-4, the most recent one has an $87 billion deficit in the last, the 7th year, 2002. We will use every tool that we possibly can to achieve a balanced budget. We must do this for our Nation's children.

Mr. Speaker, I urge my colleagues to support this rule and move ahead so that we will, in fact, be able to bring about the kind of resolution that can keep the Government going and at the same time keep our eye on the ball, and, that is, balancing the Federal budget.

□ 1515

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I would take issue with the gentleman from California who said that the people that are now running this House are doing what the American people were told. The American people were not told that we were going to have a balanced budget at the expense of our elderly, our most vulnerable people in the country. You did not tell the American people we were going to cut Medicare and Medicaid. You did not tell the American people you were going to cut all the agencies that supervise our clean drinking water, the food we eat. That is not what you told the American people.

You talked about line-item veto, which you have yet to give the President of the United States, which you passed in this House.

You blame all the problems for this impasse on the President of the United States, and every Republican since I was here since Richard Nixon, and Richard Nixon was the last Republican to offer a balanced budget on the floor of the House of Representatives. So I take issue with the gentleman from California.

The group running this place now did not promise the American people that, ''If you will elect us, we are going to cut your Medicare, we are going to cut the Medicaid, and we are going to give a big tax cut to the wealthiest people in this country.'' That is not what you promised the American people, and the American people know it.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, and Members, I cannot believe what I am hearing. My mother would say to the Republicans this morning, ''You have the nerves of the brass monkey.''

How dare you come here at a time when we are in a crisis, when Federal workers have been furloughed for 21 days, when Americans are being denied services, they cannot get passports, when the parks are closed down, when small business contractors cannot get paid, when FHA loans cannot be expedited? How dare you come before the American public and say give NEWT GINGRICH the authority to recess us, to simply let us go home, to let us go about our business, to let us go on vacation, for some of you to be able to go on foreign trips, just stop the work of Congress because you find that it is in your best interests to let this crisis drag on?

Well, I ask my colleagues not to support this. We need a clean, clear continuing resolution, the vehicle by which we continue to fund Government while we are in the process of debating which way Government.

This is not about a little dispute. This is about fundamental change. This is about which way American Government. This is about whether or not there is going to be a safety net for the average American worker out there. This is about whether or not we are going to give substantial tax breaks to the rich. This is no child's play.

We cannot make mockery of this process by simply coming here and asking for an expedited procedure to recess. No, I say to the gentleman from New York [Mr. SOLOMON], we will not support you. No, we will not take your argument that says let us just do this little thing, go on home and leave it to us. We are not going to ''leave it to us.'' You have shown that you are not responsible. You have shown that you are willing to be led by the newest Republican Members in this House, who

know nothing, who have no experience, and who do not care what happens to Government.

It is absolutely unconscionable that you should come here and ask us to simply go on recess, to simply forget about those who are hurting out there, to simply not understand the fright and the pain that Americans are experiencing. No, we will not go home. No, we are not going to give you this vote. No, we are not going to join in any little conspiracy with you to do in the American people at a time when they need our support and our understanding more than ever.

Mr. Speaker, I ask Members to vote it down, not in a little way but in a big way, in a huge way. Let them know we are not playing this silly game.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman.

Mr. SOLOMON. Mr. Speaker, I just cannot believe what I just heard, for a Member of Congress to stand up and say that the new Members of this body, these freshmen Members from the Democrat and Republican Parties, do not know anything.

These Members of Congress just came from outside the beltway. They are affected like the rest of us, with this inside-the-beltway jargon. They know more about what is going on back home than all of us put together.

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

Mr. SOLOMON. I yield to the gentleman from California, one of those freshmen, an outstanding Member from California, who has brought his experience in local government and in the private sector to this body, and what a difference it has made.

Mr. BILBRAY. Mr. Speaker, as one of the freshmen who was proud to be sworn in this year, I do have to ask the gentlewoman from California to recognize that the experience that this Member brings to this House is 20 years of representing the public directly.

In 1976, when Jimmy Carter was elected, I was elected to represent the people of the city of Imperial Beach. I was elected to be mayor. I was elected to be a county supervisor of 2.6 million people. I have some experience.

But most importantly in this is every one of those 20 years, Mr. Speaker, I, as an elected official, and the body I served on did something that California, the State of the gentlewoman from California, demanded; we passed a balanced budget for our government agency every one of those 20 years. And so when a Member stands up here and says somehow because we have not been on this House floor for more than 12 months we are inexperienced, the experience that this Member brings is 20 years of balanced budgets.

I wish this House had 20 years of experience balancing the budget.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I will finish my statement.

I have just talked to the gentleman from California [Mr. BILBRAY], as I have done, I think, with every single freshman from both sides of the aisle over the last 10 or 11 months.

Let me tell you what they are talking about. Here is the most serious problem facing this Government today, and that most serious problem is these deficits that are literally drowning this Nation in a sea of read ink.

I want you to just draw a pie. The pie is the budget of this Government. It is $1.5 trillion. Today the interest, just the debt service on paying the interest of the debt that is held mostly by foreign nations in this world of ours, now totals $250 billion a year, and that is with interest rates as low as they are today and inflation as low as it is today.

Let me tell you something, if we continued along this same path, the path that President Clinton gave us when he was first elected when his 5-year projection would have added another trillion dollars to the $5 trillion debt, do you know what the slice of the pie just to pay the interest on that debt would be today? It would not be $250 billion, it would be approaching $350 billion.

Let us go back about 15 years ago when, because of deficit spending and irresponsible Government spending in this Congress, inflation had just skyrocketed to 13 percent. Do you know what the interest would be then? Instead of $250 or $350 billion, it would be over $500 billion. What is compassionate about that?

If you truly want to help people in this country, who truly need help, you cannot do it by continuing this sea of red ink, because every year that the interest, the debt service, gets larger, that means less money to truly take care of those people that cannot take care of themselves. That is what this whole debate is about here today, and that is why we have to balance the budget.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Speaking as another freshman who has not talked with the good chairman of the Committee on Rules, let me say he does not speak for this freshman. My constituents told me when I was back in my district where I came from, the private sector, not from government like the other freshman who spoke, they told me we should stay here and work.

My children go on recess at school. We are paid to stay here and work. If it means working to balance the budget, then we ought to stay here.

Let us vote down this ridiculous bill. The freshmen know better on both sides of the aisle.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, as another freshman who has not yet spoken to the chairman of the Committee on Rules, I would like to note that I served in county government. The gentleman from California [Mr. BILBRAY] and I were both on boards of supervisors, and I balanced 14 budgets.

One of the things we would never have done in my former job in local government was to leave town until the job was done.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, this resolution must be defeated. It is a resolution that allows Congress to go into recess for 21 days with the Government partially shut down.

For the last 21 days the Federal Government has not been paying some Federal workers to work and not paying other Federal workers not to work, while all the time promising to pay both groups for working and not working.

The GOP has come up with a brilliant new idea: ''We will pay Federal workers to come to work but do not actually let them work.'' That is what we are doing here today. We are paying workers not to work. That is what the so-called back-to-work resolution that the Republicans have put out here on the floor is. It is an oxymoron. It is a contradiction in terms, like jumbo shrimp or carnivorous vegetarian or moderate freshman Republican. There is no such thing.

Now, just what are these Federal workers supposed to do when they come back to their offices for the next 21 days? Play solitaire? Watch ''Oprah'' in the office?

Well, I can tell you some of the things they will not be doing: Contractors will not be funding the processing of Medicare claims for our seniors. Funds will not be provided to State Medicaid programs. EPA will not be able to investigate midnight dumpers. OSHA will not be able to investigate workplace safety problems.

You know, in ''Alice in Wonderland,'' the Red Queen said, ''When I use a word, it means whatever I want it to mean. What matters is who is master.''

The GOP reopening the Government means keeping it partially closed.

There is a better alternative. We should pass a clean continuing resolution for the next 21 days, but, no, the Republicans say, ''We will not do that unless Bill Clinton agrees to submit a plan using CBO numbers for the next 7 years to balance the budget.'' However, the Republicans signed that very same contract back in November, promising they would submit a plan that would protect Medicare, protect education, protect the environment, and give back their crown jewel, their 245 billion dollars' worth of tax giveaways to the rich. They have refused thus far to give back their crown jewel of tax breaks for the rich, and as a result they are in violation of the contract last November.

So, the hostage again continues to be the Federal Government, their employees, and those who benefit from the services, Medicare, Medicaid, and those that need protection, and the environment of our country.

Vote ''no'' on this recess. Let us stay here and work to keep our whole Government open.

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

Mr. Speaker, just so the record is protected, let me read from the CONGRESSIONAL RECORD: ''* * * and the crown jewel is not given back but it is protected with the President's approval, and that is to adopt tax policies to help working families and to stimulate future economic growth.'' That was what the Republicans signed, and that is what the President signed as well. We are still waiting for the President. We have been waiting for 50 days now, and we would like to see where he wants to start these negotiations.

□ 1530

It is very hard to negotiate in a vacuum. If you do not know where one side of the process stands, you cannot get anywhere. So, Mr. Speaker, we would implore the other side of the aisle to lean on President Clinton to get that to us so that we can have a clean CR. That is exactly what this vehicle will provide for. They will have the clean CR that they so desperately want, that we would all like to see, if the President submits that budget with our crown jewel intact.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, I think it is appropriate that all of us, in trying to come together on seeking resolution to the situation in which we find ourselves, try to not rewrite history, try to recall what the agreement was back in November. My colleague, the gentleman from Massachusetts, [Mr. MARKEY], just made the point very clearly, I thought, that not only did the President agree to use CBO numbers and seek a 7-year balanced budget, but the Congress also agreed—do not look away, I would ask the majority party to try to remember this. We also agreed that what we would do is we would see to it that we protected those matters that the President had at the forefront in believing that it was his responsibility to protect Medicare, Medicaid, education, and the environment. We did all agree to that. The majority party agreed to that.

So I think it is rather odd that everybody would say it is all the President's fault. You know, I have been around here the whole time, too. I have not yet seen the Republican Congress produce a new budget that does those things. Where is it? Have you presented that budget? Is it on the table? One that protects Medicare and Medicaid?

I heard the chairman of the Committee on Rules just a minute ago say, well, the President can put it on the table, and if he is going to spend $180 billion and we are going to spend $100 billion, we can compromise to $140 billion.

Wait a minute. Hold the phone. That puts the budget $40 billion out of kilter, does it not, if we are using the President's budget? Of course it does. Where are you going to get the $40 billion? You have not said where yet, have you? It is because you have not done you job.

Mr. Speaker, I am a little tired of sitting around here in the minority watching the majority saying, oh, this is all a White House problem. You have not met your obligation yet, and you know you have not. You have not put a budget on the table that respects what you said you would do last November. You are going to protect Medicare, you are going to protect Medicaid, you are not going to cut education, you are going to see to it we are going to continue to have school lunches for children in America. You have not done that, and I know why you have not, because you cannot do it and be honest with the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to follow up on the ''Alice in Wonderland'' analogy that the gentleman from Massachusetts made before, because that is what I feel like I am hearing today. I have the utmost respect for the gentlewoman from Ohio, the gentleman from New York on the Committee on Rules, the chairman of the Committee on Rules, but this suggestion that somehow this resolution here is here in order to bring up legislation rather than to just allow the Congress and the House to go home is just nonsense.

The majority and the Committee on Rules have the prerogative at any point to bring up legislation next week, to bring up appropriations bills, to bring up budget bills, authorization bills, of any kind they please. The only reason why this resolution is before us today is because they want to go home.

There is a lot of business that has to be done here. The last time a resolution like this came up we went home for about a 10-day holiday between Christmas and New Year's. They are not going to come back in 3 days and look at what is going on and then come back 3 days later. They are just going to go home for 3 weeks. They are going to give the impression to the public that somehow they can bring up legislation next week or 2 or 3 days from now. That is not what this is all about. Everyone knows that informally everyone has been told this a 3-week opportunity to go home.

Again, the Government is going to be shut down. The Federal workers are going to go back to work, but they are not going to have any work to do in many cases. The other CR that is going to come up later that deals with the balanced budget and opens up the Government again if the President agrees to certain terms, every one knows if that is passed here it is going to die in the Senate or not be passed into law.

It is just a farce. That is what this is all about. We have major disagreements here on Medicaid, on Medicare, on the environment. The Democrats want to preserve those programs. We need to sit down over the next few weeks with the Republicans and work out the differences so we can preserve Medicare, preserve Medicaid, preserve environment and educational programs that are important to Americans. This is not the time to go home.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I can understand why all the Members of this body would like to go on recess. It has been along, frustrating year. Virtually nothing has been accomplished, with all the rhetoric and all, lots of attention. But we ought not go home until we do our job.

The fact is that while Federal employees are no longer held hostage, they are still going to be held under house arrest. They will be paid, they will have their own personal needs taken care of, but they are locked in their offices. They cannot perform their work, because the money necessary to perform the work of the Federal Government is not provided for in this legislation.

So we have not done our job. That was our job, to provide the money, in addition to authorizing the programs, and we have not done our job. Until we do, we have no business going home.

The last time that the Republican majority overrode the will of the Democratic minority and vetoed to go home for the holidays, we created a situation where we will now, as a result of the last bill that was just passed, pay $1.75 billion to Federal employees for not performing any work. They did not want that. They wanted to be doing their job. But $1.75 billion will be paid out to civil servants who are miserable, who are frustrated, who want to serve the public, who chose a career in civil service, and now we think we can buy them off, essentially bribe them apparently to keep quiet. We will give you pay, but just go sit in your office. We do not want you performing your job.

We ought not do that. We have no business going home until we have done our job. Vote against the resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I can understand why my Republican colleagues are embarrassed to speak on a resolution of this character, because what it is going to do is it is going to

pay billions of dollars to people who ain't going to be able to do nothing to serve the public interest or carry out the functions of the Government.

The issue here is very simple: This is a go-home-or-go-traveling resolution. People who on this side are going to vote for this are going to be able to go home and tell the people what a great job they did for the people, or be off to some warm and happy place where they can enjoy themselves fully.

But make no mistake; the Government is not going to function when we pass this legislation. The Government is simply going to have a Speaker who is going to have authority to put everything over, while nothing happens in the Government. We are going to pay a lot of people, and we are going to pay a lot of people to do nothing. Toxic waste cleanup is not going forward; student loans are not going to be there for our young people; Housing and Urban Development programs, including home purchase loans, are not going to be available; Peace Corps is not going to be funded; Centers for Disease Control is not going to have the money to address the flu outbreak in the Midwest; and the food and shelter program of FEMA is not going to be funded.

This is a phoney program. Vote against it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let us call this resolution for what it is: It is a cynical resolution to allow the Republican Congress to take a vacation; nothing more, nothing less. The Republicans shut the Government down, everybody knows it. No amount of political spin can change it. They are suffering politically for it.

The Speaker tried to relieve the pressure by trying to think about a clean continuing resolution, but last night there was a rebellion in his conference amongst House freshmen Republicans. They will not have any part of it. They are on a crusade, an extreme crusade, but a crusade, so the Government is shut down.

This is to relieve them of that pressure, so there is a resolution to take the political pressure off them. It is a cynical move. Everybody knows we are not coming back until the 23d. The American public will not be fooled by this.

Congress should stay here and do its job. We should pass an absolutely clean continuing resolution to keep the Government open. This is the way it has always been done. The Republicans want to kill Medicare and Medicaid; the Democrats want to protect it. It should not be ''our way or no way.'' Let us stay here and do our job.

Ms. PRYCE. Mr. speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I was not planning on joining this debate today, but I got a phone call in the Cloakroom about 2 hours ago, and my only daughter-in-law, I have 3 married daughters, a married son, and a single son, and my one son who is married, a beautiful daughter-in-law, they have two children, and she just called me from her place of employment in Virginia and said that she is starting to go into labor. That will be grandchild number 10 today, or in the wee hours of tomorrow morning. The third child, it will probably be today.

This is really what this debate is all about. We talk about it on both sides of the aisle, that we are trying to make this a better country for our grandchildren. Our debt is so enormous, we are really talking about great-grandchildren being saddled with this massive, crushing debt.

If you look at the big picture of what 7 years is really all about, this sounds almost too simple to be believed, but it is true. My friends on the other side of the aisle want to spend $13 trillion, or at least their leader, Bill Clinton, wants to spend $13 trillion. What do we plan on spending on this side of the aisle over the next 7 years? We plan on spending $12 trillion; $12 trillion here, $13 trillion there.

Now, everybody agrees that there is too large a Government and to much spending and too many failed programs, and we are stuck here because the man down at 1600 Pennsylvania Avenue, who indicates when he is on the road that he wants to spend only the $12 trillion, but he will not tell that to this party across the country. He plays games and wants to have it both ways.

Now, my pal, the gentleman from Virginia [Mr. MORAN], and he is my Congressman when I need snow removed around here, is he suggesting that we withhold that $1.5 billion and not give it to these Federal workers? I do not think he is suggesting that. So he is going to be part of what he calls a bribe. That is not the way to refer to that money.

Mr. Speaker, what are we saying about these workers, some of whom have not been at the job for several weeks? That they are not smart enough to go in and take care of all the administrative burden that they missed over the last 2 weeks, or they cannot catch up on some administrative burden to come?

Look, it has been a given since day one in this debate that no civil servant was going to be denied a nickel of their pay once we resolved this battle in this House. Now, some Federal workers were anxious to get on television, the more nervous types. We all have different personalities. I know some others went on a skiing vacation, a vacation that is not going to come out of their vacation time; maybe a tougher person, more trusting in both parties that we were going to keep our word to pay them their backpay.

But I will tell you this, the dominant media culture, which is liberal from top to bottom, has a profile very similar to one we know in this city: Dodge the draft; adultery does not count; abortion is superior to any other decision in life, homosexuality is superior to a normal marriage; and graft does not count if it is in politics. This dominant media culture does not want change. They might want a balanced budget by raising enormous sums of taxes, but they don't want change. The media love Clinton and hate Republicans who seek limited government, lower taxes, morality, and a better America.

□ 1545

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I listened very carefully to my friend and colleague, the chairman of the Committee on Rules, here a few minutes ago, and I want to try to be helpful to him in his pursuits here. He is a good fellow, he works hard, and I think he even means well, but the fact of the matter is what he is asking us to do would be simply wrong.

He is asking us to invest in the Speaker of the House extraordinary powers to recess this House for the next 3 weeks. Now, that would be fine if we could rely upon the Speaker to do the right thing in the first place, which, of course, he has not done. We have not done what we are supposed to do, which is pass a budget.

We shut the Government down and have not been able to pass a resolution which will keep the Government going effectively. The one that has passed only does it piecemeal, part of the way. Things like FHA mortgages are not being processed, small business loans are not being processed, the environment is not being protected or cleaned up. People's health, safety and welfare are being put in jeopardy as a result of the failure of this Government to come to grips with its responsibility.

We want to balance the budget, too, just as much as the Republicans do. As a matter of fact, we have brought the budget closer into balance than it has been in a long, long time. In the last 3 years, the budget deficit has come down by about $160 billion. That is five times more than what the Republican budget resolution would achieve over the course of the next 3 years.

We want to balance the budget, we just do not want to do it the way they want to do it. What do they want to do? They want to take health care away from elderly people and from the disabled. They want to make it difficult for people to get an education. They want to take education away from children. They want to make it tougher for students to go to college or to stay in college. They want the environment to be degraded. They do not want to protect the environment. We disagree with them on all of these things.

It is not that we do not want to balance the budget, we want to do it in a different way. We want to do it in a

way that protects the elderly, that protects the infirmed and the disabled. We want to do it in a way that ensures that people have educational opportunity so that they can make something of themselves. We want to do it in a way that protects the quality of the natural environment so that people's health and safety are protected as well.

So, therefore, we cannot join them in giving this extraordinary power to the Speaker. We are going to vote no on this resolution.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume to say that I am sure the gentleman unintentionally misspoke when he said we have not passed a budget, because this body has passed a budget, and the other body has passed a budget. We sent that budget to the President, and the President chose to veto that budget and he has yet to produce one in its stead.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, I just listened to the comments of Grandfather DORNAN from California, and I thought it might be appropriate for Grandfather BARTLETT to make a comment or two.

My friend from California is exactly right, that is what this debate is about. I have 10 children, and we now have 10 grandchildren, and will have several more. Ten years from now, as America looks back at this time, almost nobody will remember that we had a partial government shutdown, but everybody in America is going to remember whether or not we balanced this budget. This is what it is all about, balancing the budget.

The measure before us now is a procedural mechanism to expedite this process. America wants us to balance the budget in overwhelming majority. Let us pass this and get on with the process.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank my friend and colleague, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding time to me.

I am sort of new to this grandfather role that my previous colleagues referred to, but I want to assure my friends that I am very proud of my new grandson, but I am very concerned about the direction that we are going with regards to this rule that is being offered.

I have to agree with my colleagues that we need to get back home and be with the people. We have had a busy year in 1995 and not had enough time to do that. Obviously, many of our Members want to visit in other places in the world and get that type of experience that is vital for the decisions that we must make, but I do not think we should do either under the action being proposed.

This rule really is a rule for crisis, yet this crisis that we have here today is a self-inflicted crisis. It is the wrong solution. What this rule is an attempt to do is to provide for the expedited procedure where we will not even examine bills in the concurrent resolution that is going to come before the House today which, I might add, is a very defective measure and process. It is an excuse.

Basically, the reason that we acted on the previous emergency Federal Congressional Resolution, the CR, to put the employees back to work and fund some high-profile programs and as my colleagues have commented and then tied their Federal workers' hands so they cannot do their work, which makes no sense at all, the reason that was enacted was so that we could act on this crisis rule and then there would be this 3 week hiatus.

Incidentally, I would point out to my colleagues that the previous CR for putting Federal workers back to work in those selected programs is about the same length as this particular rule. So the whole modus operandi here in terms of handing this to the Speaker, is to get the Members out of town, to postpone making decisions and to postpone the work we should be doing on the budget.

And where are we today? I think a little review of the agenda is in order. We are 13 weeks into the fiscal year and the Government has been down for 4 of those 13 weeks. Over 30 percent of the time the Government has been in shutdown or partial shutdown this fiscal year under the Republican leadership in this Congress, which has failed to enact the necessary spending bills for this fiscal year. Failed to enact them. Three of them have not even been presented to the President.

Of course, we get a lot of excuses about that and the straw man arguments about the balanced budget, but those are arguments that should be met and resolved at the negotiating table and reasonable compromise attained.

The Republican Congress has tried repeatedly to make a virtue of shutting down the Government and claiming piously their 7-year balanced budget plan as a heat shield. But the issue isn't a balanced budget—the issue is how do we, the total Federal Government, achieve such goal. For a real agreement rather than a political posture. Neither Democrats or Republicans have a monopoly on precise or correct economic forecasts. This rule simply is an excuse and an attempt in the end to dump the funding problem, and there will be funding problems for numerous Federal programs on the Senate or the President. Let's defeat this rule and work.

Ms. PRYCE. Mr. Speaker, I yield 4 minutes to the gentleman from the State of California [Mr. BONO], a distinguished freshman Member.

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

Mr. BONO. Mr. Speaker, I am truly fascinated and I enjoy being here because it is such a thrilling education, and a big part of this education is how people can take basic truths or just basics and twist them and turn them to give impressions that have nothing to do with the issue.

I just heard a statement that the Republicans have shut down the Federal Government under the Republican leadership. It was shut down under the leadership of the President of the United States.

Now, how complicated is this issue? Let me tell my colleagues how complicated this issue is. Why did all this start? It started because we had a position that we should balance the budget. Now, we could lie to the American public and tell them not to worry about it, that they will keep getting their money and they should not worry about it; they will get it forever. But, see, it runs out in 14 years. Everybody admits that. So that is like saying, well, yeah, everything is going to crash, but we should not worry about it.

We are taking all this heat because we are saying to the American people, please be aware that the country is going to crash in 14 years. There will be no money if we operate status quo. It is that simple.

We are saying, well, one way to start handling these problems is to balance the budget. Now, the President says, all right. We will balance, says the President. I sat here and I saw him say we will balance the budget and it should be CBO scored. Well, then we cut a deal, shake hands and wait for the CBO score that the President said he would commit to. The date that he said he would commit to it is gone. He has not committed to it.

Now, what have we done again? We have now again said, okay, let us do this all over again. Mr. President, give us a CBO scored balanced budget in 7 years and we will open up the whole deal. Now, that rests on his shoulders. So what I am saying to my colleagues is, put the appropriation of these problems where they belong. They belong on the President's shoulders.

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

Mr. BONO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman yielding, but in my statement, which the gentleman referred to, I said we failed to enact, which, of course, requires the President's signature on appropriations bills. Furthermore, we have not sent 3 of the 13 appropriation bills to the President.

So it is our responsibility, in terms of acting on this, to make certain that these bills, not for 14 years but for this year, in 1996, are enacted.

Mr. BONO. Mr. Speaker, reclaiming my time, I thank the gentleman. I appreciate that. I enjoy those lessons because I learn how to expand language to where we lose communication with the issue, and that was an experience of that.

I am not going to lie to the American public. If we do not address the problem of what is going to happen in 14 years right now, this country will crash, and that is the reality of the situation. We have to do that jointly and we cannot fool the public. It is wonderful to let our numbers go up and say, look, whatever people want, they can get, and they should not worry about it, but we cannot do that.

So I hope this time the same simple message will get to the President and he will submit a balanced budget scored by CBO in 7 years. It is that simple and that would be the end of all of this tribulation.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise to say, don't be fooled, taxpayers don't be fooled. The Gingrich shutdown is still alive and well. The list of unmet needs goes on and on. And, to add insult to injury, the Gingrich Republicans now want to skip town and leave the American people with the bill.

Mr. Speaker, 198 House Democrats want to keep working to end this shutdown. The other body wants to keep working. For Pete's sake, even BOB DOLE wants to keep working.

There can be no doubt in anyone's mind that it's the Gingrich Republicans who would rather go home than get this Government up and running again.

Mr. Speaker, for the people of this country and for the honor of this institution, don't even think about sending us home. Our No. 1 job right now is to end this shutdown as soon as possible. I urge my colleagues to oppose this foolish resolution.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume to say that this body has done its part and will do its part later on this afternoon to end this shutdown, the Senate has pledged to do its part later on this afternoon to end this shutdown, and then America must look to the President to see if he does his part to end this shutdown.

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

□ 1600

Mr. MOAKLEY. Mr. Speaker, will you kindly inform the parties as to the time remaining.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Massachusetts [Mr. MOAKLEY] has 3 minutes remaining, and the gentlewoman from Ohio [Ms. PRYCE] has 2½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, I rise today to remind everyone who is listening what is being discussed when we discuss this budget impasse.

Mr. Speaker, what is being discussed is not whether we have a balanced budget in 7 years; it is how we balance the budget. Can we balance it with no tax break, half of which goes to the top 12 percent of income tax earners? Yes, that is how we can balance it, and in 7 years.

In fact, 68 of us who are moderate Democrats in this body have voted for a 7-year balanced budget. Yes, my colleagues heard me correctly, 7 years balanced, but with no tax break. The reason is that tax break money is used to soften the impact on our seniors, on our poor children, on our environmental standards, and on our educational commitments.

We need to make sure that we keep these things in mind as we consider these budget issues. But more than anything else, we need not to do it on the backs of the very people who are going to suffer if we do not get on with this job.

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

Mr. Speaker, I would just like to remind my colleagues on both sides of the aisle that if we think today's budget decisions are difficult, we just have to wait until our Nation sees the year 2030. If we do nothing, either all Federal taxes would have to be increased by 85 percent or all Federal spending programs would have to be cut by 50 percent.

Mr. Speaker, this is our last, best chance. We must balance the budget, and the President must do his part.

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

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Ms. JACKSON-LEE].

The SPEAKER pro tempore. The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 2 minutes.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the work of the gentlewoman from Ohio [Ms. PRYCE]. She knows that we were together last evening at the Rules Committee meeting trying to come together in a bipartisan manner to really respond to the needs of the American people, and that is to open the Government fully, not because of any self-serving interests but really to put good public servants back to work fro the American people. I know that the American people do not believe that. But so that we can actually do the job that the taxpayers want public servants to do.

Mr. Speaker, I believe that we have not come to do that today, and it is important to clarify what we are doing right now; why I am in the well of the House right now. This is not a balanced budget vote; this is a go home vote. This is to give to the Speaker of the House the power to play a hide-and-seek game. That is, to hide away the negotiations of the budgeting process so that we will not be able to speak on behalf of those needing Medicare and Medicaid and a clean environment.

Mr. Speaker, I believe it is important that their Congress be engaged in this process. With this martial law, the Speaker of the House is asking for a recess and is saying ''I will call you back when I want to think about calling you back.''

We are being put in a position as the U.S. Congress to abdicate our responsibilities of give and take in the budgeting process. For those who would think that the President of the United States shut this Government down, we have had on many occasions cleared continuing resolutions placed before the Speaker and he has refused to allow this Congress to vote on it.

Who has ever seen, as documented by the press, not by any Members in this well, an animated and engaged President in the midst of budget negotiations trying to be in front of the bulldozer that is running over student loans, of running over HUD loans, or running over small business assistance loans.

It is important that we face the reality, Mr. Speaker. We must not go home, and we must insist that we fully work. NASA employees, who will be called upon to do another launch next week. They must be able to work fully with the ability to use all resources so we can ensure the complete safety of their launch.

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

Mr. Speaker, it is difficult to predict what will happen between the leadership of the Congress and the White House. The purpose of this resolution is to give the House some flexibility in responding to whatever progress is made over the next few weeks and to respond quickly.

It is hard to accept change. It is hard to depart from the status quo. It is hard to keep promises. But I will say again, this is our last, best chance to balance the budget of our country for our children's future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Florida [Mr. GOSS], a valued member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I only wanted to point out that this really is not a vote about going home. This is a vote about opening up Government. This is the vote that gives us the key to getting to that clean, clear, continuing resolution that I keep hearing about from the other side. This is the vote that smooths the pathway to get us to that chance.

So, Mr. Speaker, those who vote ''no'' on this procedural vote are voting to keep the Government closed and are voting to keep those employees coming to their desks and not having the money to do their jobs, and having that scenario of ''the sky is falling'' that has been so graphically painted by so many Members on the other side.

So, if Members care about efficient government, if they care about having the opportunity to open it up to get the funds, the services flowing, the people back to work, then they must vote

''yes'' on this procedural vote so we can get to the next piece of business before this body, which is, indeed, a continuing resolution that does, I hope, get us to a balanced budget with the President of the United States aboard as a player.

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

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, I have a parliamentary inquiry. Is it appropriate to ask for a parliamentary inquiry at this time before the vote?

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] has already moved the previous question.

Mr. HEFNER. Mr. Speaker, I was on my feet. I just want to make a parliamentary inquiry. Is that out of order?

The SPEAKER pro tempore. The gentleman will state it.

Mr. HEFNER. Mr. Speaker, before we vote, it has not been explained to me, if this passes, then every 3 days at the end of a recess does there have to be a pro forma session for the Speaker to declare the next 3 days, or whatever, in recess? Does there have to be a pro forma?

The SPEAKER pro tempore. The Chair will not interpret the resolution while it is pending and must let the text of the resolution be interpreted by Members of the House.

Mr. HEFNER. Mr. Speaker, is that not a proper parliamentary inquiry? What is the proper parliamentary inquiry then to find out how I want to vote?

The SPEAKER pro tempore. The Chair cannot interpret the pending resolution. The resolution is before the House.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 19, as follows:

[Roll No. 8]

YEAS—224

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

NAYS—190

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

NOT VOTING—19

Bryant (TX)
Chapman
Chrysler
Clayton
Fazio
Fields (TX)
Hayes
Johnston
Lightfoot
Livingston
Montgomery
Myers
Quillen
Rose
Stark
Stockman
Studds
Wilson
Wyden

Mr. KLECZKA and Mr. TAYLOR of Mississippi changed their vote from ''yea'' to ''nay.''

Mrs. ROUKEMA and Mr. TIAHRT changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1630

PROVIDING FOR DISPOSITION OF SENATE AMENDMENT TO HOUSE JOINT RESOLUTION 134, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1996, and for other purposes, with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment consisting of the text printed in the report of the Committee on Rules accompanying this resolution.

SEC. 2. House Concurrent Resolution 131 is hereby adopted.

SEC. 3. The Clerk shall not transmit to the Senate a message regarding H.J. Res. 134 until the House has received a message that the Senate has agreed to House Concurrent Resolution 131 as adopted by the House.

The text of the Senate amendment and the motion are as follows:

Senate amendment:

Strike out all after the resolving clause and insert:

TITLE I

AID TO FAMILIES WITH DEPENDENT CHILDREN AND FOSTER CARE AND ADOPTION ASSISTANCE

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995:

All projects and activities funded under the account heading ''Family support payments to States'' under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Payments to States for foster care and adoption assistance'' under the Administration For Children and Families in the Department of Health and Human Services;

Such amounts as may be necessary for the medicaid program under title XIX of the Social Security Act for the second quarter of fiscal year 1996; and

All administrative activities necessary to carry out the projects and activities in the preceding three paragraphs:

Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which including funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 3, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

TITLE II

DISTRICT OF COLUMBIA

That the following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 201. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996;

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 211 or 212 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 202. Appropriations made by section 201 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 203. No appropriation or funds made available or authority granted pursuant to section 201 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 204. No provision which is included in the appropriations Act enumerated in section 201 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this joint resolution.

SEC. 205. Appropriations made and authority granted pursuant to this title of this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this joint resolution.

SEC. 206. Unless otherwise provided for in this title of this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 3, 1996, whichever first occurs.

SEC. 207. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 208. Expenditures made pursuant to this title of this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 209. No provision in the appropriations Act for the fiscal year 1996 referred to in section 201 of this title of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 206(c) of this joint resolution.

SEC. 210. Appropriations and funds made available by or authority granted pursuant to this title of this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 211. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the Act listed in section 201 as passed by both the House and Senate as of

the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 201 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 201 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of this title of this joint resolution, the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 212. Notwithstanding any other provision of this title of this joint resolution, except section 206, whenever the rate for operations for any continuing project or activity provided by section 201 or section 211 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 213. Notwithstanding any other provision of this title of this joint resolution, except sections 206, 211, and 212, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this resolution that would impinge on final funding prerogatives.

SEC. 214. This title of this joint resolution shall be implemented so that only the most limited funding action of that permitted in this title of this resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 215. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this joint resolution.

SEC. 216. Notwithstanding any other provision of this title of this joint resolution, except section 206, none of the funds appropriated under this title of this joint resolution shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this joint resolution otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE III

VETERANS' BENEFITS

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 302. EXPIRATION DATE.

Section 301 shall expire on January 3, 1996.

Motion offered by Mr. Livingston:

Mr. Livingston moves that the House concur in the Senate amendment with an amendment, as follows:

(1) In lieu of the matter proposed by said amendment, insert:

TITLE I

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All nutrition services for the elderly under the account heading ''Aging services programs'' under the Administration on Aging in the Department of Health and Human Services;

All grants to States for child welfare services, authorized by title IV, part B, subpart 1, of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for Children and Families in the Department of Health and Human Services;

All Federal Parent Locator Service activities, as authorized by section 453 of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for Children and Families in the Department of Health and Human Services;

All State unemployment insurance administration activities under the account heading ''State unemployment insurance and employment service operations'' under the Employment and Training Administration in the Department of Labor;

All general welfare assistance payments and foster care payments, as authorized by law, funded under the account heading ''Operation of Indian programs'' under the Bureau of Indian Affairs in the Department of the Interior;

All projects and activities funded under the account heading ''Family support payments to States'' under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Payments to States for foster care and adoption assistance'' under the Administration For Children and Families in the Department of Health and Human Services;

All administrative activities necessary to carry out the projects and activities in the preceding two paragraphs;

All projects and activities funded under the account headings ''Dual benefits payments account'', ''Limitation on administration'' and ''Limitation on railroad unemployment insurance administration fund'' under the Railroad Retirement Board;

All projects and activities necessary to accommodate visitors and to provide for visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the facilities operated by the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial; and

All projects and activities necessary to process visas and passports and to provide for American citizen services, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriation Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provide in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, except for the projects and activities under the headings ''Family support payments to States'' and ''Payments to States for foster care and adoption assistance'', for which date shall be March 15, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorization or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by the title of this Act shall be considered to have begun on December 16, 1995.

SEC. 111. Notwithstanding any other provision of this Act, except section 106, funds appropriated under section 101 for the payment of vested dual benefits under the Railroad Retirement Act shall be made available so as to fully fund the payments made on January 1, 1996, and the payments to be made within the period covered by this Act including those payments to be made on the first day of each month within the period covered by this Act. In addition to the funds appropriated under section 101 of this Act, $12,800,000 is appropriated to restore full funding for payments made for the period prior to January 1, 1996.

SEC. 112. Notwithstanding any other provision of this Act, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this Act, notwithstanding paragraph (3) of said subsection.

TITLE II

VETERANS AFFAIRS

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees excepted from the provisions of the Antideficiency Act (31 U.S.C. 1341 et seq.) who are continuing projects and activities conducted in fiscal year 1995 who work during periods when there is otherwise no funding authority for their salaries.

SEC. 302. Appropriations made by section 301 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 303. No appropriation or funds made available or authority granted pursuant to section 301 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 304. No provision which is included in the appropriations Act enumerated in section 301 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 305. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 306. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 26, 1996, whichever first occurs.

SEC. 307. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 308. No provision in the appropriations Act for the fiscal year 1996 referred to in section 301 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 306(c) of this Act.

SEC. 309. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 310. ALL FEDERAL EMPLOYEES DEEMED TO BE EXCEPTED EMPLOYEES.

(a) IN GENERAL.—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through January 26, 1996—

(1) by inserting after the first sentence ''All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.''; and

(2) by striking out the last sentence.

SEC. 311. EXCEPTED EMPLOYEES UNDER NORMAL LEAVE POLICY.—Federal employees considered excepted from furlough during any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.—Notwithstanding any other provisions of law, beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be

totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.

SEC. 314. Appropriations made pursuant to section 301 are made notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 53 of the Arms Control and Disarmament Act, and section 10 of Public Law 91–672.

TITLE IV

That the following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996: *Provided*, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided*, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 402. Appropriations made by section 401 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 403. No appropriation or funds made available or authority granted pursuant to section 401 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 404. No provision which is included in the appropriations Act enumerated in section 401 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this Act.

SEC. 405. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

SEC. 406. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 407. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 408. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 409. No provision in the appropriations Act for the fiscal year 1996 referred to in section 401 of this title of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 406(c) of this Act.

SEC. 410. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations of submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 411. Notwithstanding any other provision of this title of this Act, except section 406, whenever the Act listed in section 401 as passed by both the House and Senate as of the date of enactment of this Act does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 401 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 401 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 412. Notwithstanding any other provision of this title of this Act, except section 406, whenever the rate for operations for any continuing project or activity provided by section 401 or section 411 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366.

SEC. 413. Notwithstanding any other provision of this title of this Act, except sections 406, 411, and 412, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.

SEC. 414. This title of this Act shall be implemented so that only the most limited funding action of that permitted in this title of this Act shall be taken in order to provide for continuation of projects and activities.

SEC. 415. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this Act.

SEC. 416. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be used to implement or enforce any system or registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE V

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.

(a) If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

(b) For purposes of this subsection, the term ''State'' shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating

to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

(2) Amend the title so as to read: ''Making appropriations for certain activities for the fiscal year 1996, and for other purposes''.

The text of House Concurrent Resolution 131 is as follows:

H. CON. RES. 131

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

SECTION 1. NOTIFICATION OF COMPLIANCE.

The Committee on House Oversight (pursuant to clause 4(d)(1) of rule X of the Rules of the House of Representatives) shall not present to the President the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1996, and for other purposes, until the Speaker of the House notifies that committee that the requirements of this concurrent resolution have been met.

SEC. 2. PRESIDENT'S SUBMISSION OF 7-YEAR BALANCED BUDGET.

The Speaker shall submit to the Committee on House Oversight the notification described in section 1 only if the following conditions have been satisfied:

(1) The President has submitted to the Congress a plan to achieve a balanced total budget not later than fiscal year 2002, which includes the following:

(A) The proposed text of a budget plan for fiscal year 1996 and each fiscal year thereafter through fiscal year 2002 that includes total new budget authority and budget outlays, total Federal revenues, and new budget authority and budget outlays for each major functional category, including a breakdown between discretionary and mandatory spending within each such category.

(B) The proposed text of legislation to implement the budget described in subparagraph (A).

(C) A detailed summary setting forth the policies underlying the budget described in subparagraph (A) and the proposed legislation described in subparagraph (B).

(2) The Director of the Congressional Budget Office has certified in writing to the Speaker of the House and the President pro tempore of the Senate that the plan described in paragraph (1) achieves a balanced total budget not later than fiscal year 2002, as estimated by the Director using the economic and technical assumptions specified in or consistent with the Congressional Budget Office Memorandum entitled ''The Economic and Budget Outlook: December 1995 Update''.

SEC. 3. SUBMISSION OF COPY OF CONCURRENT RESOLUTION TO PRESIDENT.

Upon the adoption of this concurrent resolution, the Clerk of the House of Representatives shall transmit a copy to the President.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I might consume. During consideration of the resolution all time yielded is for debate purposes only.

Mr. Speaker, this rule makes in order the adoption by the House of an amendment to the Senate amendment to House Joint Resolution 134, a continuing appropriations resolution for fiscal year 1996.

House Joint Resolution 134 was initially passed by the House back on December 20. It dealt with emergency appropriations for veterans' benefits. The resolution was passed by the Senate with an amendment on December 22.

However, those veterans benefits were provided for in another continuing resolution which this House adopted on December 22.

The House amendment which this rule would self-execute to adoption would simply provide for a governmentwide continuing appropriation through January 26, 1996.

The rule further provides for the self-executed adoption of House Concurrent Resolution 131 introduced by the chairman of the Budget Committee.

The concurrent resolution provides that the continuing resolution shall not be transmitted to the President for his signature until the Speaker notifies the Committee on House Oversight that the President has submitted to the Congress a 7-year balanced budget as certified by the Congressional Budget Office.

Mr. Speaker, the President could reopen the rest of this Government today or tomorrow simply by sending us that 7-year balanced budget that he and the Congress committed by law to enacting at the end of the first session of this Congress—last Wednesday.

I regret that there has not been substantial movement in that direction by the President since he signed that balanced budget pledge into law last November 20.

It was therefore decided by our leadership and conference to provide the President with an incentive to finally produce what he is legally obliged to produce. That incentive is to reopen the entire Government through January 26 if he takes this good-faith step in the direction of a balanced budget.

Once the Congress and President are negotiating from the same numbers, it should be much easier for those talks to reach a final agreement on a balanced budget.

We have been reaching out to the President not once but twice today to signal our good faith and willingness to get down to serious negotiations. We have already voted to put Federal workers back to work with pay and fund certain emergency programs. And now we are offering a reopening of the rest of the Government.

The ball is now in the President's court. He can reopen the Government. It won't require any heavy lifting since there are already several balanced budget proposals in writing by members of his own party. He need only bring one of them, send it to us, get it certified by CBO, and the Government is reopened. It is just that simple.

Then, over the next few days the President and Congress can get down to the real unfinished business from last year of giving the American people the best gift we could—a brighter future for them and their children and grandchildren by balancing our Nation's budget.

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

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

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary 30 minutes of debate time.

Mr. Speaker, we are pleased that the Republican leadership is finally willing to allow the House to consider legislation which would reopen all the Federal agencies that have been shut down and keep them open until January 26. The continuing resolution that would be passed by adoption of this rule is certainly far more rational and sensible than the targeted continuing resolution that the House passed earlier today.

However, we oppose this self-executing rule because it prohibits the House from considering any alternative version of the legislation, including the alternative that we continue to believe is the best way to end the Government shutdown, a continuing resolution that has no conditions attached.

Under the terms of this rule, Mr. Speaker, the continuing resolution which would reopen the Government would be sent to the Senate only after the Senate also agrees to requiring the President to submit a plan that balances the budget in 7 years as is scored by the Congressional Budget Office. In other words, after adopting this continuing resolution it would stay here, in the House of Representatives, until the Senate agrees to the terms of this plan.

Requiring the President to submit a balanced budget plan would most certainly delay ending the shutdown because of the time it would necessarily take for the White House to develop a plan and for CBO to analyze it.

Our distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], has suggested that this measure would allow the Government to be reopened perhaps as soon as Monday morning, but that is probably a far too optimistic view.

Many of us on this side of the aisle, I would guess the majority of us, would very much like to see an agreement on balancing the budget in 7 years. A number of us voted for a plan, the so-called coalition budget that would, in fact, provide for a balanced budget in 7 years. However, we think that requiring the President to submit a balanced budget proposal is completely unnecessary and demeaning. Not only is President Clinton fully committed to reaching agreement on a plan to balance the budget in 7 years, but he has also personally spent approximately 40 hours himself at the negotiating table pursuing that goal. By all accounts the President is working extremely hard to resolve the differences with Congress over the budget, and it is insulting to him and to the majority of Americans who support his position on this matter

to demand that he do more than he is already doing simply as a price for reopening the Government.

Mr. Speaker, it appears that finally nearly all of us are in agreement that the Government shutdown should end. Let us just do it. Let us stop the terrible and absurd waste of taxpayers' money and lost government services that has resulted from the shutdown, a shutdown that is costing $50 million, or thereabouts, each business day and causing an incalculable amount of hardship and disruption, and let us stop it as soon as possible.

Mr. Speaker, I urge my colleagues to defeat the previous question. If the previous question is defeated, we shall offer an amendment. The amendment would send the clean continuing resolution to the President immediately, stopping the delay mechanism in the concurrent resolution unless House Republicans live up to their part of the deal and lay on the table a 7-year balanced budget that protects Medicare and Medicaid, education, agriculture, national defense, and veterans. The last continuing resolution made a commitment to enact a balanced budget that provides adequate funding for all of those programs. Now the majority are adding a new requirement, that the President must put forth a proposal that meets the conditions for the measure to be enacted.

Mr. Speaker, we say to our colleagues on the majority side,

> If you now would require the President to submit a proposal in advance, it is only fair that you submit something in advance that lives up to the agreed-upon goals.

The budget the President vetoed is woefully inadequate. The budget submitted was vetoed precisely because it did not achieve the goals and protect the programs the House Republicans committed to achieve and protect. The effect of this new section is to provide for the immediate transmission of a clean continuing resolution unless the House Republicans can submit a new budget that does, in fact, meet those goals.

This amendment would put the budget negotiations on terms that are fair. The majority would have to decide either allow the continuing resolution to go forward without delay or delay it until both the President and the majority submit a balanced budget that meets the terms of the budget negotiations that have already been agreed to.

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

□ 1645

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from northern Virginia [Mr. DAVIS], an outstanding Member of this body from close by.

Mr. DAVIS. Mr. Speaker, I appreciate the gentleman yielding time to me.

Mr. Speaker, let me first of all say I am grateful we have gone part of the way to opening up the Government. I want to go the full way. I believe we ought to have a clean resolution. Barring that, I think this is a very good step in that direction.

Let me just say, all we are saying here, as I understand it, there would not have to be any unnecessary delays because there are a number of balanced budget provisions that have been put out there by Democratic Members of the House and Senate: the Blue Dog budget here in the House, the Senate Democrats. If the President adopted any of those, which have already been scored by CBO, we could open the Government by Monday. I would ask the gentleman from New York, am I right?

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

Mr. DAVIS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman is absolutely correct. There are now 21 days provided by this legislation. If the President were to submit any one of those budgets, the full Government would be functioning 10 minutes from now.

Mr. DAVIS. Mr. Speaker, this does not require the President, as I understand it, to support any tax cut. He could have full funding for Medicare. He could add money to Medicare over and above what the law allows, add more money to the environment, add more money to education. I guess the bottom line is it just requires the numbers to add up by the year 2002. Is that correct?

Mr. SOLOMON. Mr. Speaker, the gentleman is absolutely correct.

Mr. DAVIS. My friend, the gentleman from California [Mr. BEILENSON], who I think is a very able man, has mentioned that this would be demeaning to the President to ask him to submit a balanced budget. I do not think it is demeaning at all. He campaigned on it. We have submitted our balanced budget. He has found tremendous fault with that, which is his prerogative, but we need to have a dialog. It is very difficult to engage in discourse, dialogue, and negotiation when the goalposts keep getting moved back every time we get close. That is our great frustration. If we could have the president to submit his budget, we submit ours, and then we could move, I think that would help and further the negotiation.

I would just say to my friend, the gentleman from New York, there is nothing really to prevent the government from opening fully on Monday if this were to pass, if the President were to embrace already one of the plans that has been submitted by different Democratic groups in the Congress.

Mr. SOLOMON. If the gentleman will continue to yield, that is correct, Mr. Speaker. I am told that the Congressional Budget Office could, even with a whole new proposal by the President, score it within 10 hours, and certainly if it is one that has already been scored they could do it in a matter of minutes.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], our distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, as we have heard many times today, a large portion of the Government has now been closed for 21 days. We have just passed a resolution which partially opens some of those agencies and partially provides some of the services those agencies are supposed to be providing.

Now we have before us a second proposition which says that the Government will open fully between now and the end of January only if the President submits a new budget which is balanced in 7 years, as scored by the Congressional Budget Office. The justification of our Republican friends for that position is that they claim that the President agreed to do that when he signed the previous continuing resolution.

That is not what the President agreed to do. The President and the Congress both agreed to enact a resolution which balanced the budget in 7 years, as scored by CBO, provided that it met certain other tests. This is the text of the agreement reached in the last budget resolution. It says: ''The President and the Congress shall enact legislation in the first session of the 104th Congress,'' and that is already by the boards on both sides, ''to achieve a balanced budget no later than fiscal year 2002, as estimated by the Congressional Budget Office.''

However, what this resolution would do is knock out the rest of the agreement. The rest of the agreement says that that 7-year balanced budget amendment scored by CBO must adequately protect Medicare, must adequately protect Medicaid, must adequately protect education, must adequately protect the environment, must adequately protect veterans services, and several other items.

They assert on the Republican side of the aisle that the President has an obligation to offer as part of his negotiating position what he agreed to sign onto as a final proposition. OK, let us take you at your word. If you say that he has an obligation to do that, then all we want you to do is to buy into our motion which we would offer if we can defeat the previous question on the rule. We want you to buy into the idea that you have a concurrent obligation to meet the same test, because a lot of us on this side of the aisle are tired of seeing you on your side of the aisle each day want to grade the President's performance that day, when you will not be prepared to take the same test you are asking him to take. All we want you to do is to say, ''OK, what is sauce for the goose is sauce for the gander.''

If the President is going to be required to submit a 7-year balanced budget which meets the test of this agreement, then so are you. You keep asking, ''Where is the President's 7-year balanced budget?'' We ask, ''Where is yours? Where is your 7-year balanced budget that meets these

tests?'' You have submitted no budget so far that adequately protects Medicare, that adequately protects States on Medicaid, that adequately funds investments in education and the environment, and adequately protects all veterans services.

You have not submitted any budget that meets that test, so all we are saying is if you want the President to meet his half of that test, you meet yours. You can vote for that by voting down the previous question so we can offer our resolution.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, one of the interesting things in the Republican budget is the change of capital gains. Forgetting the merits, somehow it costs $9 billion in the year 2001, costs nothing in the year 2002, when we are supposed to be in balance, and then costs $10 billion in 2003. Is that not sort of a little weird, strange arithmetic in 2002?

Mr. OBEY. Mr. Speaker, it is the same kind of wackiness, it seems to me, that has caused us to miss budget targets each year since Ronald Reagan promised that if we just passed his budget, which we did, the budget would be balanced in 4 years.

Mr. SABO. I thank the gentleman.

Mr. OBEY. Mr. Speaker, I would urge the House to vote against the previous question on the rule so we can have an approach to this which requires the same thing of the Republican majority that they want to require of the President of the United States.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Georgia, Mr. JOHN LINDER, a distinguished member of the Committee on Rules, on the capital gains tax cut.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we just heard the colloquy on this side of the aisle regarding capital gains, and the gentleman wonders how it could have a $9 billion number 1 year, none the next year, and a $10 billion the next year.

I do not know how CBO scores this, but no matter how it scores it, it is wrong, because reducing capital gains every time we did it has increased revenues. When Jimmy Carter cut the capital gains tax in 1977 there were $50 million in venture capital pools. The revenues from the capital gains category increased in every succeeding year until 1986, when the venture capital pools had more than $5 billion in them. That, frankly, is what funded the increase in jobs during the Reagan revolution.

When you raised the revenues in the capital gains category, immediately the revenue fell off the table because it is too expensive to transact business when the Government takes its large share out. We know there is somewhere between $6 trillion and $9 trillion in this country being held by mom and pop stores and farmers, and just people who would like to sell their assets. There are $6 to $9 trillion being held captive by the high cost of government that would become transactions that would increase revenues dramatically in the capital gains category, so the scoring system used by the CBO, the system is wrong, and we would have more revenues than we ever dreamed. This happened twice in the last 30 years. It will happen again. I thank the gentleman for yielding time to me.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. FROST].

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

Mr. FROST. Mr. Speaker, it is curious that suddenly we are at the end of the day and we are going to be gone until the 23d. I had some questions about why are we going to be gone until the 23d. I think I have the answer. I would like to share with the House the Speaker's fundraising schedule for the next 2 weeks.

On January 9 he will be in Colorado Springs, CO. On January 9, he will be in Bloomington, MN. On January 10, he will be in Boise, and then Indiana. On January 10 he will be in Seattle, WA. On January 11 he will be in Baskerfield, CA. On January 12 he will be in Napa, CA. On January 15 he will be in Detroit, where people are being charged $10,000 to have their picture taken with the Speaker. He will also be in Dallas, TX, on January 15.

On January 17 he will be in Fort Wayne, IN. On January 17 he will be in Evanston, IN. On January 19 he will be in Knoxville, TN. On January 19 he will be in Memphis, TN.

There have been some questions about good-faith negotiating and wanting to keep the President negotiating. It is going to be very difficult, I would think, for the Speaker to negotiate with the President while he is traveling around the country raising money for Republican Members of Congress and for the Republican National Campaign Committee. I know these are all tentative dates and something might change in the schedule, but these have appeared in the press and there have been discussions of these. The Speaker certainly has a very busy schedule raising money in the next 2 weeks.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Texas [Mr. FROST] for advising us on the Speaker's schedule. I know there are a great many people in this country who are going to be interested in attending some of those events.

Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Colorado [Mr. MCINNIS], a member of our committee.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wonder where the gentleman from Texas [Mr. FROST] is going to be, chairman of the DCCC, what kind of fundraising he has been attending in the last couple of months.

Mr. Speaker, I think that the people in this Chamber should be aware of the fact that the gentleman from Texas is head of the DCCC, and certainly he is out there doing fundraising under his duties as well. That is the issue here. The issue is we have to get to a balanced budget. Quit trying to divert on some of this sidelight stuff, unless you want to implicate yourself.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, in response to the gentleman, I am not one of the designated negotiators. I have not been designated by the Democratic side to negotiate the budget. The Speaker is one of the designated negotiators. Therefore, I would expect him to be here.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], our distinguished ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding time to me.

Mr. Speaker, this rule is typical of the politics-as-usual we're getting so used to these days.

Today, on the 21st day of the Federal Government shutdown, we are looking at another attempt to back the President into a corner, to force him to cut Medicare to pay for tax cuts, and he won't do it.

He won't get tripped up by the strings attached to this continuing resolution and my Republican colleagues shouldn't even be bringing it up.

As we are speaking, the Rules Committee is meeting to consider the third continuing resolution to come before the House today. They say three's a charm but from what I hear, Mr. Speaker, they still haven't got it right.

This third continuing resolution opens up a few more Government services, services that should not have been stopped in the first place, but it does not go all the way.

My Republican colleagues say they want to run the Government like a business. This business is making the former Soviet postal service look good. Republicans are sending people back to work. And they are paying people to go back to work, which they certainly should do, and which they should have done 3 weeks ago. But they still won't let everyone do their work.

They are willing to pay for meals for senior citizens, but will not provide for their delivery. They will give us meals but no wheels and, Mr. Speaker, that's not enough, the Government should be completely opened, and it should be completely opened now.

It's time to do a clean continuing resolution. It's time to reopen the Government, send everyone back to work, pay them, and let them do their Jobs. At the rate we're going, the rate of a

few programs a day, it will take about 3 weeks before the Government reopens, and, Mr. Speaker, the American people want it open now.

My colleagues say they want the President to yield to their demands, they want him to propose cuts in Medicare just as they have. But they will not agree to his request to protect Medicare.

Mr. Speaker, I urge my colleagues to defeat the previous question. We need a balanced budget but not at the expense of Medicare, education, and the environment.

□ 1700

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

I would like to point out that Senator DOMENICI just called and said when the Congressional Budget Office rescored our figures, they came up with $135 billion, which added back to the very things our good friend, Mr. OBEY, was asking for: the environment, education, Medicare, Medicaid.

Mr. Speaker, I yield 2 minutes to the gentleman from New York, my good friend [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise today in strong support of this continuing resolution that requires the President to submit a CBO-scored balanced budget within 7 years. My friends, doublespeak in our Nation's Capital is alive and well. We are expected to believe that the President now has to rush around to put the numbers together for a balanced budget. Well, my friends, the President's campaign pledge was to have a balanced budget in 5 years; not in 7 years, not in 8 years, not in 10 years, but in 5 years.

My friends, let us get it straight. When the President signed the continuing resolution in November, he signed a legal commitment to send Congress a 7-year balanced budget, but 7 weeks have passed and we are still waiting for him to live up to his promise.

In the past, the President has repeatedly said he supports a balanced budget. He said he would support one in 10 years, 8 years, 9 years, 7 years and everything in between. But now it is time to recognize the reality that in spite of all of the President's public rhetoric, he does not now, probably never has, and most likely never will support a balanced budget. So we have to operate in that reality.

We in Congress need to use the tools available to us under the Constitution to help the President honor his commitment to the American people and obey the law that he signed on November 20.

Earlier today we voted to bring unpaid Federal employees back to work and to provide them with their back pay. We also helped to fund through September 30 essential programs for seniors, veterans, the needy, unemployed, as well as visa, passport and consular services for American citizens abroad. By passing this continuing resolution before us now, we will also fulfill our responsibility to reopen the Government through January 26.

Mr. Speaker, we are acting in good faith to reopen the Government, but we only ask that the President keep his word and submit a balanced budget to the Congress, even using his own program priorities. The idea that somehow we have to be mindreaders of the President and honor his own priorities is absolutely absurd. Now it is up to the President to fulfill his moral commitment and send us a balanced budget.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, the Kendall School which is the predecessor of Gallaudet University for the Deaf, has been fully funded by the Federal Government since 1858. But because we did not do our job today, it will close down, and those deaf children in kindergarten through elementary school and high school will have to be sent home because we did not do our job.

The East Coast Migrant Head Start Program just called the office. Those children who are infants and small children, who have to be in school because both of their parents are working out in the fields, that program will be closed down because it is fully funded by the Federal Government. What are those children going to do? What are their parents going to do who have to be working in the fields?

We have not done our job, so we have to have a continuing resolution, a full continuing resolution.

Obviously, it should not be tied to a 7-year balanced budget plan. The majority leader of the Senate, Senator DOLE understood that. All we had to do was take his bill and everything would be all set now; we would have done our job. But because we have extremists who say our way or no way, we have not done our jobs. We have no business recessing until we do it.

Now, I am going to vote for this resolution, and the reason is that I do not think it is such a problem to have a 7-year balanced budget, even using CBO numbers, because that is not the problem. I think the President is going to submit a balanced 7-year plan with CBO numbers. But it is not going to be one that the Republican side will accept, because it will not gut the Medicare Program, it will not dismantle the Medicaid Program. It will not cut student loans.

Mr. LINDER. Mr. Speaker, will the gentleman yield for an honest question?

Mr. MORAN. If you will give me an extra 30 seconds to make my point, I would be happy to. I will continue, because there may be other points that the gentleman may wish to respond to.

I understand what the gentleman is going to say, that you do not have to accept it, and that is why I am going to vote for the resolution, because that is not the problem. When the President submits it, he is not going to sacrifice Medicare and Medicaid and student loans and environmental regulation, because you do not have to; because you do not have to cut taxes by $245 billion or $200 billion or even $100 billion, and we should not.

Businesses do not pay out dividends when they are operating at a loss, and we should not cut taxes when we are operating at a deficit. If we are at a surplus and we can afford to, we can go ahead and do it. We cannot now. That is why we are in the situation we are in now.

It was President Reagan's tax cut in 1981 that created the debt that we are burdened with. That is why we are here, we are stuck, why the Government is shut down. If it was not for the interest on the debt that was accumulated by the 1981 tax cut, we would be in a surplus today.

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

Mr. MORAN. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, first, I would like to point out that the revenues to the Treasury doubled between 1980 and 1990. Tax cuts doubled revenues; that can add to debt.

Let me just say about the President's budget, the gentleman says it was one that the Republicans could not agree with. That is not the point. It is one that we want to negotiate.

That is what we have not had. We do not know where he stands, because we have never seen a budget that he has put on the table, a balanced budget in 7 years, with his priorities. All we want to do is say, you can open the Government tomorrow, Mr. President; just put your priorities on the table. We will then negotiate within those parameters. That is all.

Mr. MORAN. I understand that, I say to the gentleman that I do not think that is the problem. That is why I am going to vote for this resolution, because the issue is not a 7-year balanced budget; the issue is how you get there, whether you cut taxes when you cannot afford to, and what we do to people dependent upon Medicare and Medicaid and student loans. That is the issue. We ought to clarify the issue.

I think that issue ought to be a national referendum. But in terms of submitting the budget, I think that will be done, I think it should be done, and I think that the Democrats will support that.

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

Mr. MORAN. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I would say to my friend from Virginia, there was some reference to what was promised in 1981 and what happened. The promise was that by 1984 the budget would be in balance. Instead, there was a deficit of $175 billion. Reagan projected that revenues would be 19.3 percent of the gross national product by 1984; they

were actually 18 percent because of the tax cut.

Mr. MORAN. Mr. Speaker, I thank the gentleman very much. In fact, President Reagan, rightfully so, said that any President who cannot submit a balanced budget ought to be impeached, and he never submitted a balanced budget.

The problem with this plan that we have before us is that it increases the deficit in the first year. In the first 3 years there is virtually no reduction in the deficit. The last 3 years, we reduce it every year. So we cannot support one that is fiscally responsible, but we ought to have a balanced budget that is fiscally responsible.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], someone who is probably more responsible for forcing the President to bring a balanced budget to this body than anyone I know, and we really appreciate the efforts of the gentleman.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for his kind remarks and for yielding me this time.

Mr. Speaker, this is an effort on our part to open the Government back up to show the President and the American people that we are doing everything possible to negotiate in good faith, while moving forward on our commitment to finally balance the Federal budget. It is always easier to criticize a proposal, to complain without offering a positive solution.

We, on the other hand, have worked very hard over the last 2 days in fashioning this positive solution to get the Government back to work and to balance our budget. That is what my goal has been as I have worked to find a solution; that is what we are going to do here today. Now it is time for the President to fulfill his responsibility.

Mr. Speaker, all that we ask is that President Clinton meet himself halfway. He signed into law back in November an agreement that by the end of the first session of the 104th Congress, 2 days ago, we would have a balanced budget using CBO scoring. All we ask of him today is that he put down his marker, that he tell us where his balanced budget with CBO scoring is. Let us see what his priorities are.

We cannot settle this until we have the ability to compromise. You cannot compromise when the other side does not have a position to compromise with. So we are asking him to put it on the table and then we can work this out and work out the priorities.

The President said when he ran that he could balance the budget in 5 years. He said during this crisis that we could balance the budget in 7 years. All we ask is that the President meet himself halfway by putting his version of that on the table so that we can move this negotiating process forward and fully reopen the government.

I am pleased that we have already voted to put Government workers back to work. Now let us reopen the Government fully once the President does what his responsibility is: Put your budget on the table.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I guess my question is, did you all put on blinders over there on the Republican side of the aisle? Do you stick your head in the sand? You stop reading when you want to stop reading, right? The agreement says, in full, the only underlined part that I got from you all was the President, according to the gentleman from Virginia, has to meet himself halfway. That is it.

Is that it? Some negotiation. I thought that the Congress, the Republican-led Congress of the United States was supposed to be at the table presenting its budget that did the following. It is in the agreement you signed, is it not?

It did the following: It is going to protect Medicare, Medicaid, education, the environment, veterans.

Your budget was woefully inadequate. It did not do that and that is why it got vetoed. You know that and I know that. Do not for 1 minute come up here and tell us that only one person at the table has to meet somebody halfway. That is not how it works.

I do not know in Virginia where you have been. I do not know if you have served on a legislature or not or been in any other governmental body, or been in any business that required compromise, but usually compromise is when both people sit down and agree to meet.

The President has spent fully 40 hours in negotiations with the Republican leadership of the House and the Senate. That is right. That is what has happened. Some of us were around here when President Bush met with Members of the Congress, and believe me, it did not probably exceed 40 minutes. It was not any 40 hours; it was about 40 minutes.

So I want to tell my colleagues right now, this President of the United States is seeking a balanced budget. In fact, his first budget reduced the deficit by $700 billion. Nobody wants to talk about that over there on your side, do they? You think this is a one-way street. I am astounded that you stop reading the agreement when you want to stop reading it. That is not the way to do business.

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

Mr. COLEMAN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

The fact of the matter is, we have a specific budget on the table that you can look to.

Mr. COLEMAN. No, sir; I am going to reclaim my time. Let me reclaim my time for this reason: Your budget did not protect Medicare and Medicaid, the seniors, and the veterans. It did not. That is why it got vetoed. It was absolutely slashing the budget for those people.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to point out to the previous speaker that we have bent over backward to try to be fair to this President. We have told him that if he will present a 7-year balanced budget, scored by CBO, we are not going to dictate to him whether he has so many dollars for Medicare, education or the environment, for defense or anything else. We simply want him to put a balanced budget on the table so that we have dollars and cents in each function that we can compare, so that we can sit down and begin serious negotiations. That is what this debate is all about here today.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], a great fan of the Green Bay Packers.

Mr. ROTH. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, at some point we have to stop shouting at each other and get down to business. I think this is a good bill, because it is a win/win bill. You can say you won something; we on our side can say that we have balanced the budget, and we have.

Now, the President has said that he is for a balanced budget, and we did submit a balanced budget to the President, and he vetoed it. Historically, the President has always presented a budget to the Congress.

□ 1715

All we are asking the President to do is to walk his talk. He has made a commitment. Let him come forward with his budget.

The President vetoed the first balanced budget that we sent to him in 26 years. Now, no business, no family can operate in the red for 26 years like our Government has. Think about it. We pay $20 billion a month, $20 billion a month to the bondholders. Do we want to sell our children into financial bondage. I do not think so.

That is why this bill before us is a good bill. I have heard some of the people on the other side of the aisle say they are going to vote for this bill. I think it is a good positive step. We must start, Republican and Democrat, to come together. Remember, two mountains can never come together but two people always can. I think we can come together.

I would like to see the President come forward with his balanced budget. We cannot have everything. We cannot have everything on our side. You quite frankly cannot have everything on your side. Every time we make a good faith proposal, you keep moving the goal posts. Like my good friend from New York had mentioned, the Green Bay Packers. Well, I hope the Packers win tomorrow, but if 49'ers keep moving the goal posts, keep changing the rules to suit the 49'ers the Packers can't win. And so, too, here.

We have got to have the same rules, my friends. We cannot have one rule for one side and another rule for the other side. This is a good bill. Vote for it. Do this for your kids and for the future of America.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Speaker, if we are going to have an agreement—and I very much want an agreement, I believe the President has demonstrated that he very much wants an agreement, given the amount of time he has spent trying to reach one—if we are going to get to an agreement, it is going to take good faith and compromise on all sides.

I support a 7-year balanced budget. I voted for the coalition proposal. I expect that is roughly where we are likely to end up in all of this. But if that is what we want, this bill is not the way to get there. Why not? Because it simply does not demonstrate the kind of good faith that is going to be required if a negotiation will succeed.

A little while ago one of the reporters asked me this question: ''Is this simply a way to box the President in?'' That is it. That is exactly what it is. As many have pointed out, there were two conditions in the November CR that were to have been met: one, a 7-year balanced budget scored by CBO; second, paying greater respect to Medicare, Medicaid, veterans, education, the environment, and so on.

Either both of these conditions have to be met ahead of time, before negotiations begin, or neither of them need to be met ahead of time. You cannot have it both ways. You cannot say one must be met before we start negotiations but we will only meet our side of the deal later on. It is misleading and I think disingenuous to suggest that the President has not honored the terms in the November agreement and will not honor his promise.

If the President has to table the 7-year balanced budget scored by CBO before we can make any progress, then so must the Republicans table a new budget that addresses the questions of Medicare, Medicaid, education and the environment. If you claim that you are obliged to meet your part of the November bargain only at the end of the negotiation, then that is when the President needs to meet his part of the November agreement, You cannot have it both ways.

This bill, because it tries to have it in a one-sided way, will hurt, not help, this process. We should defeat the previous question.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF].

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

Mr. Speaker, I rise in support of the resolution and of the bill. I want to address first the charge that has been made on the House floor that the Republicans are asking the President to agree to cuts in Medicare or to some specific tax policy. It is absolutely not true. We are asking the President to abide by the agreement that he made with the Congress in November, which is to put out a balanced budget in a 7-year timeframe, using the Congressional Budget Office economic projections for such things as government revenue and inflationary impact on programs.

The possibilities from that point are limitless. The President can put the spending priorities on any program he wants. He can propose tax reduction, he can propose tax increases or he can propose no change whatsoever in the U.S. tax policy, as long as it meets the criteria of 7 years and Congressional Budget Office scoring.

The House reaffirmed its commitment to using the Congressional Budget Office recently with 341 votes, and I hope all 341 of those Members, Republicans and Democrats alike, will support this resolution.

I want to address the second point, that there is another part of the agreement, and that part of the agreement that there be adequate funding for certain programs. That is a correct statement. The problem is, what is adequate funding for those programs?

There are several budgets already in existence that meet the 7-year Congressional Budget Office requirement. The Republicans have offered a budget. A number of Democrats have offered a budget on the House floor. A number of Democrats have offered a balanced budget in the other body.

Which one of those budgets, if any, does the President believe meets the requirement of adequate funding for programs? If none of them do, here is the opportunity for the President to offer a balanced budget proposal that shows us, with exact figures, how much spending there should be for certain programs for him to call it adequate.

Without those figures on the floor, it is impossible to negotiate any further, because it is impossible to determine what figures are the exact amount of adequate funding.

The reasons negotiations have not been successful between the White House and the President is that the Republican leadership has put out a budget. I do not agree with all its provisions but they have done so. The President has not put out a budget.

Once both sides have put out a budget that says we believe that this is how we meet the priority in funding and under the 7-year Congressional Budget Office economic projections, then the American people can decide whose priorities they prefer. Until that happens, negotiations can go on forever and they will never be productive.

Therefore, I urge passage of this resolution, passage of the bill, and I respectfully urge the President of the United States to present his budget so we can see his priorities.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, in all this quibbling that is going on about what was the language in the November 20 resolution, whether it was 7 years, CBO, or whether you should pay attention to the protection of the programs such as Medicare and Medicaid, I am struck by misdirection. Because if the goal here is to punish the President for not coming forward, it seems to me the wrong people are getting punished.

If you want to punish the President, the way to do that is to say that half the Head Start children are not going to be able to go to Head Start? If you want to punish the President you instead deny small businesses loan guarantees, $40 million a day? You want to punish the President, so you go ahead and make it rough on Federal workers after January 26? You want to punish the President, so you deny Medicare vendors getting paid denying services to senior citizens? This is a pretty tough crowd if that is the way you think you punish the President.

The fact of the matter is it is like a carrot and a stick. This is the first organization I have ever seen, the carrot and the stick, the old thing where you have got the horse out in front of the wagon, you hold the carrot in front of the horse, then you have got people on the wagon trying to get the horse to move forward. In this crowd if the carrot does not work they turn around and shoot all the passengers on the wagon.

The fact is, let us do this out of mutual respect. The thing to do is go back into negotiations. I am a bit offended when I hear the President has not negotiated in good faith.

I was here in 1990 when President Bush and Republicans and Democrats had the budget summit, many, many days. This President has spent 40 hours meeting with Republican leaders at the White House. If President Bush measured his time in minutes meeting with those conferees, I will be very, very surprised. Forty hours. Second, if there is no Presidential budget, then what was it we voted on the floor about 2 weeks ago in which the Republican leadership took great glee in putting on the floor and having everybody vote against it, calling it the President's budget? What is it that is being discussed in these 40 hours of negotiations? I hear figures coming back, somebody has come down on Medicare, somebody has come down on taxes, so clearly negotiations are taking place.

Mr. Speaker, the American people are smart enough to know whether there are good-faith negotiations, they are smart enough to measure the result. Do not punish the American people for the frustrations that may be on both sides.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to one of the real leaders of this House, the gentleman from Texas [Mr. DELAY], the whip for the majority. We would be interested in what he has to say.

Mr. DELAY. I thank the chairman and I appreciate the good work that he and his committee do, under terribly tough circumstances.

Mr. Speaker, I rise in support of this conditional continuing resolution. Republicans call this a conditional CR because it goes into effect based upon one simple condition, that the President present a certified budget that reaches balance in 7 years. I call this legislation the trust-but-really-verify temporary spending resolution.

We have tried other approaches before, as the people know, and those approaches have failed to dislodge this President from his defense of the status quo. All we are asking is for Bill Clinton to give fiscal responsibility a chance. But we have heard through the grapevine that the President will work to oppose this bill based on his opposition to a real balanced budget. If the President actively opposes this CR, he presents the American people a vivid contrast between his words and his deeds.

He of course has mouthed with numbing regularity his support for the goal of a balanced budget. But he has worked to kill every balanced budget initiative, including the balanced budget amendment to the Constitution and the coalition balanced budget with every ounce of his being.

President Clinton may think he can fool all the people all the time but if he fails to fulfill the conditions of this continuing resolution, he will finally be unmasked as the big-spending liberal that he really is.

The President has the ability to either put up a balanced budget or shut down the Federal Government once again.

I just urge my colleagues to give the President a chance to expose his true intentions. Pass this conditional CR and let us see if the President will ever present a real balanced budget.

Mr. GOSS. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from the home of the Independence Bowl, Shreveport, LA [Mr. MCCRERY], of the Committee on Ways and Means.

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

Mr. Speaker, it is hard to negotiate when one of the parties will not put on the table an opening offer.

Therefore, this House tonight will pass a resolution which will implicitly ask the question that the press and the media in this country should have been asking for the last several weeks:

Mr. President, where is your balanced budget?

Mr. President, where is your balanced budget?

Mr. President, where is your balanced budget?

Mr. President, where is your balanced budget?

Mr. President, where is your balanced budget?

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. ''Where is your balanced budget?'' That is a nice speech, Mr. Speaker. It should make the news tonight.

Mr. Speaker, I just want to make one point. My friend from Texas in his closing remarks, he said the President puts a budget on the table and we can negotiate but what we are hearing coming out of negotiations, the conditions are set down that the Speaker has said that he will not let a budget come to the floor here that cannot get 218 Republican votes.

□ 1730

The majority leader says that there is no budget going to pass this House if the taxes are changed. So some negotiations you have got there.

And the gentleman from Texas says, ''Mr. President, if you do not do what we want to do on our terms, we will shut the country down again.'' So what we are going to do, what we have here, you are going to have a recess where the gentleman from Georgia [Mr. GINGRICH] can go raise a lot of money and we are going to have the people dispersing, going on trips and what have you, and saying we have put the ball in the President's court, and then, ''If you don't do it like we want it, we will shut the Government down and put people out of work and inconvenience the American public,'' and ''that ain't right.''

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], vice chairman of the Committee on the Budget and chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Back in November the President made a promise in law that he would produce a balanced budget, he would enact a balanced budget by January 3. That was a guarantee that we thought he meant. Maybe we were wrong. Maybe he did not really mean it. Maybe he thought that negotiations would suffice for producing a balanced budget, that maybe there were all kinds of confusions that resulted from this.

One of the confusions there should not be is nobody has ever suggested that the President needed to produce a balanced budget on our terms. All we have ever asked the President to do is produce a balanced budget that fits his terms. We want his balanced budget. We are willing to negotiate with him based upon what we say should be in a balanced budget and what he says is in a balanced budget. But you cannot negotiate with nothing.

We are asking the President in this CR to put forward his balanced budget. As soon as his balanced budget, scored by CBO, is certified at the desk, he will get a continuing resolution to do what he says is important, and that is to put the full operation of the Federal Government back in place until January 26.

If the President signed that law making a promise that he would produce a balanced budget, there should be absolutely no problem with him signing this CR and sending us his balanced budget. No problem at all. Why would there be a problem? All we are saying to him is, ''Do what you told us you would do 45 days ago,'' and then the Government can be reopened, all the programs can be functioning, and there is no problem.

But if the President does not send a balanced budget and does not bring the Government back up, we will know that what he signed in November was simply a charade, that he had no intention of producing a balanced budget, that he has no intention in the future of producing a balanced budget.

If you vote against this rule and vote against this item, what you are saying is we have no intention of producing a balanced budget.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I think everyone knows that this particular resolution is going absolutely nowhere. It will go to the Senate, and they will never consider it.

But I think we ought to tell the truth about what we are talking about. Balancing the budget in 7 years requires the reduction of expenditures of about $750 billion, a doable amount. Where we really disagree is the method in which that money is subtracted from the budget.

The Republicans' priorities, as I read them, put the balance of the budget burden upon the elderly sick, the young sick, the elderly in general, upon the working poor, and to a certain extent upon middle-class America. The thing that is causing all of this trouble but no one will really admit is the proposal to reduce taxes by $250 billion on the Republican side, and the President's mistake of reducing taxes about $100 billion. That makes the balancing of the budget extremely cruel. You have got to do some things that you would not do if you were operating in a normal environment.

So both sides ought to throw on the floor and put behind them the reduction of taxes during this period of time. It is a shame that we are in this environment.

I do not think we ought to go home. I think we ought to stay here and continue working on the substance of all of this.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from San Diego, CA [Mr. CUNNINGHAM], a truly great American who has served in our Armed Forces.

Mr. CUNNINGHAM. Mr. Speaker, my colleagues on the other side of the aisle said that the contract was signed by both, and there are some things that we need to attend to in Medicare and education and so on.

Let me cover the education facts. As a subcommittee chairman on education, I think there is a difference on

what is really good. We increased student loans by 50 percent. We increased Pell grants to the highest level ever.

But what we did not protect is your precious bureaucracy that only allows 23 cents on a dollar to get down into the classroom because of that bureaucracy.

We eliminated the President's direct student loan program, that, according to GAO, cost a billion dollars more must to administer, and those fees are not even calculated on what it cost to receive those monies. You want the power here. We have eliminated the bureaucracy and the power.

Goals 2000, you say, ''Well, look, you cut Goals 2000.'' On a Federal level where you have Federal control instead of the State, yes, we did. Goals 2000, there are 45 instances that say State will, and you have got to have groups and members in different groups that put together the requirements. It is only voluntary if you do not want the money.

But yet we send the money directly back to the State, and if a State wants to do Goals 2000, they can.

The Department of Education, $32 billion in its budget, and the President's direct loan program would make it the largest lending institution, if he had this way, in the United States. That is wrong. We have protected education.

Your welfare system has failed education.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Let me just say that I am going to vote against this rule and against this resolution because I consider this to be political chicanery of the worst kind, an arrogant attempt to tell the President, ''Play by my rules or we won't play at all.'' That is what the majority party is doing. It is an attempt to trap the President, to rape the President, to say again, ''If we think that you are doing what we deem you ought to be doing, then we will open the Government, but if we do not, then we will keep it shut.''

You know, my colleagues, it took 12 years of Reagan and Bush budgets to get us into this mess of deficits, and it is going to take 7 years to get us out of it.

The President agreed to support a 7-year balanced budget as an end product of the negotiations. But the Republicans also agreed to protect Medicare and Medicaid and education and the environment, things that we believe are dead in their budget. Their budget kills Medicare and kills Medicaid and kills the environment and hurts working families and kills education.

We have not seen them change their budget. That was supposed to be part of their end of the deal.

So this is simply trying to change the rules. It is an attempt to shift the dialog because the Republicans are taking a beating for shutting the Government down, and so they need to try to shift the dialog, and by trying to shift it, they are saying to the President, ''We demand that you produce a balanced budget according to our rules, not as you agreed to the end game.'' We ought not to play by these games or by these rules.

This is only going to come out of both sides getting together, working together for a compromise.

Reject this nonsense, this chicanery.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS]. The State of Kentucky has a lot of outstanding Congressmen, as you know, sir, but the gentleman from Kentucky [Mr. ROGERS] is one who is very outstanding, our good friend from Somerset, KY, a member of the Committee on Appropriations, doing an outstanding job.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we have had enough of the blame game on who is to blame for shutting down the Government. You say it is our fault. We say it is your fault, the President's fault.

This resolution settles it all. This is the end game here. What this resolution says is regardless of who caused the shutdown, we are prepared to end it, Mr. President. All we want to do, as we have been doing for months now, is just put your offer on the table. How can you make a deal for a piece of land if you go to the owner and say, ''I am willing to pay you $1,000 an acre,'' and he says, ''I want to sell it to you,'' and you say, ''How much do you want for it,'' and he says, ''I am not going to tell you.'' How can you negotiate if you cannot get the other party to put some offer on the table?

All this resolution does, Mr. Speaker, is to say we are willing to open up the entire Government, business as usual, provided, Mr. President, you tell us what your balanced budget proposal is. It does not matter how you come up with it so long as it balances in 7 years using CBO numbers. Then we can negotiate.

As it stands now, we simply cannot negotiate with you. You will not tell us what you want for your acre of land.

So this resolution is calculated to finally decide who is at fault with keeping the Government shut down. We are saying open it up entirely, and all you have got to do to do that, Mr. President, is just lay on the table your proposal for a balanced budget in 7 years so that we can negotiate in good faith. We are asking for good faith, Mr. President, and this is the only way we know how to do it.

If there is a better way, please tell us and we will try to do that.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DE LA GARZA].

(Mr. DE LA GARZA asked and was given permission to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, my colleagues, I am concerned that we are again dealing in a vacuum with numbers only. We are not attaching faces and places. The debate and the obsession about what the President did or did not do is leaving out what we should be discussing.

I am going to attach one name to this discussion. Her name is Elisa Izquierdo, a little girl that died in New York for lack of attention, that what we do here could take away from other children, and I quote from an article that I am putting at this point in the RECORD, ''How Cold Is America Prepared To be? How much can you take from children who have so little?''

We should attach names, faces and places and get over this obsession of what the President did or did not do.

Mr. Speaker, concerning the debate on what we do as a Congress to protect the children of our country we share with you an article by Jonathan Kozol. I would like to strongly recommend the last paragraph which reads as follows:

Like most Americans, I do not tend to think of a society that has been good to me and to my parents as ''evil.'' But when he said that ''somebody has power,'' it was difficult to disagree. It is possible that icy equanimity and a self-pacifying form of moral abdication by the powerful will take more lives in the long run than any single drug-addicted and disordered parent. Elisa Izquirdo's mother killed only one child. The seemingly anesthetized behavior of the U.S. Congress may kill thousands. Now we are told we must 'get tougher' with the poor. How much tougher can we get with children who already have so little? How cold is America prepared to be?

Mr. Speaker, I am enclosing the article at this point, as follows:

[From the Time magazine, Dec. 11, 1995]

SPARE US THE CHEAP GRACE

(By Jonathan Kozol)

It is hard to say what was more shocking about the death of Elisa Izquierdo—the endless savagery inflicted on her body and mind, or the stubborn inaction of the New York City agencies that were repeatedly informed of her peril. But while the murder of Elisa by her mother is appalling, it is hardly unexpected. In the death zones of America's postmodern ghetto, stripped of jobs and human services and sanitation, plagued by AIDS, tuberculosis, pediatric asthma and endemic clinical depression, largely abandoned by American physicians and devoid of the psychiatric services familiar in most middle-class communities, deaths like these are part of a predictable scenario.

After the headlines of recrimination and pretended shock wear off, we go back to our ordinary lives. Before long, we forget the victims' names. They weren't our children or the children of our neighbors. We do not need to mourn them for too long. But do we have the right to mourn at all? What does it mean when those whom we elect to public office cut back elemental services of life protection for poor children and then show up at the victim's funeral to pay condolence to the relatives and friends? At what point do those of us who have the power to prevent these deaths forfeit the entitlement of mourners?

It is not as if we do not know what might have saved some of these children's lives. We know that intervention programs work when well-trained social workers have a lot of time to dedicate to each and every child. We

know that crisis hot lines work best when half of their employees do not burn out and quit each year, and that social workers do a better job when records are computerized instead of being piled up, lost and forgotten on the floor of a back room. We know that when a drug-addicted mother asks for help, as many mothers do, it is essential to provide the help she needs without delay, not after a waiting period of six months to a year, as is common in poor urban neighborhoods.

All these remedies are expensive, and we would demand them if our own children's lives were at stake. And yet we don't demand them for poor children. We wring our hands about the tabloid stories. We castigate the mother. We condemn the social worker. We churn out the familiar criticisms of ''bureaucracy'' but do not volunteer to use our cleverness to change it. Then the next time an election comes, we vote against the taxes that might make prevention programs possible, while favoring increased expenditures for prisons to incarcerate the children who survive the worst that we have done to them and grow up to be dangerous adults.

What makes this moral contradiction possible?

Can it be, despite our frequent protestations to the contrary, that our society does not particularly value the essential human worth of certain groups of children? Virtually all the victims we are speaking of are very poor black and Hispanic children. We have been told that our economy no longer has much need for people of their caste and color. Best-selling authors have, in recent years, assured us of their limited intelligence and low degree of ''civilization development.'' As a woman in Arizona said in regard to immigrant kids from Mexico, ''I didn't breed them. I don't want to feed them''—a sentiment also heard in reference to black children on talk-radio stations in New York and other cities. ''Put them over there,'' a black teenager told me once, speaking of the way he felt that he and other blacks were viewed by our society. ''Pack them tight. Don't think about them. Keep your hands clean. Maybe they'll kill each other off.''

I do not know how many people in our nation would confess such contemplations, which offend the elemental mandates of our cultural beliefs and our religions. No matter how severely some among us may condemn the parents of the poor, it has been an axiom of faith in the U.S. that once a child is born, all condemnations are to be set aside. If we now have chosen to betray this faith, what consequences will this have for our collective spirit, for our soul as a society?

There is an agreeable illusion, evidenced in much of the commentary about Elisa, that those of us who witness the abuse of innocence—so long as we are standing at a certain distance—need not feel complicit in these tragedies. But this is the kind of ethical exemption that Dietrich Bonhoeffer called ''cheap grace.'' Knowledge carries with it certain theological imperatives. The more we know, the harder it becomes to grant ourselves exemption. ''Evil exists,'' a student in the South Bronx told me in the course of a long conversation about ethics and religion in the fall of 1993. ''Somebody has power. Pretending that they don't so they don't need to use it to help people—that is my idea of evil.''

Like most Americans, I do not tend to think of a society that has been good to me and to my parents as ''evil.'' But when he said that ''somebody has power,'' it was difficult to disagree. It is possible that icy equanimity and a self-pacifying form of moral abdication by the powerful will take more lives in the long run than any single drug-addicted and disordered parent. Elisa Izquierdo's mother killed only one child. The seemingly anesthetized behavior of the U.S. Congress may kill thousands. Now we are told we must ''get tougher'' with the poor. How much tougher can we get with children who already have so little? How cold is America prepared to be?

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

Mr. Speaker, in closing, let me simply urge my colleagues to vote ''no'' on the previous question.

If the previous question is defeated, we shall offer an amendment that would send a clean continuing resolution to the President immediately, stopping the delaying mechanism in the concurrent resolution unless House Republicans live up to their part of the deal and lay on the table a 7-year balanced budget that actually protects Medicare, Medicaid, education, agriculture, national defense, veterans and others. The amendment would put the budget negotiations on terms we believe are fair.

The majority would have to decide either to let the continuing resolution go forward without delay or delay it until both the President and majority submit a balanced budget that meets the terms of the budget negotiations that have already been agreed to.

Mr. Speaker, in ending, I am inserting at this point in the RECORD the amendment I intent to offer if the previous question is defeated.

The proposed amendment is as follows:

AMENDMENT TO THE RULE ON H.J. RES. 134

In section 2 of the resolution, after ''House Concurrent Resolution 131'', insert '', as modified by the amendment in section 4 of this resolution,''.

At the end of the resolution add the following:

''SEC. 4. At the end of the concurrent resolution self-executed by section 3 of this resolution, add the following new section:

''SEC. —. The preceding sections delaying the transmission of the joint resolution shall have no effect and the joint resolution shall be promptly transmitted to the President unless the Majority Leader, on behalf of all House Republicans, causes to be printed in the CONGRESSIONAL RECORD a new seven-year balanced budget in accordance with the strictures set forth in section 203 of Public Law 104–56 such that the Republican budget achieves ''a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office and, unlike the reconciliation measure vetoed by the President, H.R. 2491, ''protects future generations, ensures Medicare solvency, reforms welfare and provides adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment * * * [and] adopts tax policies to help working families and to stimulate future economic growth.''.''''

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

Mr. Speaker, we have spent a lot of time, both sides, throwing arrows at each other, blaming each other.

Let me quote from an editorial which is not Republican or Democrat. It is a liberal newspaper, usually. It is the Philadelphia Inquirer. The headline on this editorial says, ''Your Turn, Bill. Clinton Must Offer the Serious Budget He Promised.''

□ 1745

The text of the editorial goes on to say, ''The country is still waiting for Mr. Clinton's plan.''

The last paragraph of this editorial says, ''Congress should pass stopgap funding as soon as the President provides the missing ingredient of serious bargaining: A credible White House plan to balance the budget in seven years.''

Mr. Speaker, that is exactly what we are doing. The last paragraph of this editorial from a liberal newspaper in Philadelphia. We are offering a clean resolution, which is what everyone has been asking for.

This clean resolution puts all of the Government back to work, all of the employees, all of the functions of Government, but it holds that bill here at the desk until the President does what the last paragraph of this editorial says, until the President gives us a balanced budget certified to be balanced by the Congressional Budget Office in 7 years. It is as simple as that.

Our Speaker GINGRICH has bent over backwards trying to cooperate with the President. So has Senator DOLE. Yet no progress has been made. This gives all of them 21 more days without any problem in between to allow them to sit down, give each other their figures, and let us get down to some serious negotiations and do what the American people want.

Every day we stand here, the interest to pay on that national debt goes up $667 million. That is so uncompassionate. Think what we could do for people with $667 million a day extra if we did not have this deficit.

I ask Members to come and vote for the previous question, and then vote for this bill. I believe that Senator DASCHLE in the other body is going to accept this and send it on to the President. Let us not try to stop him from doing that.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 183, not voting 24, as follows:

[Roll No. 9]

YEAS—226

Allard	Barrett (NE)	Bilbray
Archer	Bartlett	Bilirakis
Bachus	Barton	Bliley
Baker (CA)	Bass	Blute
Ballenger	Bateman	Boehlert
Barr	Bereuter	Boehner

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

NAYS—183

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

NOT VOTING—24

Armey
Baker (LA)
Berman
Bryant (TX)
Chapman
Chrysler
Clayton
Fazio
Fields (TX)
Hayes
Johnston
Lightfoot
Lofgren
Montgomery
Myers
Quillen
Rose
Scarborough
Stark
Stockman
Studds
Thornton
Wilson
Wyden

☐ 1806

The Clerk announced the following pair:

On the vote:

Mr. Armey for, with Mr. Johnston of Florida against.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 336, House Concurrent Resolution 131 is considered adopted.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, During rollcall vote Nos. 8 and 9 on H. Res. 330 and H. Res. 336 I was unavoidably detained. Had I been present I would have voted ''No'' on each.

ELECTION OF MEMBER TO COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mrs. KENNELLY. Mr. Speaker, by direction of the Democratic caucus I offer a privileged resolution (H. Res. 337) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 337

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Banking and Financial Services: Jesse Jackson, Jr. of Illinois.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. DELLUMS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from South Carolina, is the unanimous-consent request that the gentleman is engaging in an effort to expedite going to conference on the DOD authorization bill as a result of the sustaining of the veto by the President?

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

Mr. DELLUMS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, let me say, first of all, that I appreciate the gentleman's cooperation over the past several days in working to move this process forward. I also appreciate the leadership on both sides of the aisle making this possible.

Mr. DELLUMS. Mr. Speaker, reclaiming my time for a moment, I understand that the gentleman is beginning to move into a colloquy that we have agreed upon regarding the pay raise and the housing allowance of our military personnel, but I am simply asking the question prior to that.

Is the effort on the part of the distinguished gentleman from South Carolina to simply bring a Senate bill forward that would be an appropriate vehicle to expedite going to conference?

Mr. SPENCE. The gentleman is correct.

Mr. DELLUMS. Mr. Speaker, I just wanted my colleagues to understand that this is purely a procedural matter.

Further reserving the right to object, as many of my colleagues are aware, in the context of the DOD authorization bill conference report, it allowed for a 2.4-percent cost of living increase to our military personnel and a 5.2-percent housing allowance increase.

☐ 1815

Because of the action taken in the body, we were not able to allow that cost of living increase and that housing allowance increase to go forward in the month of January. Therefore, I would

like to enter into the following colloquy with the gentleman from South Carolina.

Mr. Speaker, I certainly wish to enter into the process of trying to come back to this body with a conference report that can be signed into law as expeditiously as possible, and I put both my word and my reputation on the line in that respect. But I would like to ask the gentleman from South Carolina [Mr. SPENCE] that in the event that the process in some way is slowed down, that the gentleman could give this gentleman and my colleagues on this side of the aisle his word that if we have not reached agreement on the fiscal year 1996 defense authorization conference by the end of the month so that the full 2.4 percent cost of living increase and the 5.2 percent for basic allowance for quarters could be allowed to our service personnel for February 1996, that the majority leadership will agree to bring appropriate legislation to the floor in time to ensure that the military will receive these increases in February.

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

Mr. DELLUMS. Mr. Speaker, I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, let me say first of all that I appreciate the gentleman from California [Mr. DELLUMS] and his cooperation in the past few days in moving this process forward.

I also want to express my appreciation to the leadership on both sides of the aisle for making this process possible, or this procedure. I also want to express my appreciation to the minority members on our committee who have helped to bring this bill forward in committee and in conference to this place that we find ourselves in tonight.

Mr. Speaker, there is no disagreement between us on the importance of ensuring that the troops and their families receive their full pay raise and their full BAQ housing allowances. Based on the President's December 28 Executive Order, the troops are currently receiving a 2.0-percent pay raise and a 2.0-percent increase in their housing allowance.

Mr. Speaker, I believe that the appropriate vehicle for legislation authorizing a military pay raise is the Defense authorization bill. We attempted to override the President's veto earlier this week, and did not succeed. Therefore, we are here tonight trying to appoint conferees to a new conference in order to hopefully resolve our differences and to send a revised bill, including the pay and housing allowances, back down to the President as soon as possible.

I would commit to the gentleman from California, and to all of my colleagues, that if all efforts to reach an agreement on a revised conference report have not succeeded by end of this month, I will work with him and all others to pass legislation for the full pay raise and housing allowance as expeditiously as possible, either as a free-standing bill or in some other fast-moving vehicle. It would be my intention that any such legislation would provide the full pay raise and BAQ housing allowance retroactive to January 1, 1996.

Mr. DELLUMS. Mr. Speaker, reclaiming my time and further reserving my right to object, I would like to first thank my distinguished colleague for a very straightforward response to the question that this gentleman raised. I appreciate both the gentleman's integrity and veracity on this issue.

Given the assurances that have been laid down clearly by my distinguished colleague, I withdraw my reservation of objection.

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

Mr. HEFLEY. Mr. Speaker, reserving the right to object, I do not intend to object, but under the reservation, I would hope that we are not going to open up the entire defense bill in this new conference. There are a relative few sections that there is a complaint about: ballistic missiles, U.N. control, relative small number of issues that there is a complaint about.

Mr. Speaker, I am particularly concerned, of course, about the military construction section, because this is the section where we make gigantic strides in trying to improve the housing and living conditions of our troops. There was no objection to that. The gentleman from California [Mr. DELLUMS], the ranking member of the committee, and I have talked about this on numerous occasions. The gentleman has no objection to that.

This is the area that I am most interested in, but there are other areas that there were no objections, that the committee was in strong support of. So, I would hope with this reduced number of conferees that we have going to this conference, and I think that is a good idea, but I would hope, Mr. Speaker, that we would not open up the entire bill and start over again. An enormous amount of time and effort and energy was put into getting where we are now. I would hope that we would focus on the areas that we need to.

Mr. SPENCE. Mr. Speaker, if the gentleman would yield, we intend in the conference to do just those things to prevent another veto, and it would not get down to housing, I am sure, because the President in his message to us did not say anything to us about the housing that we passed.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for his response. I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1124

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 ''Department of Defense Authorization Act for Fiscal Year 1996''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health program.

Subtitle B—Army Programs

Sec. 111. AH–64D Longbow Apache attack helicopter.
Sec. 112. OH–58D AHIP Scout helicopter.
Sec. 113. Hydra 70 rocket.
Sec. 114. Report on AH–64D engine upgrades.

Subtitle C—Navy Programs

Sec. 121. Seawolf and new attack submarine programs.
Sec. 122. Repeal of prohibition on backfit of Trident submarines.
Sec. 123. Arleigh Burke class destroyer program.
Sec. 124. Split funding for construction of naval vessels.
Sec. 125. Seawolf submarine program.
Sec. 126. Crash attenuating seats acquisition program.

Subtitle D—Other Programs

Sec. 131. Tier II predator unmanned aerial vehicle program.
Sec. 132. Pioneer unmanned aerial vehicle program.
Sec. 133. Joint Primary Aircraft Training System program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. A/F117X long-range, medium attack aircraft.
Sec. 212. Navy mine countermeasures program.
Sec. 213. Marine Corps shore fire support.
Sec. 214. Space and missile tracking system program.
Sec. 215. Precision guided munitions.
Sec. 216. Defense Nuclear Agency programs.
Sec. 217. Counterproliferation support program.
Sec. 218. Nonlethal weapons program.
Sec. 219. Federally funded research and development centers.
Sec. 220. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 221. National defense technology and industrial base, defense reinvestment, and conversion.
Sec. 222. Revisions of Manufacturing Science and Technology Program.
Sec. 223. Preparedness of the Department of Defense to respond to military and civil defense emergencies resulting from a chemical, biological, radiological, or nuclear attack.

Sec. 224. Joint Seismic Program and Global Seismic Network.
Sec. 225. Depressed altitude guided gun round system.
Sec. 226. Army echelon above corps communications.
Sec. 227. Testing of theater missile defense interceptors.

Subtitle C—Missile Defense

Sec. 231. Short title.
Sec. 232. Findings.
Sec. 233. Missile defense policy.
Sec. 234. Theater missile defense architecture.
Sec. 235. National missile defense system architecture.
Sec. 236. Cruise missile defense initiative.
Sec. 237. Policy regarding the ABM Treaty.
Sec. 238. Prohibition on funds to implement an international agreement concerning theater missile defense systems.
Sec. 239. Ballistic Missile Defense program elements.
Sec. 240. ABM Treaty defined.
Sec. 241. Repeal of missile defense provisions.
Sec. 242. Sense of Senate on the Director of Operational Test and Evaluation.
Sec. 243. Ballistic Missile Defense Technology Center.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Increase in funding for the Civil Air Patrol.

Subtitle B—Depot-Level Maintenance and Repair

Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.
Sec. 312. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.

Subtitle C—Environmental Provisions

Sec. 321. Revision of requirements for agreements for services under environmental restoration program.
Sec. 322. Discharges from vessels of the Armed Forces.
Sec. 323. Revision of authorities relating to restoration advisory boards.

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TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,396,451,000.

(2) For missiles, $894,430,000.

(3) For weapons and tracked combat vehicles, $1,547,964,000.

(4) For ammunition, $1,120,115,000.

(5) For other procurement, $2,771,101,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,916,588,000.

(2) For weapons, including missiles and torpedoes, $1,771,421,000.

(3) For shipbuilding and conversion, $7,111,935,000.

(4) For other procurement, $2,471,861,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year

1996 for procurement for the Marine Corps in the amount of $683,416,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $6,318,586,000.

(2) For missiles, $3,597,499,000.

(3) For other procurement, $6,546,001,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,118,324,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $209,400,000.

(2) For the Air National Guard, $137,000,000.

(3) For the Army Reserve, $62,000,000.

(4) For the Naval Reserve, $74,000,000.

(5) For the Air Force Reserve, $240,000,000.

(6) For the Marine Corps Reserve, $55,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $671,698,000 for—

(1) the destruction of lethal chemical weapons and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

Subtitle B—Army Programs

SEC. 111. AH–64D LONGBOW APACHE ATTACK HELICOPTER.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of AH–64D Longbow Apache attack helicopters.

SEC. 112. OH–58D AHIP SCOUT HELICOPTER.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $125,000,000 for the procurement of not more than 20 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

SEC. 113. HYDRA 70 ROCKET.

(a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 may not be obligated to procure Hydra 70 rockets until the Secretary of the Army submits to Congress a document that contains the certifications described in subsection (b)(1) together with a discussion of the matter described in subsection (b)(2).

(b) CONTENT OF SUBMISSION.—(1) A document submitted under subsection (a) satisfies the certification requirements of that subsection if it contains the certifications of the Secretary that—

(A) the specific technical cause of Hydra 70 Rocket failures has been identified;

(B) the technical corrections necessary for eliminating premature detonations of such rockets have been validated;

(C) the total cost of making the necessary corrections on all Hydra 70 rockets that are in the Army inventory or are being procured under any contract in effect on the date of the enactment of this Act does not exceed the amount equal to 15 percent of the nonrecurring costs that would be incurred by the Army for acquisition of improved rockets, including commercially developed nondevelopmental systems, to replace the Hydra 70 rockets; and

(D) a nondevelopmental composite rocket system has been fully reviewed for, or has received operational and platform certifications for, full qualification of an alternative composite rocket motor and propellant.

(2) The document shall also contain a discussion of whether the existence of the system referred to in the certification under paragraph (1)(D) will result in—

(A) early and continued availability of training rockets to meet the requirements of the Army for such rockets; and

(B) the attainment of competition in future procurements of training rockets to meet such requirements.

(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for the Secretary to submit the document described in that subsection before procuring Hydra 70 rockets if the Secretary determines that a delay in procuring the rockets pending compliance with the requirement would result in a significant risk to the national security of the United States. Any such waiver may not take effect until the Secretary submits to Congress a notification of that determination together with the reasons for the determination.

SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996.

(2) detailed timeline and funding requirements for the engine upgrade program described in paragraph (1).

Subtitle C—Navy Programs

SEC. 121. SEAWOLF AND NEW ATTACK SUBMARINE PROGRAMS.

(a) FUNDING.—(1) Of the amount authorized to be appropriated under section 102(a)(3)—

(A) $1,507,477,000 shall be available for the final Seawolf attack submarine (SSN–23); and

(B) $814,498,000 shall be available for design and advance procurement in fiscal year 1996 for the lead submarine and the second submarine under the New Attack Submarine program, of which—

(i) $10,000,000 shall be available only for participation of Newport News Shipbuilding in the New Attack Submarine design; and

(ii) $100,000,000 shall be available only for advance procurement and design of the second submarine under the New Attack Submarine program.

(2) Of amounts authorized under any provision of law to be appropriated for procurement for the Navy for fiscal year 1997 for shipbuilding and conversion, $802,000,000 shall be available for design and advance procurement in fiscal year 1997 for the lead submarine and the second submarine under the New Attack Submarine program, of which—

(A) $75,000,000 shall be available only for participation by Newport News Shipbuilding in the New Attack Submarine design; and

(B) $427,000,000 shall be available only for advance procurement and design of the second submarine under the New Attack Submarine program.

(3) Of the amount authorized to be appropriated under section 201(2), $455,398,000 shall be available for research, development, test, and evaluation for the New Attack Submarine program.

(b) COMPETITION REQUIRED.—Funds referred to in subsection (c) may not be obligated until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that—

(1) the Secretary has restructured the New Attack Submarine program in accordance with this section so as to provide for—

(A) procurement of the lead vessel under the New Attack Submarine program from the Electric Boat Division beginning in fiscal year 1998, if the price offered by Electric Boat Division is determined by the Secretary as being fair and reasonable;

(B) procurement of the second vessel under the New Attack Submarine program from Newport News Shipbuilding beginning in fiscal year 1999, if the price offered by Newport News Shipbuilding is determined by the Secretary as being fair and reasonable; and

(C) procurement of other vessels under the New Attack Submarine program under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (i)) in which the Secretary shall solicit competitive proposals and award the contract or contracts on the basis of price; and

(2) the Secretary has directed, as set forth in detail in such certification, that no action prohibited in subsection (d) will be taken to impair the design, engineering, construction, and maintenance competencies of either Electric Boat Division or Newport News Shipbuilding to construct the New Attack Submarine.

(c) COVERED FUNDS.—The funds referred to in subsection (b) are as follows:

(1) Funds available to the Navy for any fiscal year after fiscal year 1995 for procurement of the final Seawolf attack submarine (SSN–23) pursuant to this Act or any Act enacted after the date of the enactment of this Act.

(2) Funds available to the Navy for any such fiscal year for research, development, test, and evaluation or for procurement (including design and advance procurement) for the New Attack Submarine program pursuant to this Act or any Act enacted after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN ACTIONS.—In order to ensure that Electric Boat Division and Newport News Shipbuilding retain the technical competencies to construct the New Attack Submarine, the following actions are prohibited:

(1) A termination of or failure to extend, except by reason of a breach of contract by the contractor or an insufficiency of appropriations—

(A) the existing Planning Yard contract for the Trident class submarines; or

(B) the existing Planning Yard contract for the SSN–688 Los Angeles class submarines.

(2) A termination of any existing Lead Design Yard contract for the SSN–21 Seawolf class submarines or for the SSN–688 Los Angeles class submarines, except by reason of a breach of contract by the contractor or an insufficiency of appropriations.

(3) A failure of, or refusal by, the Department of the Navy to permit both Electric Boat Division and Newport News Shipbuilding to have access to sufficient information concerning the design of the New Attack

Submarine to ensure that each is capable of constructing the New Attack Submarine.

(e) LIMITATION ON EXPENDITURE OF FUNDS FOR SEAWOLF PROGRAM.—Of the funds referred to in subsection (c)(1)—

(1) not more than $700,000,000 may be expended in fiscal year 1996;

(2) not more than an additional $200,000,000 may be expended in fiscal year 1997;

(3) not more than an additional $200,000,000 may be expended in fiscal year 1998; and

(4) not more than an additional $407,477,000 may be expended in fiscal year 1999.

(f) LIMITATION ON EXPENDITURE OF FUNDS FOR NEW ATTACK SUBMARINE PROGRAM.—Funds referred to in subsection (c)(2) that are available for the lead and second vessels under the New Attack Submarine program may not be expended during fiscal year 1996 for the lead vessel under that program (other than for class design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the second vessel under the program.

(g) REPORTS REQUIRED.—Not later than November 1, 1995, and every six months thereafter through November 1, 1998, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the obligations and expenditures of funds for—

(1) the procurement of the final Seawolf attack submarine (SSN–23); and

(2) research, development, test, and evaluation or for procurement (including design and advance procurement) for the lead and second vessels under the New Attack Submarine program.

(h) REFERENCES TO CONTRACTORS.—For purposes of this section—

(1) the contractor referred to as ''Electric Boat Division'' is General Dynamics Corporation Electric Boat Division; and

(2) the contractor referred to as ''Newport News Shipbuilding'' is Newport News Shipbuilding and Drydock Company.

(i) DEFINITIONS.—In this section:

(1) The term ''potential competitor'' means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

(2) The term ''New Attack Submarine'' means any submarine planned or programmed by the Navy as a class of submarines the lead ship of which is planned by the Navy, as of the date of the enactment of this Act, for procurement in fiscal year 1998.

SEC. 122. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683) is repealed.

SEC. 123. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FIRST INCREMENT FUNDING.—Of the amount authorized to be appropriated under section 102(a)(3), $650,000,000 shall be available in accordance with section 7315 of title 10, United States Code (as added by section 124), as the first increment of funding for two Arleigh Burke class destroyers.

(b) FINAL INCREMENT FUNDING.—It is the sense of Congress that the Secretary of the Navy should plan for and request the final increment of funding for the two destroyers for fiscal year 1997 in accordance with section 7315 of title 10, United States Code (as added by section 124).

SEC. 124. SPLIT FUNDING FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code is amended by adding at the end the following:

''§ 7315. Planning for funding construction

''(a) PLANNING FOR SPLIT FUNDING.—The Secretary of Defense may provide in the future-years defense program for split funding of construction of new naval vessels satisfying the requirements of subsection (d).

''(b) SPLIT FUNDING REQUESTS.—In the case of construction of a new naval vessel satisfying the requirements of subsection (d), the Secretary of the Navy shall—

''(1) determine the total amount that is necessary for construction of the vessel, including an allowance for future inflation; and

''(2) request funding for construction of the vessel in two substantially equal increments.

''(c) CONTRACT AUTHORIZED UPON FUNDING OF FIRST INCREMENT.—(1) The Secretary of the Navy may enter into a contract for the construction of a new naval vessel upon appropriation of a first increment of funding for construction of the vessel.

''(2) A contract entered into in accordance with paragraph (1) shall include a liquidated damages clause for any termination of the contract for the convenience of the Government that occurs before the remainder of the amount necessary for full funding of the contract is appropriated.

''(d) APPLICABILITY.—This section applies to construction of a naval vessel—

''(1) that is in a class of vessels for which the design is mature and there is sufficient construction experience for the costs of construction to be well understood and predictable; and

''(2) for which—

''(A) provision is made in the future-years defense program; or

''(B) the Chairman of the Joint Chiefs of Staff, in consultation with the Secretary of the Navy, has otherwise determined that there is a valid military requirement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following:

''7315. Planning for funding construction.''.

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,223,659,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

SEC. 126. CRASH ATTENUATING SEATS ACQUISITION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of the Navy may establish a program to procure for, and install in, H–53E military transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) FUNDING.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

Subtitle D—Other Programs

SEC. 131. TIER II PREDATOR UNMANNED AERIAL VEHICLE PROGRAM.

Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 for procurement or for research, development, test, and evaluation may not be obligated or expended for the Tier II Predator unmanned aerial vehicle program.

SEC. 132. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than ⅙ of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before fiscal year 1996 for the activities and operations of such office, may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the nine Pioneer Unmanned Aerial Vehicle systems have been equipped with the Common Automatic Landing and Recovery System (CARS).

SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

Of the amount authorized to be appropriated under section 103(1), $54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,845,097,000.

(2) For the Navy, $8,624,230,000.

(3) For the Air Force, $13,087,389,000.

(4) For Defense-wide activities, $9,533,148,000, of which—

(A) $239,341,000 is authorized for the activities of the Director, Test and Evaluation;

(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation; and

(C) $475,470,000 is authorized for Other Theater Missile Defense, of which up to $25,000,000 may be made available for the operation of the Battlefield Integration Center.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,076,580,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research and exploratory development'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. A/F117X LONG-RANGE, MEDIUM ATTACK AIRCRAFT.

Of the amount authorized to be appropriated by section 201(2) for the Joint Advanced Strike Technology program—

(1) $25,000,000 shall be available for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F–117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $150,000,000 shall be available for engineering and manufacturing development of the A/F117X aircraft, except that none of such amount may be obligated until the Secretary of the Navy, after considering the results of the program definition phase, approves proceeding into engineering and manufacturing development of the A/F117X aircraft.

SEC. 212. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense, Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) is amended—

(1) by striking out ''Director, Defense Research and Engineering'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(2) by striking out ''fiscal years 1995 through 1999'' and inserting in lieu thereof ''fiscal years 1997 through 1999''.

SEC. 213. MARINE CORPS SHORE FIRE SUPPORT.

Of the amount appropriated pursuant to section 201(2) for the Tomahawk Baseline Improvement Program, not more than 50 percent of that amount may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Secretary has structured, and planned for full funding of, a program leading to a live-fire test of an Army Extended Range Multiple Launch Rocket from an Army Multiple Launch Rocket Launcher on a Navy ship before October 1, 1997.

SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PROGRAM.

(a) DEVELOPMENT AND DEPLOYMENT PLAN.—The Secretary of the Air Force shall structure the development schedule for the Space and Missile Tracking System so as to achieve a first launch of a user operation evaluation system (UOES) satellite in fiscal year 2001, and to attain initial operational capability (IOC) of a full constellation of user operation evaluation systems and objective system satellites in fiscal year 2003.

(b) MANAGEMENT OVERSIGHT.—In exercising the responsibility for the Space and Missile Tracking System program, the Secretary of the Air Force shall first obtain the concurrence of the Director of the Ballistic Missile Defense Organization before implementing any decision that would have any of the following results regarding the program:

(1) A reduction in funds available for obligation or expenditure for the program for a fiscal year below the amount specifically authorized and appropriated for the program for that fiscal year.

(2) An increase in the total program cost.

(3) A delay in a previously established development or deployment schedule.

(4) A modification in the performance parameters or specifications.

(c) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(3) for fiscal year 1996, $249,824,000 shall be available for the Space and Missile Tracking System (SMTS) program.

SEC. 215. PRECISION GUIDED MUNITIONS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall perform an analysis of the full range of precision guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision guided munitions that are needed to provide a complementary capability against each target class.

(2) The feasibility of carrying out joint development and procurement of additional munition types by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing acquisition of—

(A) interim precision guided munitions; or

(B) precision guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) REPORT.—(1) Not later than February 1, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision guided munitions;

(B) avoids duplication and redundancy in the precision guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision guided munition for initial low-rate production.

(c) FUNDING LIMITATION.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision guided munitions until the Secretary of Defense submits the report under subsection (b).

(d) INTERIM PRECISION GUIDED MUNITION DEFINED.—For purposes of paragraph (1), a precision guided munition is an interim precision guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 in the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.

SEC. 216. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $252,900,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;

(B) sustaining the supporting industrial base; and

(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

SEC. 217. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $144,500,000 shall be available for the Counterproliferation Support Program, of which—

(1) $30,000,000 shall be available for a tactical antisatellite technologies program; and

(2) $6,300,000 shall be available for research and development of technologies for Special Operations Command (SOCOM) counterproliferation activities.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1003, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 218. NONLETHAL WEAPONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM OFFICE.—The Secretary of Defense shall establish in the Office of the Under Secretary of Defense for Acquisition and Technology a Program Office for Nonlethal Systems and Technologies to conduct research, development, testing, and evaluation of nonlethal weapons applicable to forces engaged in both traditional and nontraditional military operations.

(b) FUNDING.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for the Program Office for Nonlethal Systems and Technologies.

SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center

named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 may be obligated to procure work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,162,650,000 may be obligated to procure services from the federally funded research and development centers named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of that determination and the reasons for the determination.

(f) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $90,000,000.

SEC. 220. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

''(A) the amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the fiscal year preceding the fiscal year for which the designation is effective or for the last fiscal year for which statistics are available is less than the amount determined by multiplying 60 percent times 1/50 of the total amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such preceding or last fiscal year, as the case may be (to be determined in consultation with the Secretary of Defense);''.

SEC. 221. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND CONVERSION.

(a) REPEAL OF CERTAIN AUTHORITIES AND REQUIREMENTS.—Chapter 148 of title 10, United States Code, is amended—

(1) in section 2491—

(A) by striking out paragraphs (12), (13), (14), and (15); and

(B) by redesignating paragraph (16) as paragraph (12);

(2) in section 2501—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b); and

(3) by striking out sections 2512, 2513, 2516, 2520, 2523, and 2524.

(b) CRITERIA FOR SELECTION OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.—Subsection (d) of section 2522 of such title is amended to read as follows:

''(d) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall be the criteria specified in section 2511(f) of this title.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2516(b) of such title is amended—

(A) by inserting ''and'' at the end of paragraph (2);

(B) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(2) Section 2524 of such title is amended—

(A) in subsection (a), by striking out ''and the defense reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title''; and

(B) in subsection (f), by striking out ''and the reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title''.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter III of chapter 148 of title 10, United States Code, is amended by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2523 and 2524.

SEC. 222. REVISIONS OF MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PARTICIPATION OF DOD LABORATORIES IN ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 2525 of title 10, United States Code, is amended by inserting after the first sentence the following: ''The Secretary shall use the manufacturing science and technology joint planning process of the directors of the Department of Defense laboratories in establishing the program.''.

(b) PARTICIPATION OF EQUIPMENT MANUFACTURERS IN PROJECTS.—Subsection (c) of such section is amended—

(1) by inserting ''(1)'' after ''(c) EXECUTION.—''; and

(2) by adding at the end the following:

''(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.''.

SEC. 223. PREPAREDNESS OF THE DEPARTMENT OF DEFENSE TO RESPOND TO MILITARY AND CIVIL DEFENSE EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) REPORT.—Not later than February 28, 1996, the Secretary of Defense and the Secretary of Energy, in consultation with the Director of the Federal Emergency Management Agency, shall jointly submit to Congress a report on the plans and programs of the Department of Defense to prepare for and respond to military and civil defense emergencies resulting from a chemical, biological, radiological, or nuclear attack on the United States.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A discussion of—

(A) the consequences of an attack for which the Department of Defense has a responsibility to provide a primary response; and

(B) the plans and programs for preparing for and providing that response.

(2) A discussion of—

(A) the consequences of an attack for which the Department of Defense has a responsibility to provide a supporting response; and

(B) the plans and programs for preparing for and providing that response.

(3) Any actions and recommended legislation that the Secretary considers necessary for improving the preparedness of the Department of Defense to respond effectively to the consequences of a chemical, biological, radiological, or nuclear attack on the United States.

SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

To the extent provided in appropriations Acts, $9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

SEC. 225. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the amount authorized to be appropriated under section 201(1), $5,000,000 is authorized to be appropriated for continued development of the depressed altitude guided gun round system.

SEC. 226. ARMY ECHELON ABOVE CORPS COMMUNICATIONS.

Of the amount authorized to be appropriated under section 201(3), $40,000,000 is hereby transferred to the authorization of appropriations under section 101(5) for procurement of communications equipment for Army echelons above corps.

SEC. 227. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and is found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—

(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to

make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.

(e) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.

(f) The Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment of how these programs satisfy planned test objectives.

Subtitle C—Missile Defense

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Missile Defense Act of 1995''.

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.

(2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(3) The intelligence community of the United States has estimated that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not forecast within the next 10 years there is a danger that determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, can reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction between strategic defense and nonstrategic defense, has changed because of technological advancements and should be reviewed.

(6) The concept of mutual assured destruction, which was one of the major philosophical rationales for the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) Theater and national missile defenses can contribute to the maintenance of stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.

(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures alone are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.

(9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

SEC. 233. MISSILE DEFENSE POLICY.

It is the policy of the United States to—

(1) deploy as soon as possible affordable and operationally effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

(2)(A) develop for deployment a multiple-site national missile defense system that: (i) is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and (ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;

(B) initiate negotiations with the Russian Federation as necessary to provide for the national missile defense systems specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of the Treaty, subject to consultations between the President and the Senate;

(3) ensure congressional review, prior to a decision to deploy the system developed for deployment under paragraph (2), of: (A) the affordability and operational effectiveness of such a system; (B) the threat to be countered by such a system; and (C) ABM Treaty considerations with respect to such a system.

(4) improve existing cruise missile defenses and deploy as soon as practical defenses that are affordable and operationally effective against advanced cruise missiles;

(5) pursue a focused research and development program to provide follow-on ballistic missile defense options;

(6) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses;

(7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and

(8) carry out the policies, programs, and requirements of subtitle C of title II of this Act through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) in fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.

(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).

(c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the Boost Phase Interceptor (BPI) program.

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.

(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(A) the requirements for the program and the specific threats to be countered;

(B) how the new program will relate to, support, and leverage off existing core programs;

(C) the planned acquisition strategy; and

(D) a preliminary estimate of total program cost and budgetary impact.

(e) REPORT.—(1) Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing the guidance specified in this section.

(2) For each deployment date for each system described in subsection (a), the report required by paragraph (1) of this subsection shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a).

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability (IOC) by the end of 2003. Such system shall include the following:

(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.

(2) Fixed ground-based radars and space-based sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.

(3) Battle management, command, control, and communications (BM/C3).

(b) INTERIM OPERATIONAL CAPABILITY.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall develop an interim national missile defense plan that would give the United States the ability to field a limited operational capability by the end of 1999 if required by the threat. In developing this plan the Secretary shall make use of—

(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communications (BM/C3), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);

(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);

(3) upgraded early warning radars; and

(4) space-based sensors.

(c) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—

(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and

(2) ensure that any interim national missile defense capabilities developed pursuant to subsection (b) are operationally effective and on a path to fulfill the technical requirements and schedule of the objective system.

(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:

(1) The use of existing facilities and infrastructure.

(2) The use, where appropriate, of existing or upgraded systems and technologies, except that Minuteman boosters may not be used as part of a National Missile Defense architecture.

(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.

(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary's plan for carrying out this section.

(2) For each deployment date in subsections (a) and (b), the report shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a) or (b). The report shall also describe the specific threat to be countered and provide the Secretary's assessment as to whether deployment is affordable and operationally effective.

(3) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors at existing or new sites.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats.

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the Department of Defense are coordinated and mutually reinforcing;

(2) existing air defense systems are adequately upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats; and

(3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(c) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of—

(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;

(2) the technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and the investments that would be required to ready the technologies for deployment;

(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles; and

(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.

SEC. 237. POLICY REGARDING THE ABM TREATY.

(a) Congress makes the following findings:

(1) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(2) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(3) Article XV of the ABM Treaty establishes the means for a party to withdraw from the Treaty, upon 6 months notice, ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(4) The policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

(b) SENSE OF CONGRESS.—In light of the findings and policies provided in this subtitle, it is the sense of Congress that—

(1) Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have on the options of the United States to act in a time of crisis—

(A) it is in the vital national security interest of the United States to defend itself from the threat of a limited, accidental, or unauthorized ballistic missile attack, whatever its source; and

(B) the deployment of a national missile defense system, in accord with section 233, to protect the territory of the United States against a limited, accidental, or unauthorized missile attack can strengthen strategic stability and deterrence; and

(2)(A) the Senate should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the One Hundred Fourth Congress; and

(B) upon completion of the review, the Committee on Foreign Relations, in consultation with the Committee on Armed Services and other appropriate committees, should report its findings to the Senate.

SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 provides that the ABM Treaty does not apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(2) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 provides that the United States shall not be bound by any international agreement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(3) the demarcation standard described in subsection (b)(1) is based upon current technology.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, is flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor deemed to have been given capabilities to counter strategic ballistic missiles, and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be

more restrictive than the criteria in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995 that would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: (1) to the extent provided in an Act enacted subsequent to this Act; (2) to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution.

SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) Other Theater Missile Defense Activities.

(6) National Missile Defense.

(7) Follow-On and Support Technologies.

(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs, projects, and activities, other than core theater missile defense programs, shall be covered in the ''Other Theater Missile Defense Activities'' program element.

(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements.

(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the ''Other Theater Missile Defense Activities'' program element or the ''National Missile Defense'' program element, as determined on the basis of the primary objectives involved.

(e) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 240. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note).

(2) Section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

(3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

(4) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(7) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(8) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(9) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(10) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

SEC. 242. SENSE OF SENATE ON THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Office of the Director of Operational Test and Evaluation of the Department of Defense was created by Congress to provide an independent validation and verification on the suitability and effectiveness of new weapons, and to ensure that the United States military departments acquire weapons that are proven in an operational environment before they are produced and used in combat.

(2) The office is currently making significant contributions to the process by which the Department of Defense acquires new weapons by providing vital insights on operational weapons tests to be used in this acquisition process.

(3) The office provides vital services to Congress in providing an independent certification on the performance of new weapons that have been operationally tested.

(4) A provision of H.R.1530, an Act entitled ''An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes'', agreed to by the House of Representatives on June 15, 1995, contains a provision that could substantially diminish the authority and responsibilities of the office and perhaps cause the elimination of the office and its functions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the authority and responsibilities of the Office of the Director of Operational Test and Evaluation of the Department of Defense should not be diminished or eliminated; and

(2) the conferees on H.R.1530, an Act entitled ''An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes'' should not propose to Congress a conference report on that Act that would either diminish or eliminate the Office of the Director of Operational Test and Evaluation or its functions.

SEC. 243. BALLISTIC MISSILE DEFENSE TECHNOLOGY CENTER.

(a) ESTABLISHMENT.—The Director of the Ballistic Missile Defense Organization shall establish a Ballistic Missile Defense Technology Center within the Space and Strategic Defense Command of the Army.

(b) MISSION.—The missions of the Center are as follows:

(1) To maximize common application of ballistic missile defense component technology programs, target test programs, functional analysis and phenomenology investigations.

(2) To store data from the missile defense technology programs of the Armed Forces using computer facilities of the Missile Defense Data Center.

(c) TECHNOLOGY PROGRAM COORDINATION WITH CENTER.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall require the head of each element or activity of the Department of Defense beginning a new missile defense program referred to in subsection (b)(1) to first coordinate the program with the Ballistic Missile Defense Technology Center in order to prevent duplication of effort.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,073,206,000.

(2) For the Navy, $21,343,960,000.

(3) For the Marine Corps, $2,405,711,000.

(4) For the Air Force, $18,224,893,000.

(5) For Defense-wide activities, $10,021,162,000.

(6) For the Army Reserve, $1,062,591,000.

(7) For the Naval Reserve, $840,842,000.

(8) For the Marine Corps Reserve, $90,283,000.

(9) For the Air Force Reserve, $1,482,947,000.

(10) For the Army National Guard, $2,304,108,000.

(11) For the Air National Guard, $2,734,221,000.

(12) For the Defense Inspector General, $138,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,601,800,000.

(15) For Drug Interdiction and Counterdrug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,943,825,000.

(17) For support for the 1996 Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $365,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $60,000,000.

The amount authorized to be appropriated by section 301(5) is hereby reduced by $40,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.

(2) For the National Defense Sealift Fund, $1,084,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AUTHORIZATION OF APPROPRIATIONS TO TRUST FUND.—There is hereby authorized to be appropriated to the Armed Forces Retirement Home Trust Fund the sum of $45,000,000, to remain available until expended.

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force for the Civil Air Patrol Corporation is hereby increased by $5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for the Civil Air Patrol Corporation under paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by $2,900,000. The amount of the reduction shall be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

Subtitle B—Depot-Level Maintenance and Repair

SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense.

(b) PRIMARY OBJECTIVE OF POLICY.—In developing the policy, it shall be the primary objective of the Secretary to ensure a ready and controlled source of technical competence and repair and maintenance capabilities necessary for national security across a full range of current and projected training and operational requirements, including requirements in peacetime, contingency operations, mobilization, and other emergencies.

(c) CONTENT OF POLICY.—The policy shall—

(1) define, in terms of the requirements of the Department of Defense for performance of maintenance and repair, the purpose for having public depots for performing those functions;

(2) provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States;

(3) provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities to achieve the objective set forth in subsection (b);

(4) address environmental liability;

(5) in the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private sector competition and technical capabilities;

(6) provide for selection on the basis of merit whenever the workload of a Department of Defense depot is changed;

(7) provide transition provisions appropriate for persons in the Department of Defense depot-level workforce; and

(8) address issues concerning exchange of technical data between the Federal Government and the private sector, environmental liability, efficient and effective performance of depot functions, and adverse effects of the policy on the Federal Government work force.

(d) CONSIDERATION.—In developing the policy, the Secretary shall take into consideration the capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(e) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking out the items relating to sections 2466 and 2469.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision that specifically states one of the following:

(A) ''The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved.''; or

(B) ''The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:'' (with the modifications being stated in matter appearing after the colon).

(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a).

SEC. 312. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684), as amended by section 370(b) of Public Law 103–160 (107 Stat. 1634) and section 386(b) of Public Law 103–337 (108 Stat. 2742), is further amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

Subtitle C—Environmental Provisions

SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

''(d) SERVICES OF OTHER AGENCIES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

''(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may provide for reimbursement of the agency only for technical or scientific services obtained from the agency.''.

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $5,000,000.

(B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year 1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

''(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

''(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with the section.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using the marine pollution control device;

''(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

''(v) applicable United States law;

''(vi) applicable international standards; and

''(vii) the economic costs of the installation and use of the marine pollution control device.

''(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with the section.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

''(5) DEADLINES; EFFECTIVE DATE.—

''(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

''(i) make the initial determinations under paragraph (2) not later than 2 years after the date of enactment of this subsection; and

''(ii) every 5 years—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on significant new information.

''(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

''(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

''(ii) every 5 years—

''(I) review the standards; and

''(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

''(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

''(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

''(6) EFFECT ON OTHER LAWS.—

''(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

''(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control the discharge.

''(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

''(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

''(A) STATE PROHIBITION.—

''(i) IN GENERAL.—After the effective date of—

''(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

''(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

''(B) PROHIBITION BY THE ADMINISTRATOR.—

''(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

''(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

''(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

''(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

''(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

''(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

''(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

''(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements

an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

''(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

''(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

''(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

''(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking ''or''; and

(ii) by inserting ''or agency of the United States'' after ''association,'';

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(12) 'discharge incidental to the normal operation of a vessel'—

''(A) means a discharge, including—

''(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

''(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

''(B) does not include—

''(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

''(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

''(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of enactment of subsection (n));

''(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

''(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

''(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

''(14) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).''.

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking ''of this section or'' and inserting a comma; and

(B) by striking ''of this section shall'' and inserting '', or subsection (n)(8) shall''.

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking ''sewage from vessels'' and inserting ''sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces''.

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources to—

(1) determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) establish performance standards for marine pollution control devices on vessels of the Armed Forces.

SEC. 323. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

''(2)(A) The Secretary shall prescribe regulations regarding the establishment of restoration advisory boards pursuant to this subsection.

''(B) The regulations shall set forth the following matters:

''(i) The functions of the boards.

''(ii) Funding for the boards.

''(iii) Accountability of the boards for expenditures of funds.

''(iv) The routine administrative expenses that may be paid pursuant to paragraph (3).

''(C) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.''.

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

''(3) The Secretary may authorize the commander of an installation to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).''.

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

''(e) TECHNICAL ASSISTANCE.—(1) The Secretary may authorize the commander of an installation, upon the request of the technical review committee or restoration advisory board for the installation, to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and the restoration activities proposed for or conducted at the installation. The commander of an installation shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

''(2) The commander of an installation may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

''(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained;

''(B) the technical assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

''(C) the technical assistance is likely to contribute to community acceptance of environmental restoration activities at the installation.''.

(d) FUNDING.—(1) Such section is further amended by adding at the end the following:

''(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available under subsections (d)(3) and (e)(1) using funds in the following accounts:

''(1) In the case of a military installation not approved for closure pursuant to a base closure law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

''(2) In the case of an installation approved for closure pursuant to such a law, the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $4,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after March 1, 1996, unless the Secretary of Defense prescribes the regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding at the end the following:

''(h) DEFINITION.—In this section, the term 'base closure law' means the following:

''(1) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(3) Section 2687 of this title.''.

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:

''(J) A statement of the activities, if any, of the technical review committee or restoration advisory board established for the installation under section 2705 of this title during the preceding fiscal year.''.

Subtitle D—Civilian Employees

SEC. 331. MINIMUM NUMBER OF MILITARY RESERVE TECHNICIANS.

For each of fiscal years 1996 and 1997, the minimum number of personnel employed as military reserve technicians (as defined in section 8401(30) of title 5, United States Code) for reserve components as of the last day of such fiscal year shall be as follows:

(1) For the Army National Guard, 25,750.

(2) For the Army Reserve, 7,000.

(3) For the Air National Guard, 23,250.

(4) For the Air Force Reserve, 10,000.

SEC. 332. EXEMPTION OF DEPARTMENT OF DEFENSE FROM PERSONNEL CEILINGS FOR CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''man-year constraint or limitation'' and inserting in lieu thereof ''constraint or limitation in terms of man years, end strength, full-time equivalent (FTE) employees, or maximum number of employees''; and

(2) in subsection (b)(2), by striking out ''any end-strength'' and inserting in lieu thereof ''any constraint or limitation in terms of man years, end strength, full-time equivalent (FTE) employees, or maximum number of employees''.

SEC. 333. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:

''(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—

''(1) be a member of the National Guard;

''(2) hold the military grade specified by the Secretary concerned for that position; and

''(3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.''.

(b) UNIFORM ALLOWANCES FOR OFFICERS.—Section 417 of title 37, United States Code, is amended by adding at the end the following:

''(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

''(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.''.

(c) CLOTHING OR ALLOWANCES FOR ENLISTED MEMBERS.—Section 418 of title 37, United States Code, is amended—

(1) by inserting ''(a)'' before ''The President''; and

(2) by adding at the end the following:

''(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

''(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.''.

SEC. 334. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) EXTENSION FOR 120 DAYS.—The authority provided in section 103 of Public Law 104–6 (109 Stat.79) shall be effective until the end of January 31, 1996.

(b) MONTHLY REPORT.—On the first day of each month, the Secretary of the Navy shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the employees being paid pursuant to section 103 of Public Law 104–6. The report shall include the number of the employees, their positions of employment, the number and location of the employees' dependents, and the actions that the Secretary is taking to eliminate the conditions making the payments necessary.

SEC. 335. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amended by adding at the end the following:

''(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

''(i) transfer civilian employees in schools established under this section to schools in the defense dependents' education system in order to provide the services referred to in subparagraph (B) to such system; and

''(ii) transfer employees in such system to such schools in order to provide such services to such schools.

''(B) The services referred to in subparagraph (A) are the following:

''(i) Administrative services.

''(ii) Logistical services.

''(iii) Personnel services.

''(iv) Such other services as the Secretary considers appropriate.

''(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

''(D) The Secretary may provide that the transfer of any employee under this paragraph occur without reimbursement of the school or system concerned.

''(E) In this paragraph, the term 'defense dependents' education system' means the program established and operated under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).''.

SEC. 336. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2415), is amended—

(1) in subsection (b), by striking out ''be offered'' and inserting in lieu thereof ''be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

''(c)(1) The position to be offered a former military technician under subsection (b) shall be a position—

''(A) in either the competitive service or the excepted service;

''(B) within the Department of Defense; and

''(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a reserve component of the armed forces as a condition of employment.

''(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.''.

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.

(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

''3330. Government-wide list of vacant positions.''.

SEC. 337. COST OF CONTINUING HEALTH INSURANCE COVERAGE FOR EMPLOYEES VOLUNTARILY SEPARATED FROM POSITIONS TO BE ELIMINATED IN A REDUCTION IN FORCE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out ''from a position'' and inserting in lieu thereof ''or voluntary separation from a surplus position''; and

(B) by striking out ''force—'' and inserting in lieu thereof ''force or a closure or realignment of a military installation pursuant to a base closure law—''; and

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

''(C) In this paragraph:

''(i) The term 'surplus position' means a position that, as determined under regulations prescribed by the Secretary of Defense, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.

''(ii) The term 'base closure law' means the following:

''(I) Section 2687 of title 10.

''(II) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(III) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(iii) The term 'military installation'—

''(I) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

''(II) in the case of an installation covered by the Act referred to in subclause (II) of clause (ii), has the meaning given such term in section 209(6) of such Act;

''(III) in the case of an installation covered by the Act referred to in subclause (III) of that clause, has the meaning given such term in section 2910(4) of such Act.''.

SEC. 338. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) Details of employees of the Department of Defense under subsection (a) of this section may be made only by written order of the Secretary of the military department concerned (or by the Secretary of Defense, in the case of an employee of the Department of Defense who is not an employee of a military department) or a designee of the Secretary. Paragraph (1) does not apply to the Department of Defense.''.

SEC. 339. REPEAL OF REQUIREMENT FOR PART-TIME CAREER OPPORTUNITY EMPLOYMENT REPORTS.

Section 3407 of title 5, United States Code, is amended by adding at the end the following:

''(c) This section does not apply to the Department of Defense.''.

SEC. 340. AUTHORITY OF CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) The Secretary of Defense or the Secretary of a military department may—

''(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

''(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee who would otherwise be released in the reduction in force under such criteria.

''(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

''(3) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(4) The authority under paragraph (1) may not be exercised after September 30, 1996.''.

SEC. 341. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

''(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall refund to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

''(B) The period of service represented by an amount of severance pay refunded by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

''(C) Amounts refunded to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

''(3) This subsection applies with respect to severance payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.''.

SEC. 342. HOLIDAYS FOR EMPLOYEES WHOSE BASIC WORKWEEK IS OTHER THAN MONDAY THROUGH FRIDAY.

Section 6103(b) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking out ''Instead'' and inserting in lieu thereof ''Except as provided in paragraph (3), instead''; and

(2) by adding at the end the following:

''(3)(A) In the case of an employee of a military department or any other employee of the Department of Defense, subject to the discretion of the Secretary concerned, instead of a holiday that occurs on a regular weekly non-workday of an employee whose basic workweek is other than Monday through Friday, the legal holiday for the employee is—

''(i) the workday of the employee immediately before the regular weekly non-workday; or

''(ii) if the holiday occurs on a regular weekly non-workday administratively scheduled for the employee instead of Sunday, the next immediately following workday of the employee.

''(B) For purposes of subparagraph (A), the term 'Secretary concerned' has the meaning given that term in subparagraphs (A), (B), and (C) of section 101(a)(9) of title 10 and includes the Secretary of Defense with respect to an employee of the Department of Defense who is not an employee of a military department.''.

SEC. 343. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

''(2) 'employee' has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;''.

Subtitle E—Defense Financial Management

SEC. 351. FINANCIAL MANAGEMENT TRAINING.

(a) LIMITATION.—Funds authorized by this Act to be appropriated for the Department of Defense may not be obligated for a capital lease for the establishment of a Department of Defense financial management training center before the date that is 90 days after the date on which the Secretary of Defense submits, in accordance with subsection (b), a certification of the need for such a center and a report on financial management training for Department of Defense personnel.

(b) CERTIFICATION AND REPORT.—(1) Before obligating funds for a Department of Defense financial management training center, the Secretary of Defense shall—

(A) certify to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the need for such a center; and

(B) submit to such committees, with the certification, a report on financial management training for Department of Defense personnel.

(2) Any report under paragraph (1) shall contain the following:

(A) The Secretary's analysis of the requirements for providing financial management training for employees of the Department of Defense.

(B) The alternatives considered by the Secretary for meeting those requirements.

(C) A detailed plan for meeting those requirements.

(D) A financial analysis of the estimated short-term and long-term costs of carrying out the plan.

(E) If, after the analysis referred to in subparagraph (A) and after considering alternatives as described in subparagraph (B), the Secretary determines to meet the requirements through a financial management training center—

(i) the determination of the Secretary regarding the location for the university; and

(ii) a description of the process used by the Secretary for selecting that location.

SEC. 352. LIMITATION ON OPENING OF NEW CENTERS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.

(a) LIMITATION.—During fiscal year 1996, the Secretary of Defense may not establish any center for the Defense Finance and Accounting Service that is not operating on the date of the enactment of this Act.

(b) EXCEPTION.—If the Secretary submits to Congress not later than March 31, 1996, a report containing a discussion of the need for establishing a new center prohibited by subsection (a), the prohibition in such subsection shall not apply to the center effective 30 days after the date on which Congress receives the report.

(c) REEXAMINATION OF NEED REQUIRED.—Before submitting a report regarding a new center that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary shall reconsider the need for establishing that center.

Subtitle F—Miscellaneous Assistance

SEC. 361. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL GUARD PARTICIPATION IN JOINT DISASTER AND EMERGENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.''.

SEC. 362. OFFICE OF CIVIL-MILITARY PROGRAMS.

None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs.

SEC. 363. REVISION OF AUTHORITY FOR CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.

(a) RESERVE COMPONENTS TO BE USED FOR COOPERATIVE ACTION.—Section 410 of title 10, United States Code, is amended in the second sentence of subsection (a) by inserting ''of the reserve components and of the combat support and combat service support elements of the regular components'' after ''resources''.

(b) PROGRAM OBJECTIVES.—Subsection (b) of such section is amended by striking out paragraphs (1), (2), (3), (4), (5), and (6) and inserting in lieu thereof the following:

''(1) To enhance individual and unit training and morale in the armed forces.

''(2) To encourage cooperation between civilian and military sectors of society.''.

(c) REGULATIONS.—Subsection (d) of such section is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

''(5) Procedures to ensure that Department of Defense resources are not applied exclusively to the program.

''(6) A requirement that a commander of a unit of the armed forces involved in providing assistance certify that the assistance is consistent with the military missions of the unit.''.

SEC. 364. OFFICE OF HUMANITARIAN AND REFUGEE AFFAIRS.

None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the Office of Humanitarian and Refugee Affairs within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

SEC. 365. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) GAO REPORT.—Not later than December 15, 1995, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

Subtitle G—Operation of Morale, Welfare, and Recreation Activities

SEC. 371. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''a military department'' and inserting in lieu thereof ''an armed force'';

(2) in the second sentence—

(A) by striking out '', department-wide''; and

(B) by striking out ''of the military department'' and inserting in lieu thereof ''for that armed force''; and

(3) by adding at the end the following: ''This section does not apply to the Coast Guard.''.

SEC. 372. ELIMINATION OF CERTAIN RESTRICTIONS ON PURCHASES AND SALES OF ITEMS BY EXCHANGE STORES AND OTHER MORALE, WELFARE, AND RECREATION FACILITIES.

(a) RESTRICTIONS ELIMINATED.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2255. Military exchange stores and other morale, welfare, and recreation facilities: sale of items

''(a) AUTHORITY.—The MWR retail facilities may sell items in accordance with regulations prescribed by the Secretary of Defense.

''(b) CERTAIN RESTRICTIONS PROHIBITED.—The regulations may not include any of the following restrictions on the sale of items:

''(1) A restriction on the prices of items offered for sale, including any requirement to establish prices on the basis of a specific relationship between the prices charged for the merchandise and the cost of the merchandise to the MWR retail facilities concerned.

''(2) A restriction on price of purchase of an item.

''(3) A restriction on the categories of items that may be offered for sale.

''(4) A restriction on the size of items that may be offered for sale.

''(5) A restriction on the basis of—

''(A) whether the item was manufactured, produced, or mined in the United States; or

''(B) the extent to which the merchandise contains components or materials manufactured, produced, or mined in the United States.

''(c) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.''.

(2) The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following:

''2255. Military exchange stores and other morale, welfare, and recreation facilities: sale of items.''.

(b) REPORT.—Not later than June 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that identifies each restriction in effect immediately before the date of the enactment of this Act that is terminated or made inapplicable by section 2255 of title 10, United States Code (as added by subsection (a)), to exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces.

SEC. 373. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1634; 10 U.S.C. 7604 note) is amended by striking out subsections (a), (b), and (d).

(b) REPEAL OF RELATED CODIFIED PROVISIONS.—Section 7604 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''(a) IN GENERAL.—''; and

(2) by striking out subsections (b) and (c).

Subtitle H—Other Matters

SEC. 381. NATIONAL DEFENSE SEALIFT FUND: AVAILABILITY FOR THE NATIONAL DEFENSE RESERVE FLEET.

Section 2218 of title 10, United States Code is amended—

(1) in subsection (c)(1)—

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

(B) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following:

''(E) expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).''; and

(2) in subsection (i), by striking out ''Nothing'' and inserting in lieu thereof ''Except as provided in subsection (c)(1)(E), nothing''.

SEC. 382. AVAILABILITY OF RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) DEPARTMENT OF DEFENSE TO RECEIVE 3 PERCENT.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2250. Recoveries of losses and expenses resulting from contractor fraud

''(a) RETENTION OF PART OF RECOVERY.—(1) Notwithstanding any other provision of law, a portion of the amount recovered by the Government in a fiscal year for losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations shall be credited to appropriations accounts of the Department of Defense for that fiscal year in accordance with allocations made pursuant to subsection (b).

''(2) The total amount credited to appropriations accounts for a fiscal year pursuant to paragraph (1) shall be the lesser of—

''(A) the amount equal to three percent of the amount referred to in such paragraph that is recovered in that fiscal year; or

''(B) $500,000.

''(b) ALLOCATION OF RECOVERED FUNDS.—The Secretary of Defense shall allocate amounts recovered in a contractor fraud case through the Secretary of the military department concerned to each installation that incurred a loss or expense as a result of the fraud.

''(c) USE BY MILITARY DEPARTMENTS.—The Secretary of a military department receiving an allocation under subsection (b) in a fiscal year with respect to a contractor fraud case—

''(1) shall credit (for use by each installation concerned) the amount equal to the costs incurred by the military department in carrying out or supporting an investigation or litigation of the contractor fraud case to appropriations accounts of the department for such fiscal year that are used for paying the costs of carrying out or supporting investigations or litigation of contractor fraud cases; and

''(2) may credit to any appropriation account of the department for that fiscal year (for use by each installation concerned) the amount, if any, that exceeds the amount credited to appropriations accounts under paragraph (1).

''(d) RECOVERIES INCLUDED.—(1) Subject to paragraph (2)(B), subsection (a) applies to amounts recovered in civil or administrative actions (including settlements) as actual damages, restitution, and investigative costs.

''(2) Subsection (a) does not apply to—

''(A) criminal fines, forfeitures, civil penalties, and damages in excess of actual damages; or

''(B) recoveries of losses or expenses incurred by working-capital funds managed through the Defense Business Operations Fund.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

''2248. Recoveries of losses and expenses resulting from contractor fraud.''.

SEC. 383. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) PERMANENT AUTHORITY.—Section 2575 of title 10 is amended—

(1) by striking out subsection (b) and inserting in lieu thereof the following:

''(b)(1) In the case of property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

''(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

''(B) if all such costs are reimbursed, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at that installation.

''(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts.''; and

(2) by adding at the end the following:

''(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.

''(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the General Accounting Office for proceeds covered into the Treasury under subsection (b)(2).

''(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the General Accounting Office (in the case of a claim filed under paragraph (2)).''.

(b) REPEAL OF AUTHORITY FOR DEMONSTRATION PROGRAM.—Section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is repealed.

SEC. 384. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

''(a) The Secretary of the Navy shall procure and sell, for cash or credit—

''(1) articles designated by the Secretary to members of the Navy and Marine Corps; and

''(2) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

''(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

''(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

''(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

''(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Navy or Marine Corps honorably or under honorable conditions, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

''(f) Payment for subsistence supplies sold under this section shall be made in cash.

''(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

''(A) at military installations outside the United States; and

''(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

''(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to those residing within military installations.

''(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of themselves and their families.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

''7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.''.

SEC. 385. CONVERSION OF CIVILIAN MARKSMANSHIP PROGRAM TO NONAPPROPRIATED FUND INSTRUMENTALITY AND ACTIVITIES UNDER PROGRAM.

(a) CONVERSION.—Section 4307 of title 10, United States Code, is amended to read as follows:

"§ 4307. Promotion of rifle practice and firearms safety: administration

''(a) NONAPPROPRIATED FUND INSTRUMENTALITY.—On and after October 1, 1995, the Civilian Marksmanship Program shall be operated as a nonappropriated fund instrumentality of the United States within the Department of Defense for the benefit of members of the armed forces and for the promotion of rifle practice and firearms safety among civilians.

''(b) ADVISORY COMMITTEE.—(1) The Civilian Marksmanship Program shall be under the general supervision of an Advisory Committee for the Promotion of Rifle Practice and Firearms Safety, which shall replace the National Board for the Promotion of Rifle Practice. The Advisory Committee shall be appointed by the Secretary of the Army.

''(2) Members of the Advisory Committee shall serve without compensation, except that members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of Advisory Committee services.

''(c) DIRECTOR.—The Secretary of the Army shall appoint a person to serve as Director of the Civilian Marksmanship Program.

''(d) FUNDING.—(1) The Advisory Committee and the Director may solicit, accept, hold, use, and dispose of, in furtherance of the activities of the Civilian Marksmanship Program, donations of money, property, and services received by gift, devise, bequest, or otherwise. Donations may be accepted notwithstanding any legal restrictions otherwise arising from procurement relationships of the donors with the United States.

''(2) All amounts collected under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under section 4308 of this title, shall be credited to the Civilian Marksmanship Program and shall be available to carry out the Civilian Marksmanship Program. Amounts collected by, and available to, the National Board for the Promotion of Rifle Practice before the date of the enactment of this section from sales programs and from fees in connection with competitions sponsored by that Board shall be transferred to the nonappropriated funds account established for the Civilian Marksmanship Program and shall be available to carry out the Civilian Marksmanship Program.

''(3) Funds held on behalf of the Civilian Marksmanship Program shall not be construed to be Government or public funds or appropriated funds and shall not be available to support other nonappropriated fund instrumentalities of the Department of Defense. Expenditures on behalf of the Civilian Marksmanship Program, including compensation and benefits for civilian employees, may not exceed $5,000,000 during any fiscal year. The approval of the Advisory Committee shall be required for any expenditure in excess of $50,000. Notwithstanding any other provision of law, funds held on behalf of the Civilian Marksmanship Program shall remain available until expended.

''(e) INAPPLICABILITY OF ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Committee.

''(f) DEFINITIONS.—In this section and sections 4308 through 4313 of this title:

''(1) The term 'Civilian Marksmanship Program' means the rifle practice and firearms safety program carried out under section 4308 of this title and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.

''(2) The term 'Advisory Committee' means the Advisory Committee for the Promotion of Rifle Practice and Firearms Safety.

''(3) The term 'Director' means the Director of the Civilian Marksmanship Program.''.

(b) ACTIVITIES.—Section 4308 of such title is amended to read as follows:

"§ 4308. Promotion of rifle practice and firearms safety: activities

''(a) INSTRUCTION, SAFETY, AND COMPETITION PROGRAMS.—(1) The Civilian Marksmanship Program shall provide for—

''(A) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

''(B) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

''(C) the promotion of safe and responsible practice in the use of rifled arms and the maintenance and management of matches or competitions in the use of those arms; and

''(D) the award to competitors of trophies, prizes, badges, and other insignia.

''(2) In carrying out this subsection, the Civilian Marksmanship Program shall give priority to activities that benefit firearms safety training and competition for youth and reach as many youth participants as possible.

''(3) Before a person may participate in any activity sponsored or supported by the Civilian Marksmanship Program under this subsection, the person shall be required to certify that the person has not violated any Federal or State firearms laws.

''(b) SALE AND ISSUANCE OF ARMS AND AMMUNITION.—(1) The Civilian Marksmanship Program may issue, without cost, the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for activities conducted under subsection (a). Issuance shall be made only to gun clubs under the direction of the Director of the program that provide training in the use of rifled arms to youth, the Junior Reserve Officers' Training Corps, the Boy Scouts of America, 4–H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition.

''(2) The Director of the Civilian Marksmanship Program may sell at fair market value caliber .30 rifles and accoutrements, caliber .22 rifles, and air rifles, and ammunition for such rifles, to gun clubs that are under the direction of the Director and provide training in the use of rifled arms. In lieu of sales, the Director may loan such rifles to such gun clubs.

''(3) The Director of the Civilian Marksmanship Program may sell at fair market value small arms, ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the Director.

''(4) Before conveying any weapon or ammunition to a person, whether by sale or

lease, the Director shall provide for a criminal records check of the person with appropriate Federal and State law enforcement agencies.

''(c) OTHER AUTHORITIES.—The Director shall provide for—

''(1) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor to carry out the Civilian Marksmanship Program; and

''(2) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Advisory Committee to participate in matches or competitions in the use of rifled arms.

''(d) FEES.—The Director, in consultation with the Advisory Committee, may impose reasonable fees for persons and gun clubs participating in any program or competition conducted under the Civilian Marksmanship Program for the promotion of rifle practice and firearms safety among civilians.

''(e) RECEIPT OF EXCESS ARMS AND AMMUNITION.—(1) The Secretary of the Army shall reserve for the Civilian Marksmanship Program all remaining M–1 Garand rifles, accoutrements, and ammunition for such rifles, still held by the Army. After the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, the Secretary of the Army shall cease demilitarization of remaining M–1 Garand rifles in the Army inventory unless such rifles are determined to be irreparable.

''(2) Transfers under this subsection shall be made without cost to the Civilian Marksmanship Program, except for the costs of transportation for the transferred small arms and ammunition.

''(f) PARTICIPATION CONDITIONS.—(1) All participants in the Civilian Marksmanship Program and activities sponsored or supported by the Advisory Committee shall be required, as a condition of participation, to sign affidavits stating that—

''(A) they have never been convicted of a firearms violation under State or Federal law; and

''(B) they are not members of any organization which advocates the violent overthrow of the United States Government.

''(2) Any person found to have violated this subsection shall be ineligible to participate in the Civilian Marksmanship Program and future activities.''.

(c) PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INSTRUCTION AND COMPETITION.—Section 4310 of such title is amended to read as follows:

''§ 4310. Rifle instruction and competitions: participation of members

''The commander of a major command of the armed forces may pay the personnel costs and travel and per diem expenses of members of an active or reserve component of the armed forces who participate in a competition sponsored by the Civilian Marksmanship Program or who provide instruction or other services in support of the Civilian Marksmanship Program.''.

(d) CONFORMING AMENDMENTS.—(1) Section 4312(a) of such title is amended by striking out ''as prescribed by the Secretary of the Army'' and inserting in lieu thereof ''as part of the Civilian Marksmanship Program''.

(2) Section 4313 of such title is amended—

(A) in subsection (a), by striking out ''Secretary of the Army'' both places it appears and inserting in lieu thereof ''Advisory Committee''; and

(B) in subsection (b), by striking out ''Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may'' and inserting in lieu thereof ''Nonappropriated funds available to the Civilian Marksmanship Program shall''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4309, and 4310 and inserting in lieu thereof the following new items:

''4307. Promotion of rifle practice and firearms safety: administration.

''4308. Promotion of rifle practice and firearms safety: activities.

''4309. Rifle ranges: availability for use by members and civilians.

''4310. Rifle instruction and competitions: participation of members.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

SEC. 386. REPORT ON EFFORTS TO CONTRACT OUT CERTAIN FUNCTIONS OF DEPARTMENT OF DEFENSE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the advantages and disadvantages of using contractor personnel, rather than civilian employees of the Department of Defense, to perform functions of the Department that are not essential to the warfighting mission of the Armed Forces. The report shall specify all legislative and regulatory impediments to contracting those functions for private performance.

SEC. 387. IMPACT AID.

(a) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary of Education shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(b) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—Subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking ''only if such agency'' and inserting ''if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency''; and

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

''(C) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

''(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

''(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State.''; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''(other than any amount received under paragraph (2)(B))'' after ''subsection'';

(ii) in subclause (I) of clause (i), by striking ''or the average per-pupil expenditure of all the States'';

(iii) by amending clause (ii) to read as follows:

''(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency.''; and

(iv) by amending clause (iii) to read as follows:

''(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

''(I) under this Act; or

''(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses.''; and

(B) by amending subparagraph (B) to read as follows:

''(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

''(i) the product of—

''(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

''(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

''(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.''.

(c) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

''(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

''(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

''(B) shall derive the per pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.''.

SEC. 388. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1) $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troops-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term ''Troops-to-Cops program'' means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term ''Troops-to-Teachers program'' means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

SEC. 389. AUTHORIZING THE AMOUNTS REQUESTED IN THE BUDGET FOR JUNIOR ROTC.

(a) There is hereby authorized to be appropriated $12,295,000 to fully fund the budget request for the Junior Reserve Officer Training Corps programs of the Army, Navy, Air Force, and Marine Corps. Such amount is in addition to the amount otherwise available for such programs under section 301.

(b) The amount authorized to be appropriated by section 101(4) is hereby reduced by $12,295,000.

SEC. 390. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleets, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

SEC. 391. ALLEGANY BALLISTICS LABORATORY.

Of the amount authorized to be appropriated under section 301(2), $2,000,000 shall be available for the Allegany Ballistics Laboratory for essential safety functions.

SEC. 392. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

"§ 2317. Equipment Leasing

''The Secretary of Defense is authorized to use leasing in the acquisition of commercial vehicles when such leasing is practicable and efficient.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2317. Equipment leasing.''.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees setting forth changes in legislation that would be required to facilitate the use of leases by the Department of Defense in the acquisition of equipment.

(c) PILOT PROGRAM.—The Secretary of the Army may conduct a pilot program for leasing of commercial utility cargo vehicles as follows:

(1) Existing commercial utility cargo vehicles may be traded in for credit against new replacement commercial utility cargo vehicle lease costs;

(2) Quantities of commercial utility cargo vehicles to be traded in and their value to be credited shall be subject to negotiation between the parties;

(3) New commercial utility cargo vehicle lease agreements may be executed with or without options to purchase at the end of each lease period;

(4) New commercial utility cargo vehicle lease periods may not exceed five years;

(5) Such leasing pilot program shall consist of replacing no more than forty percent of the validated requirement for commercial utility cargo vehicles, but may include an option or options for the remaining validated requirement which may be executed subject to the requirements of subsection (c)(7);

(6) The Army shall enter into such pilot program only if the Secretary—

(A) awards such program in accordance with the provisions of section 2304 of title 10, United States Code;

(B) has notified the congressional defense committees of his plans to execute the pilot program;

(C) has provided a report detailing the expected savings in operating and support costs from retiring older commercial utility cargo vehicles compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(D) has allowed 30 calendar days to elapse after such notification.

(7) One year after the date of execution of an initial leasing contract, the Secretary of the Army shall submit a report setting forth the status of the pilot program. Such report shall be based upon at least six months of operating experience. The Secretary may exercise an option or options for subsequent commercial utility cargo vehicles only after he has allowed 60 calendar days to elapse after submitting this report.

(8) EXPIRATION OF AUTHORITY.—No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:

(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.

(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FISCAL YEAR 1997.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1997, as follows:

(1) The Army, 495,000, of which not more than 80,312 may be commissioned officers.

(2) The Navy, 409,740, of which not more than 56,615 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 385,400, of which not more than 76,494 may be commissioned officers.

SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—(1) In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Air Force serving on active duty in the grades of major, lieutenant colonel, and colonel shall be the numbers set forth for that fiscal year in paragraph (2) (rather than the numbers determined in accordance with the table in that section).

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

Fiscal year	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

(b) NAVY OFFICERS.—(1) In the administration of the limitation under section 523(a)(2) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Navy serving on active duty in the grades of lieutenant commander, commander, and captain shall be the numbers set forth for that fiscal year in paragraph (2) (rather than the numbers determined in accordance with the table in that section).

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

Fiscal year	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant commander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525 of title 10, United States Code, is amended by adding at the end the following:

''(d) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,894.

(4) The Marine Corps Reserve, 42,274.

(5) The Air National Guard of the United States, 112,707.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) FISCAL YEAR 1997.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1997, as follows:

(1) The Army National Guard of the United States, 367,000.

(2) The Army Reserve, 215,000.

(3) The Naval Reserve, 96,694.

(4) The Marine Corps Reserve, 42,682.

(5) The Air National Guard of the United States, 107,151.

(6) The Air Force Reserve, 73,160.

(7) The Coast Guard Reserve, 8,000.

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1996.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,587.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,066.

(6) The Air Force Reserve, 628.

(b) FISCAL YEAR 1997.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1997, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,040.

(2) The Army Reserve, 11,550.

(3) The Naval Reserve, 17,171.

(4) The Marine Corps Reserve, 2,976.

(5) The Air National Guard of the United States, 9,824.

(6) The Air Force Reserve, 625.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table at the end of section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	643	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	412	188	274	30''.

(b) SENIOR ENLISTED MEMBERS.—The table at the end of section 12012(a) of such title is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	603	202	366	20
E–8	2,585	429	890	94''.

SEC. 414. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIVE THREAT REDUCTION PROGRAMS NOT TO BE COUNTED.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following:

''(8) Members of the Selected Reserve of the Ready Reserve on active duty for more that 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 107 Stat. 1778; 22 U.S.C. 5952(b)).''.

SEC. 415. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

''(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

''(B) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

''(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

''(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.''.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1996.—For fiscal year 1996, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) FISCAL YEAR 1997.—For fiscal year 1997, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,275.

(2) The Navy, 44,121.

(3) The Marine Corps, 27,255.

(4) The Air Force, 35,522.

(c) SCOPE.—The average military training student load authorized for an armed force for a fiscal year under subsection (a) or (b) applies to the active and reserve components of that armed force for that fiscal year.

(d) ADJUSTMENTS.—The average military training student load authorized for a fiscal year in subsection (a) or (b) shall be adjusted consistent with the end strengths authorized for that fiscal year in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $68,896,863,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. JOINT OFFICER MANAGEMENT.

(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out ''1,000'' and inserting in lieu thereof ''500''.

(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Section 664 of such title is amended by adding at the end the following:

''(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may credit an officer with having completed a full tour of duty in a joint duty assignment upon the officer's completion of service described in paragraph (2) or may grant credit for such service for purposes of determining the cumulative service of the officer in joint duty assignments. The credit for such service may be granted without regard to the length of the service (except as provided in regulations pursuant to subparagraphs (A) and (B) of paragraph (4)) and without regard to whether the assignment in which the service was performed is a joint duty assignment as defined in regulations pursuant to section 668 of this title.

''(2) Service performed by an officer in a temporary assignment on a joint task force or a multinational force headquarters staff may be considered for credit under paragraph (1) if—

''(A) the Secretary of Defense determines that the service in that assignment provided significant experience in joint matters;

''(B) any portion of the service in that assignment was performed on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996; and

''(C) the officer is recommended for such credit by the Chief of Staff of the Army (for an officer in the Army), the Chief of Naval Operations (for an officer in the Navy), the Chief of Staff of the Air Force (for an officer in the Air Force), or the Commandant of the Marine Corps (for an officer in the Marine Corps).

''(3) Credit shall be granted under paragraph (1) on a case-by-case basis.

''(4) The Secretary of Defense shall prescribe uniform criteria for determining whether to grant an officer credit under paragraph (1). The criteria shall include the following:

''(A) For an officer to be credited as having completed a full tour of duty in a joint duty assignment, the officer accumulated at least 24 months of service in a temporary assignment referred to in paragraph (2).

''(B) For an officer to be credited with service in a joint duty assignment for purposes of determining cumulative service in joint duty assignments, the officer accumulated at least 30 consecutive days of service or 60 days of total service in a temporary assignment referred to in paragraph (2).

''(C) The service was performed in support of a mission that was directed by the President or was assigned by the President to United States forces in the joint task force or multinational force involved.

''(D) The joint task force or multinational force involved was constituted or designated by the Secretary of Defense, by a commander of a combatant command or of another force, or by a multinational or United Nations command authority.

''(E) The joint task force or multinational force involved conducted military combat or combat-related operations or military operations other than war in a unified action

under joint, multinational, or United Nations command and control.

''(5) Officers for whom joint duty credit is granted pursuant to this subsection shall not be taken into account for the purposes of section 661(d)(1) of this title, subsections (a)(3) and (b) of section 662 of this title, section 664(a) of this title, or paragraph (7), (8), (9), (11), or (12) of section 667 of this title.

''(6) In the case of an officer credited with having completed a full tour of duty in a joint duty assignment pursuant to this subsection, the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of this title that the tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section.''.

(c) INFORMATION IN ANNUAL REPORT.—Section 667 of such title is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers granted credit for service in joint duty assignments under section 664(i) of this title and—

''(A) of those officers—

''(i) the number of officers credited with having completed a tour of duty in a joint duty assignment; and

''(ii) the number of officers granted credit for purposes of determining cumulative service in joint duty assignments; and

''(B) the identity of each operation for which an officer has been granted credit pursuant to section 664(i) of this title and a brief description of the mission of the operation.''.

(d) GENERAL AND FLAG OFFICER EXEMPTION FROM WAIVER LIMITS.—Section 661(c)(3)(D) of such title is amended by inserting '', other than for general or flag officers,'' in the third sentence after ''during any fiscal year''.

(e) LENGTH OF SECOND JOINT TOUR.—Section 664 of such title is amended—

(1) in subsection (e)(2), by inserting after subparagraph (B) the following:

''(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.''; and

(2) in subsection (f)—

(A) by striking out ''or'' at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof ''; or''; and

(C) by adding at the end the following:

''(6) a second joint duty assignment that is less than the period required under subsection (a), but not less than 2 years, without regard to whether a waiver was granted for such assignment under subsection (b).''.

SEC. 502. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of such title is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(d) REQUIREMENT FOR REVIEW AND REPORT.—Not later than April 1, 1996, the Secretary of Defense shall—

(1) review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall apply to persons who are first admitted to military service academies after December 31, 1991.

(2) Section 511(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1439; 10 U.S.C. 2114 note) is amended—

(A) by striking out ''amendments made by this section'' and inserting in lieu thereof ''amendment made by subsection (a)''; and

(B) by striking out ''or one of the service academies''.

SEC. 503. QUALIFICATIONS FOR APPOINTMENT AS SURGEON GENERAL OF AN ARMED FORCE.

(a) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting after the third sentence the following: ''The Surgeon General shall be appointed as prescribed in subsection (f).''; and

(2) by adding at the end the following new subsection (f):

''(f) The President shall appoint the Surgeon General from among commissioned officers in any corps of the Army Medical Department who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists.''.

(b) SURGEON GENERAL OF THE NAVY.—Section 5137 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out ''in the Medical Corps'' and inserting in lieu thereof ''who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists''; and

(2) in subsection (b), by striking out ''in the Medical Corps'' and inserting in lieu thereof ''who is qualified to be the Chief of the Bureau of Medicine and Surgery''.

(c) SURGEON GENERAL OF THE AIR FORCE.—The first sentence of section 8036 of title 10, United States Code, is amended by striking out ''designated as medical officers under section 8067(a) of this title'' and inserting in lieu thereof ''educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists''.

SEC. 504. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) by striking out ''two years'' in the second sentence and inserting in lieu thereof ''four years'', and

(2) by striking out the last sentence and inserting in lieu thereof the following: ''An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

(b) SAVINGS PROVISION.—The amendments made by this section shall not apply to a person serving pursuant to appointment in the position of Deputy Judge Advocate General of the Air Force while such person is serving the term for which the person was appointed to such position before the date of the enactment of this Act and any extension of such term.

SEC. 505. RETIRING GENERAL AND FLAG OFFICERS: APPLICABILITY OF UNIFORM CRITERIA AND PROCEDURES FOR RETIRING IN HIGHEST GRADE IN WHICH SERVED.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out ''and below lieutenant general or vice admiral''; and

(2) in the first sentence of subsection (d)(2)(B), as added by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''and below lieutenant general or vice admiral''.

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Section 1370(c) of title 10, United States Code, is amended—

(1) by striking out ''Upon retirement an officer'' and inserting in lieu thereof ''An officer''; and

(2) by striking out ''may, in the discretion'' and all that follows and inserting in lieu thereof ''may be retired in the higher grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Senate that the officer served on active duty satisfactorily in that grade. The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.''.

(c) CONFORMING AMENDMENTS.—Sections 3962(a), 5034, and 8962(a) of title 10, United States Code, are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out ''(b) Upon'' and inserting in lieu thereof ''Upon''.

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENTS TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

SEC. 506. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Section 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

SEC. 507. RESTRICTIONS ON WEARING INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) ACTIVE-DUTY LIST.—(1) Subchapter II of chapter 36 of title 10, United States Code, is

amended by inserting after section 624 the following:

"§ 624a. Restrictions on frocking

''(a) RESTRICTIONS.—An officer may not be frocked to a grade unless—

''(1) the Senate has confirmed by advice and consent a nomination of the officer for promotion to that grade; and

''(2) the officer is serving in, or has been ordered to, a position for which that grade is authorized.

''(b) BENEFITS NOT TO ACCRUE.—(1) An officer frocked to a grade may not, on the basis of the frocking—

''(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as the frocked officer; or

''(B) assume any legal authority associated with that grade.

''(2) The period for which an officer is frocked to a grade may not be taken into account for any of the following purposes:

''(A) Seniority in that grade.

''(B) Time of service in that grade.

''(c) NUMBERS OF ACTIVE-DUTY LIST OFFICERS FROCKED TO GRADE O–7.—The number of officers on the active-duty list who are authorized by frocking to wear the insignia for the grade of brigadier general or, in the Navy, rear admiral (lower half) may not exceed 35.

''(d) NUMBERS OF ACTIVE-DUTY LIST OFFICERS FROCKED TO GRADES O–4, O–5, AND O–6.—The number of officers of an armed force on the active-duty list who are authorized by frocking to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed one percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under such section 523(a) for such fiscal year.

''(e) DEFINITION.—In this section, the term 'frock', with respect to an officer, means to authorize the officer to wear the insignia of a higher grade before being promoted to that grade.''.

(2) The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by inserting after the item relating to section 624 the following:

''624a. Restrictions on frocking.''.

(b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS OF FROCKED OFFICERS.—(1) In the administration of section 624a(c) of title 10, United States Code (as added by subsection (a)), for fiscal years 1996 and 1997, the maximum number applicable to officers on the active-duty list who are authorized by frocking to wear the insignia for the grade of brigadier general or, in the Navy, rear admiral (lower half) is as follows:

(A) During fiscal year 1996, 75 officers.

(B) During fiscal year 1997, 55 officers.

(2) In the administration of section 624a(d) of title 10, United States Code (as added by subsection (a)), for fiscal year 1996, the percent limitation applied under that section shall be two percent instead of one percent.

(c) DEFINITION.—In this section, the term 'frock', with respect to an officer, means to authorize the officer to wear the insignia of a higher grade before being promoted to that grade.

SEC. 508. DIRECTOR OF ADMISSIONS, UNITED STATES MILITARY ACADEMY: RETIREMENT FOR YEARS OF SERVICE.

(a) AUTHORITY TO DIRECT RETIREMENT.—Section 3920 of title 10, United States Code, is amended to read as follows:

"§ 3920. More than thirty years: permanent professors and the Director of Admissions of United States Military Academy

''(a) AUTHORITY TO DIRECT RETIREMENT.—The Secretary of the Army may retire any of the personnel of the United States Military Academy described in subsection (b) who has more than 30 years of service as a commissioned officer.

''(b) APPLICABILITY.—The authority under subsection (a) may be exercised in the case of the following personnel:

''(1) A permanent professor.

''(2) The Director of Admissions.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

''3920. More than thirty years: permanent professors and the Director of Admissions of United States Military Academy.''.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

"CHAPTER 1214—READY RESERVE INCOME INSURANCE

''Sec.
''12521. Definitions.
''12522. Establishment of insurance program.
''12523. Risk insured.
''12524. Enrollment and election of benefits.
''12525. Benefit amounts.
''12526. Premiums.
''12527. Payment of premiums.
''12528. Department of Defense Ready Reserve Income Insurance Fund.
''12529. Board of Actuaries.
''12530. Payment of benefits.
''12531. Purchase of insurance.
''12532. Termination for nonpayment of premiums; forfeiture.

"§ 12521. Definitions

''In this chapter:

''(1) The term 'insurance program' means the Department of Defense Ready Reserve Income Insurance Program established under section 12522 of this title.

''(2) The term 'covered service' means active duty performed by a member of a reserve component under an order to active duty for a period of more than 30 days which specifies that the member's service—

''(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

''(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

''(3) The term 'insured member' means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

''(4) The term 'Secretary' means the Secretary of Defense.

''(5) The term 'Department' means the Department of Defense.

''(6) The term 'Board of Actuaries' means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

''(7) The term 'Fund' means the Department of Defense Ready Reserve Income Insurance Fund established by section 12528(a) of this title.

"§ 12522. Establishment of insurance program

''(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve an insurance program to be known as the 'Department of Defense Ready Reserve Income Insurance Program'.

''(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

"§ 12523. Risk insured

''(a) IN GENERAL.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

''(b) ENTITLEMENT TO BENEFITS.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

''(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

"§ 12524. Enrollment and election of benefits

''(a) ENROLLMENT.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 30 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

''(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 30 days after being offered the opportunity shall be considered as having declined to be insured under the program.

''(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 30 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

''(b) ELECTION OF BENEFIT AMOUNT.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 30 days after first becoming a member of the Ready Reserve or within 30 days after being offered the opportunity to enroll, as the case may be.

''(c) ELECTIONS IRREVOCABLE.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

''(2) Subject to subsection (d), the amount of coverage may not be changed after enrollment.

''(d) ELECTION TO TERMINATE.—A member may terminate an enrollment at any time.

''(e) INFORMATION TO BE FURNISHED.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

''(f) MEMBERS INELIGIBLE TO ENROLL.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under

the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.

"§ 12525. Benefit amounts

''(a) BASIC BENEFIT.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

''(b) REDUCED AND ENHANCED BENEFITS.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

''(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

''(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

''(c) AMOUNT FOR PARTIAL MONTH.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying 1/30 of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

''(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

''(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

"§ 12526. Premiums

''(a) ESTABLISHMENT OF RATES.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

''(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

''(b) LEVEL PREMIUMS.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

"§ 12527. Payment of premiums

''(a) METHODS OF PAYMENT.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member's basic pay for inactive duty training each month.

''(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

''(b) ADVANCE PAY FOR PREMIUM.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.

''(c) PREMIUMS TO BE DEPOSITED IN FUND.—Premium amounts deducted and withheld from the basic pay of insured members and premium amounts paid directly to the Secretary shall be credited to the Fund.

"§ 12528. Department of Defense Ready Reserve Income Insurance Fund

''(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Department of Defense Ready Reserve Income Insurance Fund', which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

''(b) ASSETS OF FUND.—There shall be deposited into the Fund the following:

''(1) Premiums paid under section 12527 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''(c) AVAILABILITY.—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

''(d) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

''(e) ANNUAL ACCOUNTING.—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

''(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

''(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

''(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

"§ 12529. Board of Actuaries

''(a) ACTUARIAL RESPONSIBILITY.—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

''(b) VALUATIONS AND PREMIUM RECOMMENDATIONS.—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

''(c) EFFECTS OF CHANGED BENEFITS.—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

''(d) ACTUARIAL GAINS OR LOSSES.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

''(e) INSUFFICIENT ASSETS.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

''(f) DEFINITION OF PRESENT VALUE.—The Board of Actuaries shall define the term 'present value' for purposes of this subsection.

"§ 12530. Payment of benefits

''(a) COMMENCEMENT OF PAYMENT.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

''(b) METHOD OF PAYMENT.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

''(c) DESIGNATED RECIPIENTS.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program.

''(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

''(d) RECIPIENTS IN EVENT OF DEATH OF INSURED MEMBER.—Any insurance payable under the insurance program on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

"§ 12531. Purchase of insurance

''(a) PURCHASE AUTHORIZED.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.

''(b) ELIGIBLE INSURERS.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

''(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

''(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

''(c) ADMINISTRATIVE PROVISIONS.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

''(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

''(d) REINSURANCE.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

''(e) TERMINATION.—The Secretary may at any time terminate any policy purchased under this section.

"§ 12532. Termination for nonpayment of premiums; forfeiture

''(a) TERMINATION FOR NONPAYMENT.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

''(b) FORFEITURE.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.''.

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

''1214. Ready Reserve Income Insurance ..... 12521''.

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

SEC. 512. ELIGIBILITY OF DENTISTS TO RECEIVE ASSISTANCE UNDER THE FINANCIAL ASSISTANCE PROGRAM FOR HEALTH CARE PROFESSIONALS IN RESERVE COMPONENTS.

Section 16201(b) of title 10, United States Code, is amended—

(1) by striking out ''(b) PHYSICIANS IN CRITICAL SPECIALTIES.—'' and inserting in lieu thereof ''(b) PHYSICIANS AND DENTISTS IN CRITICAL SPECIALTIES.—'';

(2) in paragraph (1)—

(A) by inserting ''or dental school'' in subparagraph (A) after ''medical school'';

(B) by inserting ''or as a dental officer'' in subparagraph (B) after ''medical officer''; and

(C) by striking out ''physicians in a medical specialty designated'' and inserting in lieu thereof ''physicians or dentists in a medical specialty or dental specialty, respectively, that is designated''; and

(3) in paragraph (2)(B), by inserting ''or dental officer'' after ''medical officer''.

SEC. 513. LEAVE FOR MEMBERS OF RESERVE COMPONENTS PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of section 6323 of title 5, United States Code, is amended by adding at the end the following: ''Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.''.

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title is amended by striking out ''entitled to leave'' and inserting in lieu thereof ''granted military leave''.

Subtitle C—Uniform Code of Military Justice

SEC. 521. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 522. DEFINITIONS.

Section 801 (article 1) is amended by inserting after paragraph (14) the following new paragraphs:

''(15) The term 'classified information' means any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(16) The term 'national security' means the national defense and foreign relations of the United States.''.

SEC. 523. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer is authorized to investigate the subject matter of such offense without the accused having first been charged with the offense. If the accused was present at such investigation, was informed of the nature of each uncharged offense investigated, and was afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b), no further investigation of such offense or offenses is necessary under this article.''.

SEC. 524. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) by inserting ''indictment or'' in the first sentence after ''shall be tried on''; and

(2) in the second sentence, by striking out ''shall be'' and all that follows and inserting in lieu thereof ''shall be fined or imprisoned, or both, at the court's discretion.''.

SEC. 525. COMMITMENT OF ACCUSED TO TREATMENT FACILITY BY REASON OF LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Chapter 47 is amended by inserting after section 850a (article 50a) the following:

"§ 850b. Art. 50b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment

''(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the case of a person determined under this chapter to be presently suffering from a mental disease or defect rendering the person mentally incompetent to the extent that the person is unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

''(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

''(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

''(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

''(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

''(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

''(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

''(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1)

If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

''(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

''(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

''(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

''(A) the general court-martial convening authority may commit the person to the custody of the Attorney General; and

''(B) the Attorney General shall take action in accordance with subsection (e) of section 4243 of title 18.

''(5) Subsections (f), (g), and (h) of section 4243 of title 18 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for the district where the person is hospitalized shall be considered as the court that ordered the person's commitment.

''(c) GENERAL PROVISIONS.—(1) Except as otherwise provided in this subsection and subsection (d)(1), the provisions of section 4247 of title 18 apply in the administration of this section.

''(2) In the application of section 4247(d) of title 18 to hearings conducted by a court-martial under this section or by (or by order of) a general court-martial convening authority under this section, the reference in that section to section 3006A of such title does not apply.

''(d) APPLICABILITY.—(1) The provisions of chapter 313 of title 18 referred to in this section apply according to the provisions of this section notwithstanding section 4247(j) of title 18.

''(2) If the status of a person as described in section 802 of this title (article 2) terminates while the person is, pursuant to this section, in the custody of the Attorney General, hospitalized, or on conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the provisions of this section establishing requirements and procedures regarding a person no longer subject to this chapter shall continue to apply to that person notwithstanding the change of status.''.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 850a (article 50a) the following:

''850b. 50b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment.''.

(b) CONFORMING AMENDMENT.—Section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended by adding at the end the following:

''(e) The provisions of this section are subject to section 850b(d)(2) of this title (article 50b(d)(2)).''.

(c) EFFECTIVE DATE.—Section 850b of title 10, United States Code (article 50b of the Uniform Code of Military Justice), as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to charges referred to courts-martial on or after that effective date.

SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND REDUCTION IN GRADE.

(a) EFFECTIVE DATE OF PUNISHMENTS.—Section 857(a) (article 57(a)) is amended to read as follows:

''(a)(1) Any forfeiture of pay, forfeiture of allowances, or reduction in grade included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) the date on which the sentence is approved by the convening authority.

''(2) On application by an accused, the convening authority may defer any forfeiture of pay, forfeiture of allowances, or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. The deferment may be rescinded at any time by the convening authority.

''(3) A forfeiture of pay or allowances shall be collected from pay accruing on and after the date on which the sentence takes effect under paragraph (1). Periods during which a sentence to forfeiture of pay or forfeiture of allowances is suspended or deferred shall be excluded in computing the duration of the forfeiture.

''(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).''.

(b) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following new section (article):

''§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances

''(a) A sentence adjudged by a court-martial that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal shall result in the forfeiture of all pay and allowances due that member during any period of confinement or parole. The forfeiture required by this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred in accordance with that section.

''(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

''(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of such chapter is amended by adding at the end the following new item:

''858b. 58b. Sentences: forfeiture of pay and allowances.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

SEC. 527. DEFERMENT OF CONFINEMENT.

Section 857 (article 57) is amended by striking out subsection (e) and inserting in lieu thereof the following:

''(e)(1) When an accused in the custody of a State or foreign country is returned temporarily to military authorities for trial by court-martial and is later returned to that State or foreign country under the authority of a mutual agreement or treaty, the convening authority of the court-martial may defer the service of the sentence to confinement without the consent of the accused. The deferment shall terminate when the accused is released permanently to military authorities by the State or foreign country having custody of the accused.

''(2) In this subsection, the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.

''(f) While a review of a case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned or, when designated by the Secretary, an Under Secretary, an Assistant Secretary, the Judge Advocate General, or a commanding officer may defer further service of a sentence to confinement which has been ordered executed in such case.''.

SEC. 528. SUBMISSION OF MATTERS TO THE CONVENING AUTHORITY FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting after the first sentence the following: ''Any such submission shall be in writing.''.

SEC. 529. PROCEEDINGS IN REVISION.

Section 860(e)(2) (article 60(e)(2)) is amended by striking out the first sentence and inserting in lieu thereof the following: ''A proceeding in revision may be ordered before authentication of the record of trial in order to correct a clerical mistake in a judgment, order, or other part of the record or any error in the record arising from oversight or omission.''.

SEC. 530. APPEAL BY THE UNITED STATES.

Section 862(a)(1) (article 62(a)(1)) is amended to read as follows:

''(a)(1)(A) In a trial by court-martial in which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal the following:

''(i) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

''(ii) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

''(iii) An order or ruling which directs the disclosure of classified information.

''(iv) An order or ruling which imposes sanctions for nondisclosure of classified information.

''(v) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

''(vi) A refusal by the military judge to enforce an order described in clause (v) that has previously been issued by appropriate authority.

''(B) The United States may not appeal an order or ruling that is or that amounts to, a finding of not guilty with respect to the charge or specification.''.

SEC. 531. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

''§ 895. Art. 95. Resistance, flight, breach of arrest, and escape

''Any person subject to this chapter who—

''(1) resists apprehension;

''(2) flees from apprehension;

''(3) breaks arrest; or

''(4) escapes from custody or confinement; shall be punished as a court-martial may direct.''.

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

''895. Art. 95. Resistance, flight, breach of arrest, and escape.''.

SEC. 532. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

''(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

''(1) who is not that person's spouse; and

''(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.''.

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

''(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

''(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

''(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

''(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.''.

SEC. 533. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out ''within six days'' and inserting in lieu thereof ''within fourteen days''.

SEC. 534. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out ''Courts of Military Review'' both places it appears and inserting in lieu thereof ''Courts of Criminal Appeals''.

SEC. 535. PERMANENT AUTHORITY CONCERNING TEMPORARY VACANCIES ON THE COURT OF APPEALS FOR THE ARMED FORCES.

Section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1569; 10 U.S.C. 942 note) is amended by striking out subsection (i).

SEC. 536. ADVISORY PANEL ON UCMJ JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

(a) ESTABLISHMENT.—Not later than December 15, 1996, the Secretary of Defense and the Attorney General shall jointly establish an advisory panel to review and make recommendations on jurisdiction over civilians accompanying the Armed Forces in time of armed conflict.

(b) MEMBERSHIP.—The panel shall be composed of at least 5 individuals, including experts in military law, international law, and federal civilian criminal law. In making appointments to the panel, the Secretary and the Attorney General shall ensure that the members of the panel reflect diverse experiences in the conduct of prosecution and defense functions.

(c) DUTIES.—The panel shall—

(1) review historical experiences and current practices concerning the employment, training, discipline, and functions of civilians accompanying the Armed Forces in the field;

(2) make specific recommendations (in accordance with subsection (d)) concerning—

(A) establishing court-martial jurisdiction over civilians accompanying the Armed Forces in the field during time of armed conflict not involving a war declared by Congress;

(B) revisions to the jurisdiction of the Article III courts over such persons; and

(C) establishment of Article I courts to exercise jurisdiction over such persons; and

(3) make such additional recommendations (in accordance with subsection (d)) as the panel considers appropriate as a result of the review.

(d) REPORT.—(1) Not later than December 15, 1996, the advisory panel shall transmit a report on the findings and recommendations of the panel to the Secretary of Defense and the Attorney General.

(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory panel to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''Article I court'' means a court established under Article I of the Constitution.

(2) The term ''Article III court'' means a court established under Article III of the Constitution.

(f) TERMINATION OF PANEL.—The panel shall terminate 30 days after the date of submission of the report to the Secretary of Defense and the Attorney General under subsection (d).

Subtitle D—Decorations and Awards

SEC. 541. AWARD OF PURPLE HEART TO CERTAIN FORMER PRISONERS OF WAR.

(a) AUTHORITY TO MAKE AWARD.—The President may award the Purple Heart to a person who, while serving in the Armed Forces of the United States before April 25, 1962—

(1) was taken prisoner or held captive—

(A) in an action against an enemy of the United States;

(B) in military operations involving conflict with an opposing foreign force;

(C) during service with friendly forces engaged in an armed conflict against an opposing armed force in which the United States was not a belligerent party;

(D) as the result of an action of any such enemy or opposing armed force; or

(E) as the result of an act of any foreign hostile force; and

(2) was wounded while being taken prisoner or held captive.

(b) STANDARDS.—An award of the Purple Heart may be made under subsection (a) only in accordance with the standards in effect on the date of the enactment of this Act for the award of the Purple Heart to a member of the Armed Forces who, on or after April 25, 1962, has been taken prisoner and held captive under circumstances described in that subsection.

(c) EXCEPTION FOR AIDING THE ENEMY.—An award of a Purple Heart may not be made under this section to any person convicted by a court of competent jurisdiction of rendering assistance to any enemy of the United States.

(d) COVERED WOUNDS.—A wound determined by the Secretary of Veterans Affairs as being a service-connected injury arising from being taken prisoner or held captive under circumstances described in subsection (a) satisfies the condition set forth in paragraph (2) of that subsection.

(e) RELATIONSHIP TO OTHER AUTHORITY TO AWARD THE PURPLE HEART.—The authority under this section is in addition to any other authority of the President to award the Purple Heart.

SEC. 542. MERITORIOUS AND VALOROUS SERVICE DURING VIETNAM ERA: REVIEW AND AWARDS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces of the United States in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in vicious fighting in which many members of the Armed Forces displayed extraordinary heroism, sacrifice, and bravery which has not yet been officially recognized through award of appropriate decorations.

(2) Accounts of these battles published since the war ended authoritatively document repeated acts of extraordinary heroism, sacrifice, and bravery on the part of many members of the Armed Forces who were engaged in these battles, many of whom have never been officially recognized for those acts.

(3) In some of the battles United States military units suffered substantial losses, in some cases a majority of the strength of the units.

(4) The incidence of heavy casualties throughout the war inhibited the timely collection of comprehensive and detailed information to support recommendations for awards for the acts of heroism, sacrifice, and bravery performed.

(5) Requests to the Secretaries of the military departments for review of award recommendations for those acts have been denied because of restrictions in law and regulations that require timely filing of recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces of the United States deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize military personnel for acts of extraordinary heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) WAIVER OF RESTRICTIONS ON AWARDS.—(1) Notwithstanding any other provision of law, the Secretary of Defense or the Secretary of the military department concerned may award or upgrade a decoration to any person for an act, an achievement, or service that the person performed in a campaign while serving on active duty during the Vietnam era.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, an achievement, or service performed by that person while serving on active duty.

(c) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards for acts, achievements, or service described in subsection (b)(1) that have been received by the Secretary during the period of the review.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(d) DEFINITIONS.—In this section:

(1) The term ''Vietnam era'' has the meaning given that term in section 101(29) of title 38, United States Code.

(2) The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code.

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code.

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor; or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term ''Native American Pacific Islander'' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(2) The term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

Subtitle E—Other Matters

SEC. 551. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces is accounted for by the United States (by the return of such person alive, by the return of the remains of such person, or by the decision that credible evidence exists to support another determination of the status of such person) and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

''CHAPTER 76—MISSING PERSONS

''Sec.
''1501. System for accounting for missing persons.
''1502. Missing persons: initial report.
''1503. Actions of Secretary concerned; initial board inquiry.
''1504. Subsequent board of inquiry.
''1505. Further review.
''1506. Personnel files.
''1507. Recommendation of status of death.
''1508. Return alive of person declared missing or dead.
''1509. Effect on State law.
''1510. Definitions.

''§ 1501. System for accounting for missing persons

''(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

''(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons; and

''(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

''(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall coordinate the efforts of that office with those of other departments and agencies and other elements of the Department of Defense for such purposes and shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

''(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery.

''(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

''(b) SEARCH AND RESCUE.—Notwithstanding subsection (a), responsibility for search and rescue policies within the Department of Defense shall be established by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

''(c) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

''(A) the determination of the status of persons described in subsection (e); and

''(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

''(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

''(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense, other than the elements carrying out activities relating to search and rescue.

''(4) As part of such procedures, the Secretary may provide for the extension, on a case by-case basis, of any time limit specified in section 1503 or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

''(d) COAST GUARD.—(1) The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within the Department of Transportation for matters relating to missing persons who are Coast Guard personnel.

''(2) The Secretary of Transportation shall prescribe procedures for the determination of the status of persons described in subsection (e) who are personnel of the Coast Guard and for the collection, analysis, review, and update of information on such persons. To the maximum extent practicable, the procedures prescribed under this paragraph shall be similar to the procedures prescribed by the Secretary of Defense under subsection (c).

''(e) COVERED PERSONS.—Section 1502 of this title applies in the case of any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

''(f) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (e) may for purposes of

this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

''(g) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

''§ 1502. Missing persons: initial report

''(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts or status of a person described in section 1501(e) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

''(1) recommend that the person be placed in a missing status; and

''(2) transmit that recommendation to the Secretary of Defense or the Secretary having jurisdiction over the missing person in accordance with procedures prescribed under section 1501 of this title.

''(b) FORWARDING OF RECORDS.—The commander making the initial assessment shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and forward for official use any information relating to the whereabouts or status of a missing person that result from the preliminary assessment or from actions taken to locate the person.

''§ 1503. Actions of Secretary concerned; initial board inquiry

''(a) DETERMINATION BY SECRETARY.—(1) Upon receiving a recommendation on the status of a person under section 1502(a)(2) of this title, the Secretary receiving the recommendation shall review the recommendation.

''(2) After reviewing the recommendation on the status of a person, the Secretary shall—

''(A) make a determination whether the person shall be declared missing; or

''(B) if the Secretary determines that a status other than missing may be warranted for the person, appoint a board under this section to carry out an inquiry into the whereabouts or status of the person.

''(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts or status of such persons.

''(c) COMPOSITION.—(1) A board appointed under this section to inquire into the whereabouts or status of a person shall consist of at least one military officer who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

''(2) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

''(3) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

''(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person under this section shall—

''(1) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of the person;

''(2) collect appropriate documentation of the facts and evidence covered by the investigation;

''(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

''(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

''(A) the person be placed in a missing status; or

''(B) the person be declared to have deserted, to be absent without leave, or to be dead.

''(e) BOARD PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

''(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts or status of each person covered by the inquiry;

''(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts or status of the person arising from such actions; and

''(3) maintain a record of its proceedings.

''(f) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

''(g) RECOMMENDATION ON STATUS OF MISSING PERSONS.—(1) Upon completion of its inquiry, a board appointed under this section shall make a recommendation to the Secretary who appointed the board as to the appropriate determination of the current whereabouts or status of each person whose whereabouts and status were covered by the inquiry.

''(2)(A) A board may not recommend under paragraph (1) that a person be declared dead unless the board determines that the evidence before it established conclusive proof of the death of the person.

''(B) In this paragraph, the term 'conclusive proof of death' means credible evidence establishing that death is the only credible explanation for the absence of the person.

''(h) REPORT.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

''(A) a discussion of the facts and evidence considered by the board in the inquiry;

''(B) the recommendation of the board under subsection (g) with respect to each person covered by the report; and

''(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

''(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than 30 days after the date of the appointment of the board to carry out the inquiry.

''(3) A report submitted under this subsection with respect to a missing person may not be made public until one year after the date on which the report is submitted, and not without the approval of the primary next of kin of the person.

''(i) DETERMINATION BY SECRETARY.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary receiving the report shall review the report.

''(2) In reviewing a report under paragraph (1) the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

''(A) be declared missing;

''(B) be declared to have deserted;

''(C) be declared to be absent without leave; or

''(D) be declared to be dead.

''(j) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (a)(2) or (i), the Secretary shall take reasonable actions to—

''(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

''(A) an unclassified summary of the unit commander's report with respect to the person under section 1502(a) of this title; and

''(B) if a board was appointed to carry out an inquiry into the person under this section, the report of the board (including the names of the members of the board) under subsection (h); and

''(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts or status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

''(k) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (a)(2) or (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

''§ 1504. Subsequent board of inquiry

''(a) ADDITIONAL BOARD.—If information that may result in a change of status of a person covered by a determination under subsection (a)(2) or (i) of section 1503 of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

''(b) DATE OF APPOINTMENT.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the

transmission of a report concerning the person under section 1502(a)(2) of this title.

''(c) COMBINED INQUIRIES.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts or status of such persons.

''(d) COMPOSITION.—(1) Subject to paragraphs (2) and (3), a board appointed under this section shall consist of not less than three officers having the grade of major or lieutenant commander or above.

''(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

''(3) One member of each board appointed under this subsection shall be an individual who—

''(A) has a occupational specialty similar to that of one or more of the persons covered by the inquiry; and

''(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

''(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

''(e) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts or status of a person shall—

''(1) review the report with respect to the person transmitted under section 1502(a)(2) of this title, and the report, if any, submitted under subsection (h) of section 1503 of this title by the board appointed to conduct inquiry into the status of the person under such section 1503;

''(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts or status of the person that has become available since the determination of the status of the person under section 1503 of this title;

''(3) draw conclusions as to the whereabouts or status of the person;

''(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

''(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts or status of the person.

''(f) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by a inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.

''(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

''(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.

''(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

''(A) in the case of a individual who is the primary next of kin or other member of the immediate family of a missing person whose status is a subject of the inquiry and whose receipt of the pay or allowances (including allotments) of the person could be reduced or terminated as a result of a revision in the status of the person, may attend the proceedings of the board with private counsel;

''(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

''(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

''(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (h) as to the status of the missing person.

''(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—

''(i) submit a letter of intent to the president of the board not later than 2 days after the date on which the recommendations are made; and

''(ii) submit to the president of the board the objections in writing not later than 15 days after the date on which the recommendations are made.

''(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (h).

''(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

''(g) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

''(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

''(A) declassify to an appropriate degree classified information; or

''(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

''(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board making the request.

''(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

''(h) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of each missing person covered by the inquiry.

''(2) A board may not recommend under paragraph (1) that a person be declared dead unless—

''(A) proof of death is established by the board; or

''(B) in making the recommendation, the board complies with section 1507 of this title.

''(i) REPORT.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

''(j) ACTIONS BY SECRETARY CONCERNED.—(1) Not later than 30 days after the receipt of a report from a board under subsection (i), the Secretary shall review—

''(A) the report; and

''(B) the objections, if any, to the report submitted to the president of the board under subsection (f)(5).

''(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (B) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

''(k) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (j), the Secretary shall—

''(1) provide an unclassified summary of the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

''(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct subsequent inquiries into the whereabouts or status of the person upon obtaining credible information that may result in a change in the status of the person.

''(l) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (j) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

''§ 1505. Further review

''(a) SUBSEQUENT REVIEW.—(1) The Secretary concerned shall conduct subsequent inquiries into the whereabouts or status of any person determined by the Secretary

under section 1504 of this title to be in a missing status.

''(2) The Secretary concerned shall appoint a board to conduct an inquiry with respect to a person under this subsection upon obtaining credible information that may result in a change of status of the person.

''(b) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

''§ 1506. Personnel files

''(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the United States relating to the disappearance and whereabouts or status of the person.

''(b) CLASSIFIED INFORMATION.—(1) The Secretary concerned may withhold classified information from a personnel file under this section.

''(2) If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

''(A) A notice that the withheld information exists.

''(B) A notice of the date of the most recent review of the classification of the withheld information.

''(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

''(d) PRIVILEGED INFORMATION.—The Secretary concerned shall withhold reports obtained as privileged information from the personnel files under this section. If the Secretary withholds a report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that the withheld information exists.

''(e) WRONGFUL WITHHOLDING.—Except as otherwise provided by law, any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

''(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

''§ 1507. Recommendation of status of death

''(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1504 or 1505 of this title may not recommend that a person be declared dead unless—

''(1) credible evidence exists to suggest that the person is dead;

''(2) the United States possesses no credible evidence that suggests that the person is alive;

''(3) representatives of the United States have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

''(4) representatives of the United States have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

''(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1504 or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall, to the maximum extent practicable, include in the report of the board with respect to the person under such section the following:

''(1) A detailed description of the location where the death occurred.

''(2) A statement of the date on which the death occurred.

''(3) A description of the location of the body, if recovered.

''(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

''§ 1508. Return alive of person declared missing or dead

''(a) PAY AND ALLOWANCES.—Any person (except for a person subsequently determined to have been absent without leave or a deserter) in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

''(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

''§ 1509. Effect on State law

''Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

''§ 1510. Definitions

''In this chapter:

''(1) The term 'missing person' means a member of the armed forces on active duty who is in a missing status.

''(2) The term 'missing status' means the status of a missing person who is determined to be absent in a category of—

''(A) missing;

''(B) missing in action;

''(C) interned in a foreign country;

''(D) captured;

''(E) beleaguered;

''(F) besieged; or

''(G) detained.

''(3) The term 'accounted for', with respect to a person in a missing status, means that—

''(A) the person is returned to United States control alive;

''(B) the remains of the person are identified by competent authority; or

''(C) credible evidence exists to support another determination of the person's status.

''(4) The term 'primary next of kin', in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

''(5) The term 'member of the immediate family', in the case of a missing person, means the following:

''(A) The spouse of the person.

''(B) A natural child, adopted child, step child, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.

''(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.

''(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.

''(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

''(6) The term 'previously designated person', in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

''(7) The term 'classified information' means any information determined as such under applicable laws and regulations of the United States.

''(8) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''(9) The term 'Secretary concerned' includes the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

''(10) The term 'armed forces' includes Coast Guard personnel operating in conjunction with, in support of, or under the command of a unified combatant command (as that term is used in section 6 of this title).''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

''76. Missing Persons ..... 1501''.

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out ''when a member'' and inserting in lieu thereof ''except as provided in subsection (d), when a member''; and

(B) by adding at the end the following new subsection:

''(d) This section does not apply in a case to which section 1502 of title 10 applies.''.

(2) Section 552 is amended—

(A) in subsection (a), by striking out ''for all purposes,'' in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof ''for all purposes.'';

(B) in subsection (b), by inserting ''or under chapter 76 of title 10'' before the period at the end; and

(C) in subsection (e), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title'' after ''section 555 of this title''.

(3) Section 553 is amended—

(A) in subsection (f), by striking out ''the date the Secretary concerned receives evidence that'' and inserting in lieu thereof ''the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter that''; and

(B) in subsection (g), by inserting ''or under chapter 76 of title 10'' after section 555 of this title''.

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following: ''Paragraphs (1), (5), (6), and (7) shall only apply with respect to a case to which section 555 of this title applies.'';

(B) in subsection (b), by inserting '', in a case to which section 555 of this title applies,'' after ''When the Secretary concerned''; and

(C) In subsection (h)—

(i) in the first sentence, by striking out ''status'' and inserting in lieu thereof ''pay''; and

(ii) in the second sentence, by inserting ''in a case to which section 555 of this title applies'' after ''under this section''.

(d) DESIGNATION OF INDIVIDUALS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 655. Designation of persons having interest in status of a missing member

''(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts or status of the member shall be provided if such whereabouts or status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

''(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''655. Designation of persons having interest in status of a missing member.''.

(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the Missing Persons Act of 1942 (56 Stat. 143), and any other laws and regulations establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study is to determine the means, if any, by which such procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the Federal Government as the President shall designate for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

SEC. 552. SERVICE NOT CREDITABLE FOR PERIODS OF UNAVAILABILITY OR INCAPACITY DUE TO MISCONDUCT.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

''(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or''; and

(2) by redesignating paragraph (5) paragraph (4).

(b) OFFICER SERVICE CREDIT.—Chapter 49 of title 10, United States Code, is amended by inserting after section 972 the following new section:

''§ 972a. Officers: service not creditable

''(a) IN GENERAL.—Except as provided in subsection (b), an officer of an armed force may not receive credit for service in the armed forces for any purpose for a period for which the officer—

''(1) deserts;

''(2) is absent from the officer's organization, station, or duty for more than one day without proper authority, as determined by competent authority;

''(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

''(4) is unable for more than one day, as determined by competent authority, to perform the officer's duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from the officer's misconduct.

''(b) INAPPLICABILITY TO COMPUTATION OF BASIC PAY.—Subsection (a) does not apply to a determination of the amount of basic pay of the officer under section 205 of title 37.''.

(c) ARMY COMPUTATION OF YEARS OF SERVICE.—Section 3926 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) A period for which service credit is denied under section 972a(a) of this title may not be counted for purposes of computing years of service under this section.''.

(d) NAVY COMPUTATION OF YEARS OF SERVICE.—Chapter 571 of title 10, United States Code, is amended by inserting after section 6327 the following new section:

''§ 6328. Computation of years of service: service not creditable

''(a) ENLISTED MEMBERS.—Years of service computed under this chapter may not include a period of unavailability or incapacity to perform duties that is required under section 972 of this title to be made up by performance of service for an additional period.

''(b) OFFICERS.—A period for which service credit is denied under section 972a(a) of this title may not be counted for purposes of computing years of service under this chapter.''.

(e) AIR FORCE COMPUTATION OF YEARS OF SERVICE.—Section 8926 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) A period for which service credit is denied under section 972a(a) of this title may not be counted for purposes of computing years of service under this section.''.

(f) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 49 of title 10, United States Code, is amended by inserting after the item relating to section 972 the following:

''972a. Officers: service not creditable.''.

(2) The table of sections at the beginning of chapter 571 of title 10, United States Code, is amended by inserting after the item relating to section 6327 the following new item:

''6328. Computation of years of service: service not creditable.''.

(g) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on October 1, 1995, and shall apply to occurrences on or after that date of unavailability or incapacity to perform duties as described in section 972 or 972a of title 10, United States Code, as the case may be.

SEC. 553. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by adding at the end the following:

''§ 1178. Persons under confinement for one year or more

''Except as otherwise provided in regulations prescribed by the Secretary of Defense, a person sentenced by a court-martial to a period of confinement for one year or more may be separated from the person's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of one year.''.

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end thereof the following new item:

''1178. Persons under confinement for one year or more.''.

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

''§ 12687. Persons under confinement for one year or more

''Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for one year or more may be separated from the person's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of one year.''.

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

''12687. Persons under confinement for one year or more.''.

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out ''or (2)'' and inserting in lieu thereof ''(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)''.

(2) Section 12684 of such title is amended—

(A) by striking out ''or'' at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or''.

SEC. 554. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out ''not less than six weeks' duration'' and inserting in lieu thereof ''a duration''.

SEC. 555. CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of each military department shall review the system and procedures used by the Secretary in the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and, consistent with appropriate service to applicants, maximum efficiency.

(b) ISSUES REVIEWED.—In conducting the review, the Secretary shall consider the following issues:

(1) The composition of the board for correction of military records and of the support staff for the board.

(2) Timeliness of final action.

(3) Independence of deliberations by the civilian board for the correction of military records.

(4) The authority of the Secretary to modify the recommendations of the board.

(5) Burden of proof and other evidentiary standards.

(6) Alternative methods for correcting military records.

(c) REPORT.—(1) Not later than April 1, 1996, the Secretary of each military department shall submit a report on the results of the Secretary's review under this section to the Secretary of Defense. The report shall contain the recommendations of the Secretary of the military department for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

(2) The Secretary of Defense shall immediately transmit a copy of the report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 556. LIMITATION ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) LIMITATION ON REDUCTIONS.—Unless the Secretary of Defense makes the certification described in subsection (b) for a fiscal year, the Secretary may not reduce the number of medical personnel of the Department of Defense—

(1) in fiscal year 1996, to a number that is less than—

(A) 95 percent of the number of such personnel at the end of fiscal year 1994; or

(B) 90 percent of the number of such personnel at the end of fiscal year 1993; and

(2) in any fiscal year beginning after September 30, 1996, to a number that is less than—

(A) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or

(B) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

(b) CERTIFICATION.—The Secretary may make a reduction described in subsection (a) if the Secretary certifies to Congress that—

(1) the number of medical personnel of the Department that is being reduced is excess to the current and projected needs of the military departments; and

(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services.

(c) REPORT ON PLANNED REDUCTIONS.—Not later than March 1, 1996, the Assistant Secretary of Defense having responsibility for health affairs, in consultation with Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force, shall submit to the congressional defense committees a plan for the reduction of the number of medical personnel of the Department of Defense over the 5-year period beginning on October 1, 1996.

(d) REPEAL OF OBSOLETE PROVISIONS OF LAW.—(1) Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 115 note) is repealed.

(2) Section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1404; 10 U.S.C. 115 note) is amended by striking out subsection (b).

(3) Section 518 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2407) is repealed.

(e) DEFINITION.—For purposes of this section, the term ''medical personnel'' has the meaning given such term in section 115a(g)(2) of title 10, United States Code, except that such term includes civilian personnel of the Department of Defense assigned to military medical facilities.

SEC. 557. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) is amended by striking out subsections (b), (d), and (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

SEC. 558. PROHIBITION ON USE OF FUNDS FOR SERVICE ACADEMY PREPARATORY SCHOOL TEST PROGRAM.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act, or otherwise made available, to the Department of Defense may be obligated to carry out a test program for determining the cost effectiveness of transferring to the private sector the mission of operating one or more preparatory schools for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

SEC. 559. CENTRALIZED JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense and the Attorney General shall jointly establish an advisory panel on centralized review of Department of Defense administrative personnel actions.

(b) MEMBERSHIP.—(1) The panel shall be composed of five members appointed as follows:

(A) One member appointed by the Chief Justice of the United States.

(B) Three members appointed by the Secretary of Defense.

(C) One member appointed by the Attorney General.

(2) The Secretary of Defense shall designate one of the members appointed under paragraph (1)(B) to serve as chairman of the panel.

(3) All members shall be appointed not later than 30 days after the date of the enactment of this Act.

(4) The panel shall meet at the call of the chairman. The panel shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(c) DUTIES.—The panel shall review, and provide findings and recommendations in accordance with subsection (d) regarding, the following matters:

(1) Whether the existing practices with regard to judicial review of administrative personnel actions of the Department of Defense are appropriate and adequate.

(2) Whether a centralized judicial review of administrative personnel actions should be established.

(3) Whether the United States Court of Appeals for the Armed Forces should conduct such reviews.

(d) REPORT.—(1) Not later than December 15, 1996, the panel shall submit a report on the findings and recommendations of the panel to the Secretary of Defense and the Attorney General.

(2) Not later than January 1, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the panel's report to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) TERMINATION OF PANEL.—The panel shall terminate 30 days after the date of submission of the report to the Secretary of Defense and the Attorney General under subsection (d).

SEC. 560. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under

subsection (b) and a detailed rationale for the reorganization option selected.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

SEC. 602. ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.

(a) ELECTION AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out ''However, subject'' and inserting in lieu thereof ''Subject''; and

(3) by adding at the end the following:

''(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for his pay grade by this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 603. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS OF THE UNIFORMED SERVICES IN PAY GRADE E–6 WHO ARE ASSIGNED TO SEA DUTY.

(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out ''E–7'' and inserting in lieu thereof ''E–6''; and

(2) in the second sentence, by striking out ''E–6'' and inserting in lieu thereof ''E–5''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 604. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: ''However, on and after January 1, 1996, the monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area may not be reduced so long as the member retains uninterrupted eligibility to receive a variable housing allowance within that area and the member's certified housing costs are not reduced, as indicated by certifications provided by the member under subsection (b)(4).''.

(b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: ''In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of the second sentence of subsection (c)(3).''.

(c) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

SEC. 605. CLARIFICATION OF LIMITATION ON ELIGIBILITY FOR FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended by inserting ''paragraph (1)(A) of'' after ''not entitled to an allowance under'' in the first sentence.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1996,'' and inserting in lieu thereof ''September 30, 1997''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(e) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''October 1, 1997''.

(f) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note) is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(g) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(h) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(i) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''October 1, 1997''.

SEC. 614. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

Section 301 of title 37, United States Code, is amended—

(1) in subsection (a)(11), by striking out ''an officer (other than a warrant officer)'' and inserting in lieu thereof ''a member of a uniformed service''; and

(2) in subsection (c)(2)—

(A) by striking out ''an officer'' each place it appears and inserting in lieu thereof ''a member'';

(B) in subparagraph (A), by striking out the table and inserting in lieu thereof the following:

''Pay grade	Years of service as an air weapons controller						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
''O–7 and above	$200	$200	$200	$200	$200	$200	$200
''O–6	225	250	300	325	350	350	350
''O–5	200	250	300	325	350	350	350
''O–4	175	225	275	300	350	350	350
''O–3	125	156	188	206	350	350	350
''O–2	125	156	188	206	250	300	300
''O–1	125	156	188	206	250	250	250
''W–4	200	225	275	300	325	325	325

''Pay grade	Years of service as an air weapons controller						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
''W–3	175	225	275	300	325	325	325
''W–2	150	200	250	275	325	325	325
''W–1	100	125	150	175	325	325	325
''E–9	200	225	250	275	300	300	300
''E–8	200	225	250	275	300	300	300
''E–7	175	200	225	250	275	275	275
''E–6	156	175	200	225	250	250	250
''E–5	125	156	175	188	200	200	200
''E–4 and below	125	156	175	188	200	200	200

	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
''O–7 and above	$200	$200	$200	$200	$200	$200	$200	$110
''O–6	350	350	350	350	300	250	250	225
''O–5	350	350	350	350	300	250	250	225
''O–4	350	350	350	350	300	250	250	225
''O–3	350	350	350	300	275	250	225	200
''O–2	300	300	300	275	245	210	200	180
''O–1	250	250	250	245	210	200	180	150
''W–4	325	325	325	325	276	250	225	200
''W–3	325	325	325	325	325	250	225	200
''W–2	325	325	325	325	275	250	225	200
''W–1	325	325	325	325	275	250	225	200
''E–9	300	300	300	300	275	230	200	200
''E–8	300	300	300	300	265	230	200	200
''E–7	300	300	300	300	265	230	200	200
''E–6	300	300	300	300	265	230	200	200
''E–5	250	250	250	250	225	200	175	150
''E–4 and below	200	200	200	200	175	150	125	125'';

and

(C) in subparagraph (B), by striking out ''the officer'' each place it appears and inserting in lieu thereof ''the member''.

SEC. 615. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out ''9'' and inserting in lieu thereof ''8''.

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: ''The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.''.

SEC. 616. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out ''or an officer'' and inserting in lieu thereof ''an officer''; and

(2) by inserting before the semicolon the following: '', an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse''.

SEC. 617. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Section 305a(d)(1) of title 37, United States Code, is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—

''(i) while serving on a ship the primary mission of which is accomplished while under way;

''(ii) while serving as a member of the off-crew of a two-crewed submarine; or

''(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or''.

SEC. 618. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: ''In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection by reason of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. CALCULATION ON BASIS OF MILEAGE TABLES OF SECRETARY OF DEFENSE: REPEAL OF REQUIREMENT.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out '', based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense''.

SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out ''ordered'' each place it appears and inserting in lieu thereof ''authorized or ordered''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 1995, and shall apply to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after such date.

SEC. 623. DISLOCATION ALLOWANCE FOR MOVES RESULTING FROM A BASE CLOSURE OR REALIGNMENT.

Section 407(a) of title 37, United States Code, is amended by—

(1) by striking out ''or'' at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.''.

SEC. 624. TRANSPORTATION OF NONDEPENDENT CHILD FROM SPONSOR'S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following new sentence: ''If a member receives for an unmarried child of the member transportation in kind to the member's station outside the United States or in Hawaii or Alaska, reimbursement therefor, or a monetary allowance in place thereof and, while the member is serving at that station, the child ceases to be a dependent of the member by reason of ceasing to satisfy an age requirement in section 401(a)(2) of this title or ceasing to be enrolled in an institution of higher education as described in subparagraph (C) of such section, the child shall be treated as a dependent of the member for purposes of this subsection.''.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 631. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) PERIOD OF USE.—Section 1063 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting ''for a period of one year on the same basis as members on active duty'' before the period at the end of the first sentence; and

(B) by striking out the second sentence;

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 1063. Commissary stores: use by members of the Ready Reserve''.

(2) The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United State Code, is amended to read as follows:

''1063. Commissary stores: use by members of the Ready Reserve.''.

SEC. 632. USE OF COMMISSARY STORES BY RETIRED RESERVES UNDER AGE 60 AND THEIR SURVIVORS.

(a) ELIGIBILITY.—Section 1064 of title 10, United States Code, is amended to read as follows:

''§ 1064. Commissary stores: use by retired Reserves under age 60 and their survivors

''(a) RETIRED RESERVES UNDER AGE 60.—Members of the reserve components under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this

title (or under chapter 67 of this title as in effect before December 1, 1994) shall be authorized to use commissary stores of the Department of Defense on the same basis as members and former members of the armed forces who have retired entitled to retired or retainer pay under chapter 367, 571, or 867 of this title.

''(b) SURVIVORS.—If a person authorized to use commissary stores under subsection (a) dies before attaining 60 years of age, the surviving dependents of the deceased person shall be authorized to use commissary stores of the Department of Defense on the same basis as the surviving dependents of persons who die after being retired entitled to retired or retainer pay under chapter 367, 571, or 867 of this title.

''(c) USE SUBJECT TO REGULATIONS.—Use of commissary stores under this section is subject to regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United States Code, is amended to read as follows:

''1064. Commissary stores: use by retired Reserves under age 60 and their survivors.''.

SEC. 633. USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS: CLARIFICATION OF ENTITLEMENT.

Section 1065 of title 10, United States Code, is amended to read as follows:

''§ 1065. Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents

''(a) MEMBERS OF THE SELECTED RESERVE.—Members of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.

''(b) MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.—Subject to such regulations as the Secretary of Defense may prescribe, members of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

''(c) RETIREES UNDER AGE 60.—Members of the reserve components under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title (or under chapter 67 of this title as in effect before December 1, 1994) shall be permitted to use MWR retail facilities on the same basis as members and former members of the armed forces who have retired entitled to retired or retainer pay under chapter 367, 571, or 867 of this title.

''(d) DEPENDENTS.—(1) Dependents of members referred to in subsection (a) shall be permitted to use MWR retail facilities on the same basis as dependents of members on active duty.

''(2) Dependents of members referred to in subsection (c) shall be permitted to use MWR retail facilities on the same basis as dependents of members and former members of the armed forces who have retired entitled to retired or retainer pay under chapter 367, 571, or 867 of this title.

''(e) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.''.

Subtitle E—Other Matters

SEC. 641. COST-OF-LIVING INCREASES FOR RETIRED PAY.

(a) MODIFICATION OF DELAYS.—Clause (ii) of section 1401a(b)(2)(B) of title 10, United States Code, is amended—

(1) by striking out ''1994, 1995, 1996, or 1997'' and inserting in lieu thereof ''1994 or 1995''; and

(2) by striking out ''September'' and inserting in lieu thereof ''March''.

(b) CONFORMING AMENDMENT.—The captions for such section 1401a(2)(B) and for clause (ii) of such section are amended by striking out ''THROUGH 1998'' and inserting in lieu thereof ''THROUGH 1996''.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 8114A of Public Law 103–335 (108 Stat. 2648) is repealed.

SEC. 642. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE DENIED FOR MEMBERS RECEIVING CERTAIN SENTENCES IN COURTS-MARTIAL.

Section 12731 of title 10, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) A person who is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title), and whose executed sentence includes death, a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal is not eligible for retired pay under this chapter.''.

SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) IN GENERAL.—Subsection (j) of section 5520a of title 5, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

''(2) Such regulations shall provide that an agency's administrative costs in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.''.

(b) INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS OF THE UNIFORMED SERVICES.—Subsection (k) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Regulations under this subsection may also provide that the administrative costs in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.''.

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE EXPENSES.—Such section is further amended by adding at the end the following:

''(l) The amount of an agency's administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(2) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.''.

SEC. 644. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out ''$100,000'' each place it appears and inserting in lieu thereof in each instance ''$200,000'';

(2) by striking out subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 645. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE READY RESERVE WHO FAIL TO PAY PREMIUMS.

Section 1968(a)(4) of title 38, United States Code, is amended—

(1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(2) by adding at the end the following:

''except that, if the member fails to make a direct remittance of a premium for the insurance to the Secretary when required to do so, the insurance shall cease with respect to the member 120 days after the date on which the Secretary transmits a notification of the termination by mail addressed to the member at the member's last known address, unless the Secretary accepts from the member full payment of the premiums in arrears within such 120-day period.''.

SEC. 646. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress a report containing the determinations of the Secretary regarding whether, in order to improve the working conditions of noncommissioned officers in pay grades E–5 and E–6, any of the privileges afforded noncommissioned officers in any of the pay grades above E–6 should be extended to noncommissioned officers in pay grades E–5 and E–6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF BAS.—The Secretary shall include in the report a determination on whether noncommissioned officers in pay grades E–5 and E–6 should be afforded the same privilege as noncommissioned officers in pay grades above E–6 to elect to mess separately and receive the basic allowance for subsistence.

(c) ADDITIONAL MATTERS.—The report shall also contain a discussion of the following matters:

(1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E–5 and E–6.

(2) The effects on readiness that would result from extending the additional privileges.

(3) The options for extending the privileges on an incremental basis over an extended period.

(d) RECOMMENDED LEGISLATION.—The Secretary shall include in the report any recommended legislation that the Secretary considers necessary in order to authorize extension of a privilege as determined appropriate under subsection (a).

SEC. 647. PAYMENT TO SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES FOR ALL LEAVE ACCRUED.

(a) INAPPLICABILITY OF 60-DAY LIMITATION.—Section 501(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 501(f) of such title is amended by striking out '', (d),'' in the first sentence.

SEC. 648. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the

qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

SEC. 649. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) CLARIFICATION OF ENTITLEMENT.—Section 1059(d) of title 10, United States Code, is amended by striking out ''of a separation from active duty as'' in the first sentence.

(b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—Section 554(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note) is amended by striking out ''the date of the enactment of this Act—'' and inserting in lieu thereof ''April 1, 1994—''.

TITLE VII—HEALTH CARE

Subtitle A—Health Care Services

SEC. 701. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

Section 1076(b) of title 10, United States Code, is amended—

(1) in clause (2)—

(A) by striking out ''death (A) would'' and inserting in lieu thereof ''death would''; and

(B) by striking out '', and (B) had elected to participate in the Survivor Benefit Plan established under subchapter II of chapter 73 of this title''; and

(2) in the second sentence, by striking out ''without regard to subclause (B) of such clause''.

SEC. 702. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

''§ 1076b. Selected Reserve dental insurance

''(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected Reserve of the Ready Reserve. The plan shall provide for voluntary enrollment and for premium sharing between the Department of Defense and the members enrolled in the plan. The plan shall be administered under regulations prescribed by the Secretary of Defense.

''(b) PREMIUM SHARING.—(1) A member enrolling in the dental insurance plan shall pay a share of the premium charged for the insurance coverage. The member's share may not exceed $25 per month.

''(2) The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members under paragraph (1) if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the dental insurance plan.

''(3) A member's share of the premium for coverage by the dental insurance plan shall be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.

''(4) The Secretary of Defense shall pay the portion of the premium charged for coverage of a member under the dental insurance plan that exceeds the amount paid by the member.

''(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

''(d) TERMINATION OF COVERAGE.—The coverage of a member by the dental insurance plan shall terminate on the last day of the month in which the member is discharged, transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve, or is ordered to active duty for a period of more than 30 days.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following:

''1076b. Selected Reserve dental insurance.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated under section 301(16), $9,000,000 shall be available to pay the Department of Defense share of the premium required for members covered by the dental insurance plan established pursuant to section 1076b of title 10, United States Code, as added by subsection (a).

SEC. 703. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

''(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

''(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;''.

SEC. 704. PERMANENT AUTHORITY TO CARRY OUT SPECIALIZED TREATMENT FACILITY PROGRAM.

Section 1105 of title 10, United States Code, is amended by striking out subsection (h).

SEC. 705. WAIVER OF MEDICARE PART B LATE ENROLLMENT PENALTY AND ESTABLISHMENT OF SPECIAL ENROLLMENT PERIOD FOR CERTAIN MILITARY RETIREES AND DEPENDENTS.

Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(j)(1) The Secretary shall make special provisions for the enrollment of an individual who is a covered beneficiary under chapter 55 of title 10, United States Code, and who is affected adversely by the closure of a military medical treatment facility of the Department of Defense pursuant to a closure or realignment of a military installation.

''(2) The special enrollment provisions required by paragraph (1) shall be established in regulations issued by the Secretary. The regulations shall—

''(A) identify individuals covered by paragraph (1) in accordance with regulations providing for such identification that are prescribed by the Secretary of Defense;

''(B) provide for a special enrollment period of at least 90 days to be scheduled at some time proximate to the date on which the military medical treatment facility involved is scheduled to be closed; and

''(C) provide that, with respect to individuals who enroll pursuant to paragraph (1), the increase in premiums under section 1839(b) due to late enrollment under this part shall not apply.

''(3) For purposes of this subsection—

''(A) the term 'covered beneficiary' has the meaning given such term in section 1072(5) of title 10, United States Code;

''(B) the term 'military medical treatment facility' means a facility of a uniformed service referred to in section 1074(a) of title 10, United States Code, in which health care is provided; and

''(C) the terms 'military installation' and 'realignment' have the meanings given such terms—

''(i) in section 209 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), in the case of a closure or realignment under title II of such Act;

''(ii) in section 2910 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), in the case of a closure or realignment under such Act; or

''(iii) in subsection (e) of section 2687 of title 10, United States Code, in the case of a closure or realignment under such section.''.

Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM AND OTHER TERMS.

In this subtitle:

(1) The term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

(2) The term ''covered beneficiary'' means a beneficiary under chapter 55 of title 10, United States Code, including a beneficiary under section 1074(a) of such title.

(3) The term ''Uniformed Services Treatment Facility'' means a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(4) The term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 712. PROVISION OF TRICARE UNIFORM BENEFITS BY UNIFORMED SERVICES TREATMENT FACILITIES.

(a) REQUIREMENT.—Subject to subsection (b), upon the implementation of the TRICARE program in the catchment area served by a Uniformed Services Treatment Facility, the facility shall provide to the covered beneficiaries enrolled in a health care plan of such facility the same health care benefits (subject to the same conditions and limitations) as are available to covered beneficiaries in that area under the TRICARE program.

(b) EFFECT ON CURRENT ENROLLEES.—(1) A covered beneficiary who has been continuously enrolled on and after October 1, 1995, in a health care plan offered by a Uniformed Services Treatment Facility pursuant to a contract between the Secretary of Defense and the facility may elect to continue to receive health care benefits in accordance with the plan instead of benefits in accordance with subsection (a).

(2) The Uniform Services Treatment Facility concerned shall continue to provide benefits to a covered beneficiary in accordance with an election of benefits by that beneficiary under paragraph (1). The requirement to do so shall terminate on the effective date of any contract between the Secretary of Defense and the facility that—

(A) is entered into on or after the date of the election; and

(B) requires the health care plan offered by the facility for covered beneficiaries to provide health care benefits in accordance with subsection (a).

SEC. 713. SENSE OF SENATE ON ACCESS OF MEDICARE ELIGIBLE BENEFICIARIES OF CHAMPUS TO HEALTH CARE UNDER TRICARE.

It is the sense of the Senate—

(1) that the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for medicare under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and who reside in a region in which the TRICARE program has been implemented have adequate access to health care services after the implementation of the TRICARE program in that region; and

(2) to support strongly, as a means of ensuring such access, the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such beneficiaries at the medical treatment facilities of the Department of Defense.

SEC. 714. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

(a) PROGRAM REQUIRED.—During fiscal year 1996, the Secretary of Defense, in consultation with the other administering Secretaries, shall carry out a pilot program for providing wraparound services to covered beneficiaries who are children in need of mental health services. The Secretary shall carry out the pilot program in one region in which the TRICARE program has been implemented as of the beginning of such fiscal year.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this section, wraparound services are individualized mental health services that a provider provides, principally in a residential setting but also with follow-up services, in return for payment on a case rate basis. For payment of the case rate for a patient, the provider incurs the risk that it will be necessary for the provider to provide the patient with additional mental health services intermittently or on a longer term basis after completion of the services provided on a residential basis under a treatment plan.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the Secretary of Defense shall enter into an agreement with a provider of mental health services that requires the provider—

(1) to provide wraparound services to covered beneficiaries referred to in subsection (a);

(2) to continue to provide such services to each beneficiary as needed during the period of the agreement even if the patient relocates outside the TRICARE program region involved (but inside the United States) during that period; and

(3) to accept as payment for such services an amount not in excess of the amount of the standard CHAMPUS residential treatment clinic benefit payable with respect to the covered beneficiary concerned (as determined in accordance with section 8.1 of chapter 3 of volume II of the CHAMPUS policy manual).

(d) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the program carried out under this section. The report shall contain—

(1) an assessment of the effectiveness of the program; and

(2) the Secretary's views regarding whether the program should be implemented in all regions where the TRICARE program is carried out.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out ''December 31, 1996'' in the first sentence and inserting in lieu thereof ''September 30, 1997''.

SEC. 722. APPLICABILITY OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out ''A participation agreement'' and inserting in lieu thereof ''Except as provided in paragraph (4), a participation agreement'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) APPLICABILITY OF FEDERAL ACQUISITION REGULATION.—On and after the date of enactment of the National Defense Authorization Act for Fiscal Year 1996, the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to any action to modify an existing participation agreement and to any action by the Secretary of Defense and a Uniformed Services Treatment Facility to enter into a new participation agreement.''.

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

''(2) In this subsection:

''(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

''(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

''(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).''.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. INVESTMENT INCENTIVE FOR MANAGED HEALTH CARE IN MEDICAL TREATMENT FACILITIES.

(a) AVAILABILITY OF 3 PERCENT OF APPROPRIATIONS FOR TWO FISCAL YEARS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1071 the following new section:

''§ 1071a. Availability of appropriations

''Of the total amount authorized to be appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount is authorized to be appropriated to remain available until the end of the following fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1071 the following:

''1071a. Availability of appropriations.''.

SEC. 732. REVISION AND CODIFICATION OF LIMITATIONS ON PHYSICIAN PAYMENTS UNDER CHAMPUS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended to read as follows:

''(h)(1) Subject to paragraph (2), payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) shall be limited to the lesser of—

''(A) the amount equivalent to the 80th percentile of billed charges, as determined by the Secretary of Defense in consultation with the other administering Secretaries, for similar services in the same locality during a 12-month base period that the Secretary shall define and may adjust as frequently as the Secretary considers appropriate; or

''(B) the amount payable for charges for such services (or similar services) under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as determined in accordance with the reimbursement rules applicable to payments for medical and other health services under that title.

''(2) The amount to be paid to an individual health care professional (or other noninstitutional health care provider) shall be determined under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. Such regulations—

''(A) may provide for such exceptions from the limitation on payments set forth in paragraph (1) as the Secretary determines necessary to ensure that covered beneficiaries have adequate access to health care services, including payment of amounts greater than the amounts otherwise payable under that paragraph when enrollees in managed care programs obtain covered emergency services from nonparticipating providers; and

''(B) shall establish limitations (similar to those established under title XVIII of the Social Security Act) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).''.

(b) TRANSITION.—In prescribing regulations under paragraph (2) of section 1079(h) of title 10, United States Code, as amended by subsection (a), the Secretary of Defense shall provide—

(1) for a period of transition between the payment methodology in effect under section 1079(h) of such title, as such section was in effect on the day before the date of the enactment of this Act, and the payment methodology under section 1079(h) of such title, as so amended; and

(2) that the amount payable under such section 1079(h), as so amended, for a charge for a service under a claim submitted during the period may not be less than 85 percent of the maximum amount that was payable under such section 1079(h), in effect on the day before the date of the enactment of this Act, for charges for the same service during the 1-year period (or a period of other duration that the Secretary considers appropriate) ending on the day before such date.

SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after ''Secretary of Defense'' the following: '', with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,''; and

(2) by striking out ''medical treatment facilities of the Department of Defense'' and inserting in lieu thereof ''such facilities''.

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the earlier of the date of the enactment of this Act or October 1, 1995.

SEC. 734. DISCLOSURE OF INFORMATION IN MEDICARE AND MEDICAID COVERAGE DATA BANK TO IMPROVE COLLECTION FROM RESPONSIBLE PARTIES FOR HEALTH CARE SERVICES FURNISHED UNDER CHAMPUS.

(a) PURPOSE OF DATA BANK.—Subsection (a) of section 1144 of the Social Security Act (42 U.S.C. 1320b–14) is amended—

(1) by striking out ''and'' at the end of the paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof '', and''; and

(3) by adding at the end the following:

''(3) assist in the identification of, and collection from, third parties responsible for the reimbursement of the costs incurred by the United States for health care services furnished to individuals who are covered beneficiaries under chapter 55 of title 10, United States Code, upon request by the administering Secretaries.''.

(b) AUTHORITY TO DISCLOSE INFORMATION.—Subsection (b)(2) of such section is amended—

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

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof '', and''; and

(3) by adding at the end the following:

''(C) (subject to the restriction in subsection (c)(7) of this section) to disclose any other information in the Data Bank to the administering Secretaries for purposes described in subsection (a)(3) of this section.''.

(c) DEFINITION.—Subsection (f) of such section is amended by adding at the end the following:

''(5) ADMINISTERING SECRETARIES.—The term 'administering Secretaries' shall have the meaning given to such term by section 1072(3) of title 10, United States Code.''.

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following:

''§ 2116. Research on the furnishing of care and services by nurses of the armed forces

''(a) PROGRAM AUTHORIZED.—The Board of Regents of the University may establish at the University a program of research on the furnishing of care and services by nurses in the Armed Forces (hereafter in this section referred to as 'military nursing research'). A program carried out under this section shall be known as the 'TriService Nursing Research Program'.

''(b) TRISERVICE RESEARCH GROUP.—(1) The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group.

''(2) The TriService Nursing Research Group shall—

''(A) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and

''(B) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—

''(i) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and

''(ii) expertise and information beneficial to the encouragement of meaningful nursing research.

''(c) RESEARCH TOPICS.—For purposes of this section, military nursing research includes research on the following issues:

''(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.

''(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.

''(3) Issues regarding how to prevent complications associated with battle injuries.

''(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.

''(5) Issues regarding how to improve methods of training nursing personnel.

''(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.

''(7) Women's health issues.

''(8) Wellness issues.

''(9) Preventive medicine issues.

''(10) Home care management issues.

''(11) Case management issues.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

''2116. Research on the furnishing of care and services by nurses of the armed forces.''.

SEC. 742. FISHER HOUSE TRUST FUNDS.

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following:

''§ 2221. Fisher House trust funds

''(a) ESTABLISHMENT.—The following trust funds are established on the books of the Treasury:

''(1) The Fisher House Trust Fund, Department of the Army.

''(2) The Fisher House Trust Fund, Department of the Air Force.

''(b) INVESTMENT.—Funds in the trust funds may be invested in securities of the United States. Earnings and gains realized from the investment of funds in a trust fund shall be credited to the trust fund.

''(c) USE OF FUNDS.—(1) Amounts in the Fisher House Trust Fund, Department of the Army, that are attributable to earnings or gains realized from investments shall be available for operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Army.

''(2) Amounts in the Fisher House Trust Fund, Department of the Air Force, that are attributable to earnings or gains realized from investments shall be available for operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Air Force.

''(3) The use of funds under this section is subject to the requirements of section 1321(b)(2) of title 31.

''(d) FISHER HOUSES DEFINED.—For purposes of this section, Fisher houses are housing facilities that are located in proximity to medical treatment facilities of the Army or Air Force and are available for residential use on a temporary basis by patients at such facilities, members of the family of such patients, and others providing the equivalent of familial support for such patients.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2221. Fisher House trust funds.''.

(b) CORPUS OF TRUST FUNDS.—(1) The Secretary of the Treasury shall—

(A) close the accounts established with the funds that were required by section 8019 of Public Law 102–172 (105 Stat. 1175) and section 9023 of Public Law 102–396 (106 Stat. 1905) to be transferred to an appropriated trust fund; and

(B) transfer the amounts in such accounts to the Fisher House Trust Fund, Department of the Army, established by subsection (a)(1) of section 2221 of title 10, United States Code, as added by subsection (a).

(2) The Secretary of the Air Force shall transfer to the Fisher House Trust Fund, Department of the Air Force, established by subsection (a)(2) of section 2221 of title 10, United States Code (as added by section (a)), all amounts in the accounts for Air Force installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses (as defined in subsection (c) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) by adding at the end of subsection (a) the following:

''(92) Fisher House Trust Fund, Department of the Army.

''(93) Fisher House Trust Fund, Department of the Air Force.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in the second sentence, by striking out ''Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')'' and inserting in lieu thereof ''Except as provided in paragraph (2), amounts accruing to these funds'';

(C) by striking out the third sentence; and

(D) by adding at the end the following:

''(2) Expenditures from the following trust funds shall be made only under annual appropriations and only if the appropriations are specifically authorized by law:

''(A) Armed Forces Retirement Home Trust Fund.

''(B) Fisher House Trust Fund, Department of the Army.

''(C) Fisher House Trust Fund, Department of the Air Force.''.

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provisions of law are repealed:

(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).

(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).

(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

(4) Section 8017 of Public Law 103–335 (108 Stat. 2620; 10 U.S.C. 1074 note).

SEC. 743. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

Section 8126(b) of title 38, United States Code, is amended by adding at the end the following:

''(4) The Coast Guard.''.

SEC. 744. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL AND DEPENDENTS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces and their dependents who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is available to such members, former members, and their dependents for such illnesses.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

SEC. 801. WAIVERS FROM CANCELLATION OF FUNDS.

Notwithstanding section 1552(a) of title 31, United States Code, funds appropriated for any fiscal year after fiscal year 1995 that are administratively reserved or committed for satellite on-orbit incentive fees shall remain available for obligation and expenditure until the fee is earned, but only if and to the extent that section 1512 of title 31, United States Code, the Impoundment Control Act (2 U.S.C. 681 et seq.), and other applicable provisions of law are complied with in the reservation and commitment of funds for that purpose

SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS AND SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

(a) PROCUREMENT NOTICE POSTING THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(1) by striking out ''subsection (f)—'' and all that follows through the end of the subparagraph and inserting in lieu thereof ''subsection (b); and''; and

(2) by inserting after ''property or services'' the following: for a price expected to exceed $10,000, but not to exceed $25,000,''.

(b) SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.—Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included prior to May 1, 1996 on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

SEC. 803. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Section 6009 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3367, October 14, 1994) is amended to read as follows:

''SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

''(a) MANAGEMENT DECISIONS.—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

''(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

''(b) COMPLETIONS OF ACTIONS.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the date of the inspector general's report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general's semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed.''.

SEC. 804. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 of National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments and the Defense Agencies are authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.''.

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.''.

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 805. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended to read as follows:

''CHAPTER 637—SALVAGE FACILITIES

''Sec.
''7361. Authority to provide for necessary salvage facilities.
''7362. Acquisition and transfer of vessels and equipment.
''7363. Settlement of claims.
''7364. Disposition of receipts.

''§ 7361. Authority to provide for necessary salvage facilities

''(a) AUTHORITY.—The Secretary of the Navy may contract or otherwise provide for necessary salvage facilities for public and private vessels.

''(b) COORDINATION WITH SECRETARY OF TRANSPORTATION.—The Secretary shall submit to the Secretary of Transportation for comment each proposed salvage contract that affects the interests of the Department of Transportation.

''(c) LIMITATION.—The Secretary of the Navy may enter into a contract under subsection (a) only if the Secretary determines that available commercial salvage facilities are inadequate to meet the Navy's requirements and provides public notice of the intent to enter into such a contract.

''§ 7362. Acquisition and transfer of vessels and equipment

''(a) AUTHORITY.—The Secretary of the Navy may acquire or transfer such vessels and equipment for operation by private salvage companies as the Secretary considers necessary.

''(b) AGREEMENT ON USE.—A private recipient of any salvage vessel or gear shall agree in writing that such vessel or gear will be used to support organized offshore salvage facilities for as many years as the Secretary shall consider appropriate.

''§ 7363. Settlement of claims

''The Secretary of the Navy, or the Secretary's designee, may settle and receive payment for any claim by the United States for salvage services rendered by the Department of the Navy.

''§ 7364. Disposition of receipts

''Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received in excess of naval salvage costs incurred by the Navy in that fiscal year shall be deposited into the general fund of the Treasury.''.

SEC. 806. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) REPEAL OF DUPLICATIVE AUTHORITY AND RESTRICTION.—Section 2356 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking out the item relating to section 2356.

SEC. 807. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out ''milestone O, milestone I, and milestone II'' and inserting in lieu thereof ''acquisition program''; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

''(2) The term 'acquisition program decision' has the meaning prescribed by the Secretary of Defense in regulations.''.

SEC. 808. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting ''only'' after ''applies''.

SEC. 809. QUALITY CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 810. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

''(3) Design and process data, technical data, and computer software.''.

SEC. 811. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

''(A) be prepared—

''(i) by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; or

''(ii) if the decision authority for the program has been delegated to an official of a military department, Defense Agency, or other component of the Department of Defense, by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and''.

SEC. 812. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting ''and indirect'' after ''recoup the direct''.

SEC. 813. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND EQUIPPING OF NAVAL VESSELS.

(a) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7297 the following:

''§ 7299. Contracts: applicability of Walsh-Healey Act

''Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the President determines that this requirement is not in the interest of national defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7297 the following:

''7299. Contracts: applicability of Walsh-Healey Act.''.

SEC. 814. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out ''full Civil Reserve Air Fleet'' both places it appears in subsections (b)(2) and (e) and inserting in lieu thereof ''Civil Reserve Air Fleet''.

SEC. 815. COST AND PRICING DATA.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(2)(A)(i) of title 10, United States Code, is amended by striking out ''and the procurement is not covered by an exception in subsection (b),'' and inserting in lieu thereof ''and the offeror or contractor requests to be exempted from the requirement for submission of cost or pricing data pursuant to this subsection,''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(2)(A)(i) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(2)(A)(i)) is amended by striking out ''and the procurement is not covered by an exception in subsection (b),'' and inserting in lieu thereof ''and the offeror or contractor requests to be exempted from the requirement for submission of cost or pricing data pursuant to this subsection,''.

SEC. 816. PROCUREMENT NOTICE TECHNICAL AMENDMENTS.

Section 18(c)(1)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by inserting after ''requirements contract'' the following: '', a task order contract, or a delivery order contract''.

SEC. 817. REPEAL OF DUPLICATIVE AUTHORITY FOR SIMPLIFIED ACQUISITION PURCHASES.

Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsections (a), (b), and (c);

(2) by redesignating subsections (d), (e), and (f) as (a), (b), and (c), respectively;

(3) in subsection (b), as so redesignated, by striking out ''provided in the Federal Acquisition Regulation pursuant to this section'' each place it appears and inserting in lieu thereof ''contained in the Federal Acquisition Regulation''; and

(4) by adding at the end the following:

''(d) PROCEDURES DEFINED.—The simplified acquisition procedures referred to in this section are the simplified acquisition procedures that are provided in the Federal Acquisition Regulation pursuant to section 2304(g) of title 10, United States Code, and section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).''.

SEC. 818. MICRO-PURCHASES WITHOUT COMPETITIVE QUOTATIONS.

Section 32(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by striking out ''the contracting officer'' and inserting in lieu thereof ''an employee of an executive agency or a member of the Armed Forces of the United States authorized to do so''.

SEC. 819. RESTRICTION ON REIMBURSEMENT OF COSTS.

(a) None of the funds authorized to be appropriated in this Act for fiscal year 1996 may be obligated for payment on new contracts on which allowable costs charged to the Government include payments for individual compensation (including bonuses and other incentives) at a rate in excess of $250,000.

(b) It is the sense of the Senate that the Congress should consider extending the restriction described in section (a) permanently.

Subtitle B—Other Matters

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1996 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

For purposes of part 49 of the Federal Acquisition Regulation, a cable television franchise agreement of the Department of Defense shall be considered a contract for telecommunications services.

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

(F) The practicability and desirability of providing information on the ammunition procurement practices of the Armed Forces to Congress through a single source.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the congressional defense committees a report containing the following:

(1) The results of the review carried out under subsection (a).

(2) A discussion of the methodologies used in carrying out the review.

(3) An assessment of various methods of ensuring the continuing viability of the ammunition industrial base of the United States.

(4) Recommendations of means (including legislation) of implementing such methods in order to ensure such viability.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) IN GENERAL.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§ 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs";

(B) in subsection (a), by striking out ''Assistant to the Secretary of Defense for Atomic Energy'' and inserting in lieu thereof ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs''; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) The Assistant to the Secretary shall—

''(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

''(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

''(3) perform such additional duties as the Secretary may prescribe.''.

(2) The table of sections at the beginning of chapter 4 of such title is amended by striking out the item relating to section 142 and inserting in lieu thereof the following:

''142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.''.

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out ''The Assistant to the Secretary of Defense for Atomic Energy'' and inserting in lieu thereof ''The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.''.

(2) Section 5316 of title 5, United States Code, is amended by striking out ''The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense.'' and inserting in lieu thereof the following:

''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) The Department of Defense.''.

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out ''With the approval of the Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department'' and inserting in lieu thereof ''Subject to paragraph (3), a disbursing official of the Department of Defense''; and

(ii) by adding at the end the following new paragraph:

''(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department.''; and

(B) in subsection (b)(1), by striking out ''any military department'' and inserting in lieu thereof ''the Department of Defense''.

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended to read as follows:

''(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so.''.

(c) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended by striking out ''Secretary concerned'' both places it appears and inserting in lieu thereof ''Secretary of Defense''.

(2) Section 1007(a) of title 37, United States Code, is amended by striking out ''Secretary concerned'' and inserting in lieu thereof ''Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31''.

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out ''disbursements of public moneys or'' and ''the money was paid or''; and

(ii) in the second sentence, by striking out ''disbursement or''.

(B)(i) The heading of such section is amended to read as follows:

"§ 7863. Disposal of public stores by order of commanding officer".

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

''7863. Disposal of public stores by order of commanding officer.''.

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out ''a disbursing official of the armed forces'' and inserting in lieu thereof ''an official of the armed forces referred to in subsection (a)'';

(B) by striking out ''records,'' and inserting in lieu thereof ''records, or a payment described in section 3528(a)(4)(A) of this title,'';

(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;

(D) by inserting before clause (i), as redesignated by subparagraph (C), the following:

''(A) in the case of a physical loss or deficiency—'';

(E) in clause (iii), as redesignated by subparagraph (C), by striking out the period at the end and inserting in lieu thereof ''; or''; and

(F) by adding at the end the following:

''(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the appropriate Secretary of the military department of the Department of Defense, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.''.

SEC. 1003. DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following:

"§ 2221. Defense Modernization Account

''(a) ESTABLISHMENT.—There is established in the Treasury a special account to be known as the 'Defense Modernization Account'.

''(b) CREDITS TO ACCOUNT.—(1) Under regulations prescribed by the Secretary of Defense, and upon a determination by the Secretary concerned of the availability and source of excess funds as described in subparagraph (A) or (B), the Secretary may transfer to the Defense Modernization Account during any fiscal year—

''(A) any amount of unexpired funds available to the Secretary for procurements that, as a result of economies, efficiencies, and other savings achieved in the procurements, are excess to the funding requirements of the procurements; and

''(B) any amount of unexpired funds available to the Secretary for support of installations and facilities that, as a result of economies, efficiencies, and other savings, are excess to the funding requirements for support of installations and facilities.

''(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account by a Secretary concerned if—

''(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

''(B) the balance of funds in the account, after transfer of funds to the account would exceed $1,000,000,000.

''(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

''(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 shall not be extended by transfer into the Defense Modernization Account.

''(c) ATTRIBUTION OF FUNDS.—The funds transferred to the Defense Modernization Account by a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for that military department, Defense Agency, or element.

''(d) USE OF FUNDS.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used only for the following purposes:

''(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

''(2) For research, development, test and evaluation and procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

''(e) LIMITATIONS.—(1) Funds from the Defense Modernization Account may not be

used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

''(A) result in procurement of a total quantity of items or services in excess of—

''(i) a specific limitation provided in law on the quantity of the items or services that may be procured; or

''(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

''(B) result in an obligation or expenditure of funds in excess of a specific limitation provided in law on the amount that may be obligated or expended, respectively, for the procurement program.

''(2) Funds from the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

''(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

''(A) making any expenditure for which there is no corresponding obligation; or

''(B) making any expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

''(f) TRANSFER OF FUNDS.—(1) Funds in the Defense Modernization Account may be transferred in any fiscal year to appropriations available for use for purposes set forth in subsection (d).

''(2) Before funds in the Defense Modernization Account are transferred under paragraph (1), the Secretary concerned shall transmit to the congressional defense committees a notification of the amount and purpose of the proposed transfer.

''(3) The total amount of the transfers from the Defense Modernization Account may not exceed $500,000,000 in any fiscal year.

''(g) AVAILABILITY OF FUNDS FOR APPROPRIATION.—Funds in the Defense Modernization Account may be appropriated for purposes set forth in subsection (d) to the extent provided in Acts authorizing appropriations for the Department of the Defense.

''(h) SECRETARY TO ACT THROUGH COMPTROLLER.—In exercising authority under this section, the Secretary of Defense shall act through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

''(i) QUARTERLY REPORT.—Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the amount and source of each credit to the Defense Modernization Account during the quarter and the amount and purpose of each transfer from the account during the quarter.

''(j) DEFINITIONS.—In this section:

''(1) The term 'Secretary concerned' includes the Secretary of Defense.

''(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

''(3) The term 'congressional defense committees' means—

''(A) the Committees on Armed Services and Appropriations of the Senate; and

''(B) the Committees on National Security and Appropriations of the House of Representatives.

''(4) The term 'appropriate committees of Congress' means—

''(A) the congressional defense committees;

''(B) the Committee on Governmental Affairs of the Senate; and

''(C) the Committee on Government Reform and Oversight of the House of Representatives.

''(k) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy.''.

(2) The table of sections at the beginning of chapter 131 of such title is amended by adding at the end the following:

''2221. Defense Modernization Account.''.

(b) EFFECTIVE DATE.—Section 2221 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1995, and shall apply only to funds appropriated for fiscal years beginning on or after that date.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2221(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account shall terminate on October 1, 2003.

(2) Three years after the termination of transfer authority under paragraph (1), the Defense Modernization Account shall be closed and the remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(3)(A) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(B) Not later than March 1, 2000, the Comptroller General shall—

(i) complete the first review; and

(ii) submit to the appropriate committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(C) Not later than March 1, 2003, the Comptroller General shall—

(i) complete the second review; and

(ii) submit to the appropriate committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(D) Each report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(E) In this paragraph, the term ''appropriate committees of Congress'' has the meaning given such term in section 2221(j)(4) of title 10, United States Code, as added by subsection (a).

SEC. 1004. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act is hereby authorized.

SEC. 1005. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—

''(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

''(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

''(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an expenditure under the preceding sentence, the Secretary shall notify the committees referred to in paragraph (1) not later than the later of—

''(A) 30 days after the date of the expenditure; or

''(B) the date on which the activity for which the expenditure is made is completed.

''(3) A notification under this subsection shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.''.

SEC. 1006. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS AUTHORIZED.—Section 2779 of title 10, United States Code, is amended by adding at the end the following:

''(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—(1) The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation 'Foreign Currency Fluctuations, Defense'.

''(2) This subsection applies with respect to appropriations for fiscal years beginning after September 30, 1995.''.

(b) REVISION AND CODIFICATION OF AUTHORITY FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—Section 2779 of such title, as amended by subsection (a), is further amended by adding at the end the following:

''(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—(1) The Secretary of Defense may transfer to the appropriation 'Foreign Currency Fluctuations, Defense' unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

''(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

''(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation 'Foreign Currency Fluctuations, Defense' does not exceed $970,000,000 at the time such transfer is made.

''(4) This subsection applies with respect to appropriations for fiscal years beginning after September 30, 1995.''.

(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

''(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred

under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.''.

(d) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.

(2) Section 791 of the Department of Defense Appropriation Act, 1983 (enacted in section 101(c) of Public Law 97–377; 96 Stat. 1865) is repealed.

(3) Section 2779 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) TRANSFERS BACK TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIATION.—(1) ''; and

(B) in subsection (b), by striking out ''(b)(1)'' and inserting in lieu thereof ''(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1)''.

SEC. 1007. REPORT ON BUDGET SUBMISSION REGARDING RESERVE COMPONENTS.

(a) SPECIAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a special report on funding for the reserve components of the Armed Forces.

(b) CONTENT.—The report shall contain the following:

(1) The actions taken by the Department of Defense to enhance the Army National Guard, the Air National Guard, and each of the other reserve components.

(2) A separate listing, with respect to the Army National Guard, the Air National Guard, and each of the other reserve components, of each of the following:

(A) The specific amount requested for each major weapon system.

(B) The specific amount requested for each item of equipment.

(C) The specific amount requested for each military construction project, together with the location of each such project.

(3) If the total amount reported in accordance with paragraph (2) is less than $1,080,000,000, an additional separate listing described in paragraph (2) in a total amount equal to $1,080,000,000.

Subtitle B—Naval Vessels

SEC. 1011. IOWA CLASS BATTLESHIPS.

(a) RETURN TO NAVAL VESSEL REGISTER.—The Secretary of the Navy shall list on the Naval Vessel Register, and maintain on such register, at least two of the Iowa class battleships that were stricken from the register in February 1995.

(b) SELECTION OF SHIPS.—The Secretary shall select for listing on the register under subsection (a) the Iowa class battleships that are in the best material condition. In determining which battleships are in the best material condition, the Secretary shall take into consideration the findings of the Board of Inspection and Survey of the Navy, the extent to which each battleship has been modernized during the last period of active service of the battleship, and the military utility of each battleship after the modernization.

(c) SUPPORT.—The Secretary shall retain the existing logistical support necessary for support of at least two operational Iowa class battleships in active service, including technical manuals, repair and replacement parts, and ordnance.

(d) REPLACEMENT CAPABILITY.—The requirements of this section shall cease to be effective 60 days after the Secretary certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Navy has within the fleet an operational surface fire support capability that equals or exceeds the fire support capability that the Iowa class battleships listed on the Naval Vessel Register pursuant to subsection (a) would, if in active service, be able to provide for Marine Corps amphibious assaults and operations ashore.

SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—The Secretary of the Navy is authorized to transfer—

(1) to the Government of Bahrain the Oliver Hazard Perry class guided missile frigate Jack Williams (FFG 24);

(2) to the Government of Egypt the Oliver Hazard Perry class frigates Duncan (FFG 10) and Copeland (FFG 25);

(3) to the Government of Oman the Oliver Hazard Perry class guided missile frigate Mahlon S. Tisdale (FFG 27);

(4) to the Government of Turkey the Oliver Hazard Perry class frigates Clifton Sprague (FFG 16), Antrim (FFG 20), and Flatley (FFG 21); and

(5) to the Government of the United Arab Emirates the Oliver Hazard Perry class guided missile frigate Gallery (FFG 26).

(b) FORMS OF TRANSFER.—(1) A transfer under paragraph (1), (2), (3), or (4) of subsection (a) shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) A transfer under paragraph (5) of subsection (a) shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that a lease entered into during that period under subsection (b)(2) may be renewed.

SEC. 1013. NAMING AMPHIBIOUS SHIPS.

(a) FINDINGS.—The Senate finds that:

(1) This year is the fiftieth anniversary of the battle of Iwo Jima, one of the great victories in all of the Marine Corps' illustrious history.

(2) The Navy has recently retired the ship that honored that battle, the U.S.S. IWO JIMA (LPH–2), the first ship in a class of amphibious assault ships.

(3) This Act authorizes the LHD–7, the final ship of the Wasp class of amphibious assault ships that will replace the Iwo Jima class of ships.

(4) The Navy is planning to start building a new class of amphibious transport docks, now called the LPD–17 class. This Act also authorizes funds that will lead to procurement of these vessels.

(5) There has been some confusion in the rationale behind naming new naval vessels with traditional naming conventions frequently violated.

(6) Although there have been good and sufficient reasons to depart from naming conventions in the past, the rationale for such departures has not always been clear.

(b) SENSE OF THE SENATE.—In light of these findings, expressed in subsection (a), it is the sense of the Senate that the Secretary of the Navy should:

(1) Name the LHD–7 the U.S.S. IWO JIMA.

(2) Name the LPD–17 and all future ships of the LPD–17 class after famous Marine Corps battles or famous Marine Corps heroes.

Subtitle C—Counter-Drug Activities

SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE.—Subsection (a) of section 112 of title 32, United States Code, is amended—

(1) by striking out ''submits a plan to the Secretary under subsection (b)'' in the matter above paragraph (1) and inserting in lieu thereof ''submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities;

''(2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and''.

(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Section 112 of such title is amended—

(1) by striking out subsection (e);

(2) by redesignating subsections (b), (c), (d), and (f) as subsections (c), (d), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) USE OF PERSONNEL PERFORMING FULL TIME NATIONAL GUARD DUTY.—(1) Subject to subsection (e), personnel of the National Guard of a State may be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.

''(2) Under regulations prescribed by the Secretary of Defense, the Governor of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), request that personnel of the National Guard of the State be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.''.

(c) STATE PLAN.—Subsection (c) of such section, as redesignated by subsection (b)(2), is amended—

(1) in the matter above paragraph (1), by striking out ''A plan'' and inserting in lieu thereof ''A State drug interdiction and counter-drug activities plan'';

(2) by striking out ''and'' at the end of paragraph (2); and

(3) in paragraph (3)—

(A) by striking out ''annual training'' and inserting in lieu thereof ''training'';

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

''(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

''(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.''.

(d) EXAMINATION OF STATE PLAN.—Subsection (d) of such section, as redesignated by subsection (b)(2), is amended—

(1) in paragraph (1)—

(A) by inserting after ''Before funds are provided to the Governor of a State under this section'' the following: ''and before

members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)(1)''; and

(B) by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (c)''; and

(2) in paragraph (3)—

(A) by striking out ''subsection (b)'' in subparagraph (A) and inserting in lieu thereof ''subsection (c)''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).''.

(e) END STRENGTH LIMITATION.—Such section is amended by inserting after subsection (d), as redesignated by subsection (b)(2), the following new subsection (e):

''(e) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

''(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

''(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

''(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.''.

(f) DEFINITIONS.—Subsection (g) of such section, as redesignated by subsection (b)(2), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The term 'drug interdiction and counter-drug activities', with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.''.

SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

SEC. 1023. ASSISTANCE TO CUSTOMS SERVICE.

(a) NONINTRUSIVE INSPECTION SYSTEMS.—The Secretary of Defense shall, using funds available pursuant to subsection (b), either—

(1) procure nonintrusive inspection systems and transfer the systems to the United States Customs Service; or

(2) transfer the funds to the Secretary of the Treasury for use to procure nonintrusive inspection systems for the United States Customs Service.

(b) FUNDING.—Of the amounts authorized to be appropriated under section 301(15), $25,000,000 shall be available for carrying out subsection (a).

Subtitle D—Department of Defense Education Programs

SEC. 1031. CONTINUATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) POLICY.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in subsection (b) of such section regarding the budgetary commitment to continuation of the university.

(b) PERSONNEL STRENGTH.—During the 5-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Services may not be reduced below the personnel staffing levels for the university as of October 1, 1993.

SEC. 1032. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113 of title 10, United States Code, is amended by striking out subsection (h) and inserting in lieu thereof the following:

''(h) The Board may establish the following educational programs:

''(1) Postdoctoral, postgraduate, and technological institutes.

''(2) A graduate school of nursing.

''(3) Other schools or programs that the Board determines necessary in order to operate the University in a cost-effective manner.''.

SEC. 1033. FUNDING FOR BASIC ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of the amounts authorized to be appropriated pursuant to section 301, $600,000 shall be available to carry out adult education programs, consistent with the Adult Education Act (20 U.S.C. 1201 et seq.), for—

(1) members of the Armed Forces who are serving in locations that are outside the United States and not described in subsection (b) of such section 313; and

(2) the dependents of such members.

SEC. 1034. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315(a)(1) of title 10, United States Code, is amended by striking out ''for enlisted members of the armed forces'' and inserting in lieu thereof ''for enlisted members of the Air Force''.

SEC. 1035. DATE FOR ANNUAL REPORT ON SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended by striking out ''December 15 of each year'' and inserting in lieu thereof ''March 1 of each year''.

SEC. 1036. ESTABLISHMENT OF JUNIOR R.O.T.C. UNITS IN INDIAN RESERVATION SCHOOLS.

It is the sense of Congress that the Secretary of Defense should ensure that secondary educational institutions on Indian reservations are afforded a full opportunity along with other secondary educational institutions to be selected as locations for establishment of new Junior Reserve Officers' Training Corps units.

Subtitle E—Cooperative Threat Reduction With States of the Former Soviet Union

SEC. 1041. COOPERATIVE THREAT REDUCTION PROGRAMS DEFINED.

For purposes of this subtitle, Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 107 Stat. 1778; 22 U.S.C. 5952(b)).

SEC. 1042. FUNDING MATTERS.

(a) LIMITATION.—Funds authorized to be appropriated under section 301(18) may not be obligated for any program established primarily to assist nuclear weapons scientists in States of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used to contribute to the modernization of the strategic nuclear forces of such States or for research, development, or production of weapons of mass destruction.

(b) REIMBURSEMENT OF PAY ACCOUNTS.—Funds authorized to be appropriated under section 301(18) may be transferred to military personnel accounts for reimbursement of those accounts for the pay and allowances paid to reserve component personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

SEC. 1043. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Even though the President of Russia and other senior leaders of the Russian government have committed Russia to comply with the Biological Weapons Convention, a June 1995 United States Government report asserts that official United States concern remains about the Russian biological warfare program.

(2) In reviewing the President's budget request for fiscal year 1996 for Cooperative Threat Reduction, and consistent with the finding in section 1207(a)(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2884), the Senate has taken into consideration the questions and concerns about Russia's biological warfare program and Russia's compliance with the obligations under the Biological Weapons Convention.

(b) LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.—Of the amount available under section 301(18) for Cooperative Threat Reduction programs, $50,000,000 shall be reserved and not obligated until the President certifies to Congress that Russia is in compliance with the obligations under the Biological Weapons Convention.

SEC. 1044. LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.

(a) LIMITATION.—Of the funds appropriated or otherwise made available for fiscal year 1996 under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' for dismantlement and destruction of chemical weapons, not more than $52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia is in the process of preparing, with the assistance of the United States (if necessary), a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term ''1989 Wyoming Memorandum of Understanding'' means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term ''1990 Bilateral Destruction Agreement'' means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

Subtitle F—Matters Relating to Other Nations

SEC. 1051. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or a NATO organization'' after ''a participant (other than the United States)''; and

(2) in paragraph (2), by inserting ''or a NATO organization'' after ''a cooperative project''.

SEC. 1052. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Export controls remain an important element of the national security policy of the United States.

(2) It is in the national interest that United States export control policy prevent the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.

(3) It is in the national interest that the United States monitor aggressively the export of technology in order to prevent its diversion to potential adversaries or combatants of the United States.

(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.

(5) The Department of Defense evaluates license applications for the export of commodities whose export is controlled for national security reasons if such commodities are exported to certain countries, but the Department does not evaluate license applications for the export of such commodities if such commodities are exported to other countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces;

(2) the Government should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies, and should reevaluate the export control policy of the United States in light of such identification; and

(3) the Government should utilize unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—

(A) pose a threat to the national security interests of the United States; and

(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies.

(c) REPORT REQUIRED.—(1) Not later than December 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services and on Foreign Relations of the Senate and the Committees on National Security and on International Relations of the House of Representatives a report on the effect of the export control policy of the United States on the national security interests of the United States.

(2) The report shall include the following:

(A) A list setting forth each country determined to be a rogue nation or potential adversary or combatant of the United States.

(B) For each country so listed, a list of—

(i) the categories of items that should be prohibited for export to the country;

(ii) the categories of items that should be exported to the country only under an individual license with conditions; and

(iii) the categories of items that may be exported to the country under a general distribution license.

(C) For each category of items listed under clauses (ii) and (iii) of subparagraph (B)—

(i) a statement whether export controls on the category of items are to be imposed under a multilateral international agreement or a unilateral decision of the United States; and

(ii) a justification for the decision not to prohibit the export of the items to the country.

(D) A description of United States policy on sharing satellite imagery that has military significance and a discussion of the criteria for determining the imagery that has that significance.

(E) A description of the relationship between United States policy on the export of space launch vehicle technology and the Missile Technology Control Regime.

(F) An assessment of United States efforts to support the inclusion of additional countries in the Missile Technology Control Regime.

(G) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime to meet the guidelines established by the Missile Technology Control Regime.

(H) A brief discussion of the history of the space launch vehicle programs of other countries, including a discussion of the military origins and purposes of such programs and the current level of military involvement in such programs.

(3) The Secretary shall submit the report in unclassified form but may include a classified annex.

(4) In this subsection, the term ''Missile Technology Control Regime'' means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendments thereto.

(d) DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall, in consultation with appropriate elements of the intelligence community, review each application that is submitted to the Secretary of Commerce for an individual validated license for the export of a class 2, class 3, or class 4 biological pathogen to a country known or suspected to have an offensive biological weapons program. The purpose of the review is to determine if the export of the pathogen pursuant to the license would be contrary to the national security interests of the United States.

(2) The Secretary of Defense, in consultation with the Secretary of State and the intelligence community, shall periodically inform the Secretary of Commerce as to the countries known or suspected to have an offensive biological weapons program.

(3) In order to facilitate the review of an application for an export license by appropriate elements of the intelligence committee under paragraph (1), the Secretary of Defense shall submit a copy of the application to such appropriate elements.

(4) The Secretary of Defense shall carry out the review of an application under this subsection not later than 30 days after the date on which the Secretary of Commerce forwards a copy of the application to the Secretary of Defense for review.

(5) Upon completion of the review of an application for an export license under this subsection, the Secretary of Defense shall notify the Secretary of Commerce if the export of a biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

(6) Notwithstanding any other provision of law, upon receipt of a notification with respect to an application for an export license under paragraph (5), the Secretary of Commerce shall deny the application.

(7) In this subsection:

(A) The term ''class 2, class 3, or class 4 biological pathogen'' means any biological pathogen characterized as a class 2, class 3, or class 4 biological pathogen by the Centers for Disease Control.

(B) The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4).

SEC. 1053. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

''Sec.
''2540. Establishment of loan guarantee program.
''2540a. Transferability.
''2540b. Limitations.
''2540c. Fees charged and collected.
''2540d. Definitions.

''§ 2540. Establishment of loan guarantee program

''(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

''(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

''(1) A member nation of the North Atlantic Treaty Organization (NATO).

''(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

''(3) A country in Central Europe that, as determined by the Secretary of State—

''(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

''(B) is in the processing of changing its form of national government from a nondemocratic form of government to a democratic form of government.

''(4) A noncommunist country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

''(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only as provided in appropriations Acts.

''§ 2540a. Transferability

''A guarantee issued under this subchapter shall be fully and freely transferable.

''§ 2540b. Limitations

''(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

''(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

''(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

''§ 2540c. Fees charged and collected

''(a) IN GENERAL.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

''(b) AMOUNT.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under this section with respect to a loan guarantee shall be fixed in an amount determined by the Secretary to be sufficient to meet potential liabilities of the United States under the loan guarantee.

''(c) PAYMENT TERMS.—The fee for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

''§ 2540d. Definitions

''In this subchapter:

''(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

''(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).''.

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

''VI. Defense Export Loan Guarantees ..... 2540''.

(b) REPORT.—(1) Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a).

(2) The report shall include—

(A) an analysis of the costs and benefits of the loan guarantee program; and

(B) any recommendations for modification of the program that the President considers appropriate, including—

(i) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(ii) any proposed legislation necessary to authorize a recommended modification.

SEC. 1054. LANDMINE CLEARING ASSISTANCE PROGRAM.

(a) REVISION OF AUTHORITY.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note) is amended by adding at the end the following:

''(f) SPECIAL REQUIREMENTS FOR FISCAL YEAR 1996.—Funds available for fiscal year 1996 for the program under subsection (a) may not be obligated for involvement of members of the Armed Forces in an activity under the program until the date that is 30 days after the date on which the Secretary of Defense certifies to Congress, in writing, that the involvement of such personnel in the activity satisfies military training requirements for such personnel.

''(g) TERMINATION OF AUTHORITY.—The Secretary of Defense may not provide assistance under subsection (a) after September 30, 1996.''.

(b) REVISION OF DEFINITION OF LANDMINE.—Section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1831) is amended by striking out ''by remote control or''.

(c) FISCAL YEAR 1996 FUNDING.—Of the amount authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, not more than $20,000,000 shall be available for the program of assistance under section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note).

SEC. 1055. STRATEGIC COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The President and Congress have repeatedly declared the long-standing United States commitment to maintaining the qualitative superiority of the Israel Defense Forces over any combination of potential adversaries.

(2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including that of enhanced regional stability and technical cooperation.

(3) Despite the historic peace effort in which Israel and its neighbors are engaged, Israel continues to face severe potential threats to its national security that are compounded by terrorism and by the proliferation of weapons of mass destruction and ballistic missiles.

(4) Congress supports enhanced United States cooperation with Israel in all fields and, especially, in finding new ways to deter or counter mutual threats.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should ensure that any conventional defense system or technology offered by the United States for sale to any member nation of the North Atlantic Treaty Organization (NATO) or to any major non-NATO ally is concurrently made available for purchase by Israel unless the President determines that it would not be in the national security interests of the United States to do so; and

(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for achieving continued progress in cooperative United States-Israel research and development of theater missile defenses.

SEC. 1056. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

It is the sense of Congress that the Secretary of the Navy should promptly undertake such actions as are necessary—

(1) to improve the services available to the Navy at the Port of Haifa, Israel; and

(2) to ensure that the continuing increase in commercial activities at the Port of Haifa does not adversely affect the availability to the Navy of the services required by the Navy at the port.

SEC. 1057. PROHIBITION ON ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

''§ 2249a. Prohibition on assistance to terrorist countries

''(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

''(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

''(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

''(3) any other country that, as determined by the President—

''(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

''(B) otherwise supports international terrorism.

''(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines that it is in the national security interests of the United States to do so or that the waiver should be granted for humanitarian reasons.

''(2) The President shall—

''(A) notify the Committees on Armed Services and Foreign Relations of the Senate and the Committees on National Security and on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

''(B) publish a notice of the waiver in the Federal Register.

''(c) DEFINITION.—In this section, the term 'international terrorism' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

''2249a. Prohibition on assistance to terrorist countries.''.

SEC. 1058. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interest of the United States to promote military professionalism (including an understanding of and respect for the proper role of the military in a civilian-led democratic society), the effective management of defense resources, the recognition of internationally recognized human rights, and an effective military justice system within the armed forces of allies of the United States and of countries friendly to the United States;

(2) it is in the national security interest of the United States to foster rapport, understanding, and cooperation between the Armed Forces of the United States and the armed forces of allies of the United States

and of countries friendly to the United States;

(3) the international military education and training program is a low-cost method of promoting military professionalism within the armed forces of allies of the United States and of countries friendly to the United States and fostering better relations between the Armed Forces of the United States and those armed forces;

(4) the dissolution of the Soviet Union and the Warsaw Pact alliance and the spread of democracy in the Western Hemisphere have created an opportunity to promote the military professionalism of the armed forces of the affected nations;

(5) funding for the international military education and training program of the United States has decreased dramatically in recent years;

(6) the decrease in funding for the international military education and training program has resulted in a major decrease in the participation of personnel from Asia, Latin America, and Africa in the program;

(7) the Chairman of the Joint Chiefs of Staff and the commanders in chief of the regional combatant commands have consistently testified before congressional committees that the international military education and training program fosters cooperation with and improves military management, civilian control over the military forces, and respect for human rights within foreign military forces; and

(8) the delegation by the President to the Secretary of Defense of authority to perform functions relating to the international military education and training program is appropriate and should be continued.

(b) ACTIVITIES AUTHORIZED.—(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 23—CONTACTS UNDER PROGRAMS IN SUPPORT OF FOREIGN MILITARY FORCES

"Sec.
"461. Military-to-military contacts and comparable activities.
"462. International military education and training.

"§ 462. International military education and training

"(a) PROGRAM AUTHORITY.—Subject to the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), the Secretary of Defense, upon the recommendation of a commander of a combatant command, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, upon the recommendation of the Chairman of the Joint Chiefs of Staff, may pay a portion of the costs of providing international military education and training to military personnel of foreign countries and to civilian personnel of foreign countries who perform national defense functions.

"(b) RELATIONSHIP TO OTHER FUNDING.—Any amount provided pursuant to subsection (a) shall be in addition to amounts otherwise available for international military education and training for that fiscal year.".

(2) Section 168 of title 10, United States Code, is redesignated as section 461, is transferred to chapter 23 (as added by paragraph (1)), and is inserted after the table of sections at the beginning of such chapter.

(3)(A) The tables of chapters at the beginning of subtitle A of such title and the beginning of part I of such subtitle are amended by inserting after the item relating to chapter 22 the following:

"23. Contacts Under Programs in Support of Foreign Military Forces ..... 461".

(B) The table of sections at the beginning of chapter 6 of title 10, United States Code, is amended by striking out the item relating to section 168.

(c) FISCAL YEAR 1996 FUNDING.—Of the amount authorized to be appropriated under section 301(5), $20,000,000 shall be available to the Secretary of Defense for the purposes of carrying out activities under section 462 of title 10, United States Code, as added by subsection (b).

(d) RELATIONSHIP TO AUTHORITY OF SECRETARY OF STATE.—Nothing in this section or section 462 of title 10, United States Code (as added by subsection (b)(1)), shall impair the authority or ability of the Secretary of State to coordinate policy regarding international military education and training programs.

SEC. 1059. REPEAL OF LIMITATION REGARDING AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

SEC. 1060. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated under sections 102, 103, 104, 201, and 301, $228,900,000 shall be available for implementing arms control agreements to which the United States is a party.

(b) LIMITATION.—(1) Except as provided in paragraph (2), none of the funds authorized to be appropriated under subsection (a) for the costs of implementing an arms control agreement may be used to reimburse expenses incurred by any other party to the agreement for which, without regard to any executive agreement or any policy not part of an arms control agreement—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use of funds to fulfill a policy of the United States to reimburse expenses incurred by another party to an arms control agreement if—

(A) the policy does not modify any obligation imposed by the arms control agreement;

(B) the President—

(i) issued or approved the policy before the date of the enactment of this Act; or

(ii) has entered into an agreement on the policy with the government of another country or has approved an agreement on the policy entered into by an official of the United States and the government of another country; and

(C) the President has notified the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives of the policy or the policy agreement (as the case may be), in writing, at least 30 days before the date on which the President issued or approved the policy or has entered into or approved the policy agreement.

(c) DEFINITIONS.—In this section:

(1) The term "arms control agreement" means an arms control treaty or other form of international arms control agreement.

(2) The term "executive agreement" is an international agreement entered into by the President that is not authorized by statute or approved by the Senate under Article II, section 2, clause 2 of the Constitution.

SEC. 1061. SENSE OF CONGRESS ON LIMITING THE PLACING OF UNITED STATES FORCES UNDER UNITED NATIONS COMMAND OR CONTROL.

(a) FINDINGS.—Congress finds that—

(1) the President has made United Nations peace operations a major component of the foreign and security policies of the United States;

(2) the President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel;

(3) the President has committed the United States to deploy as many as 25,000 military personnel to Bosnia-Herzegovina as peacekeepers under United Nations command and control in the event that the parties to that conflict reach a peace agreement;

(4) although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals;

(5) the experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements; and

(6) despite the many deficiencies in the conduct of United Nations peace operations, there may be occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces, and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress prior to a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandates for such activities;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "United Nations peace enforcement operations" means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations; and

(2) the term "United Nations peace operations" means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that ''[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.''.

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes '' . . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . . ''.

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that ''[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.''.

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that '' . . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is a global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.''.

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that ''[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''.

(11) The end of the Cold War has changed the strategic environment facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that ''[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety.''.

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack. It is the further sense of the Senate that front-line troops of the United States Armed Forces should be protected from missile attacks.

(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35,000,000 shall be available for the Corps SAM/MEADS program.

(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the United States portion of the Corps SAM/MEADS program.

(3) The Secretary shall provide a report on the study required under paragraph (2) to the congressional defense committees not later than March 1, 1996.

(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

(d) OBLIGATION OF FUNDS.—Of the amounts referred to in section (c)(1), $10,000,000 may not be obligated until the report referred to in subsection (c)(2) is submitted to the congressional defense committees.

SEC. 1063. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran–Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;''.

SEC. 1064. REPORTS ON ARMS EXPORT CONTROL AND MILITARY ASSISTANCE.

(a) REPORTS BY SECRETARY OF STATE.—Not later than 180 days after the date of the enactment of this Act and every year thereafter until 1998, the Secretary of State shall submit to Congress a report setting forth—

(1) an organizational plan to include those firms on the Department of State licensing watch-lists that—

(A) engage in the exportation of potentially sensitive or dual-use technologies; and

(B) have been identified or tracked by similar systems maintained by the Department of Defense, Department of Commerce, or the United States Customs Service; and

(2) further measures to be taken to strengthen United States export-control mechanisms.

(b) REPORTS BY INSPECTOR GENERAL.—(1) Not later than 180 days after the date of the enactment of this Act and 1 year thereafter, the Inspector General of the Department of State and the Foreign Service shall submit to Congress a report on the evaluation by the Inspector General of the effectiveness of the watch-list screening process at the Department of State during the preceding year. The report shall be submitted in both a classified and unclassified version.

(2) Each report under paragraph (1) shall—

(A) set forth the number of licenses granted to parties on the watch-list;

(B) set forth the number of end-use checks performed by the Department;

(C) assess the screening process used by the Department in granting a license when an applicant is on a watch-list; and

(D) assess the extent to which the watch-list contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 654 the following new section:

''SEC. 655 ANNUAL MILITARY ASSISTANCE REPORT.

''(a) IN GENERAL.—Not later than February 1 of 1996 and 1997, the President shall transmit to Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Control Export Control Act or authorized by commercial sale license under section 38 of that Act.

''(b) ADDITIONAL CONTENTS OF REPORTS.—Each report shall also include the total amount of military items of non-United States manufacture being imported into the United States. The report should contain the country of origin, the type of item being imported, and the total amount of items.''.

Subtitle G—Repeal of Certain Reporting Requirements

SEC. 1071. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) ANNUAL REPORT ON RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of title 10, United States Code, is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) NOTICE OF SALARY INCREASES FOR FOREIGN NATIONAL EMPLOYEES.—Section 1584 of such title is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) WAIVER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN PERSONNEL.—''.

(c) NOTICE OF INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—Section 1597 of such title is amended by striking out subsection (e).

(d) NOTIFICATION OF REQUIREMENT FOR AWARD OF CONTRACTS TO COMPLY WITH COOPERATIVE AGREEMENTS.—Section 2350b(d) of such title is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (1), as so redesignated, by striking out ''shall also notify'' and inserting in lieu thereof ''shall notify''.

(e) NOTICE REGARDING CONTRACTS PERFORMED FOR PERIODS EXCEEDING 10 YEARS.—(1) Section 2352 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2352.

(f) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2370.

(g) ANNUAL REPORT ON MILITARY BASE REUSE STUDIES AND PLANNING ASSISTANCE.—Section 2391 of such title is amended—

(1) by striking out subsection (c); and

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

(h) COMPILATION OF REPORTS FILED BY EMPLOYEES OR FORMER EMPLOYEES OF DEFENSE CONTRACTORS.—Section 2397 of such title is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(i) REPORT ON LOW-RATE PRODUCTION UNDER NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—Section 2400(c) of such title is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1)—

(A) by striking out ''(1)''; and

(B) by redesignating clauses (A) and (B) as clauses (1) and (2), respectively.

(j) REPORT ON WAIVERS OF PROHIBITION ON EMPLOYMENT OF FELONS.—Section 2408(a)(3) of such title is amended by striking out the second sentence.

(k) REPORT ON DETERMINATION NOT TO DEBAR FOR FRAUDULENT USE OF LABELS.—Section 2410f(a) of such title is amended by striking out the second sentence.

(l) ANNUAL REPORT ON WAIVERS OF PROHIBITION RELATING TO SECONDARY ARAB BOYCOTT.—Section 2410i(c) of such title is amended by striking out the second sentence.

(m) REPORT ON ADJUSTMENT OF AMOUNTS DEFINING MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2430(b) of such title is amended by striking out the second sentence.

(n) BUDGET DOCUMENTS ON WEAPONS DEVELOPMENT AND PROCUREMENT SCHEDULES.—(1) Section 2431 of such title is repealed.

(2) The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2431.

(o) NOTICE OF WAIVER OF LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.—Section 2466(c) of such title is amended by striking out ''and notifies Congress regarding the reasons for the waiver''.

(p) ANNUAL REPORT ON INFORMATION ON FOREIGN-CONTROLLED CONTRACTORS.—Section 2537 of such title is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(q) ANNUAL REPORT ON REAL PROPERTY TRANSACTIONS.—Section 2662 of such title is amended—

(1) by striking out subsection (b); and

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

(r) NOTIFICATIONS AND REPORTS ON ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—Section 2807 of such title is amended—

(1) by striking out subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (c).

(s) REPORT ON CONSTRUCTION PROJECTS FOR ENVIRONMENTAL RESPONSE ACTIONS.—Section 2810 of such title is amended—

(1) in subsection (a), by striking out ''Subject to subsection (b), the Secretary'' and inserting in lieu thereof ''The Secretary'';

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(t) NOTICE OF MILITARY CONSTRUCTION CONTRACTS ON GUAM.—Section 2864(b) of such title is amended by striking out ''after the 21-day period'' and all that follows through the period at the end and inserting in lieu thereof a period.

(u) ANNUAL REPORT ON ENERGY SAVINGS AT MILITARY INSTALLATIONS.—Section 2865 of such title is amended by striking out subsection (f).

SEC. 1072. REPORTS REQUIRED BY TITLE 37, UNITED STATES CODE, AND RELATED PROVISIONS OF DEFENSE AUTHORIZATION ACTS.

(a) ANNUAL REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—Section 406 of title 37, United States Code, is amended by striking out subsection (i).

(b) REPORT ON ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section 1008(a) of such title is amended by striking out the second sentence.

(c) REPORT ON QUADRENNIAL REVIEW OF ADJUSTMENTS IN COMPENSATION.—Section 1009(f) of such title is amended by striking out ''of this title,'' and all that follows through the period at the end and inserting in lieu thereof ''of this title.''.

(d) PUBLIC LAW 101–189 REQUIREMENT FOR REPORT REGARDING SPECIAL PAY FOR ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.—Section 704 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1471; 37 U.S.C. 302c note) is amended by striking out subsection (d).

(e) PUBLIC LAW 101–510 REQUIREMENT FOR REPORT REGARDING SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577; 37 U.S.C. 302e note) is amended by striking out subsection (c).

SEC. 1073. REPORTS REQUIRED BY OTHER DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.

(a) PUBLIC LAW 98–94 REQUIREMENT FOR ANNUAL REPORT ON CHAMPUS AND USTF MEDICAL CARE.—Section 1252 of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 42 U.S.C. 248d) is amended by striking out subsection (d).

(b) PUBLIC LAW 99–661 REQUIREMENT FOR REPORT ON FUNDING FOR NICARAGUAN DEMOCRATIC RESISTANCE.—Section 1351 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) LIMITATION.—''.

(c) PUBLIC LAW 100–180 REQUIREMENT FOR SELECTED ACQUISITION REPORTS FOR ATB, ACM, AND ATA PROGRAMS.—Section 127 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2432 note) is repealed.

(d) PUBLIC LAW 101–189 REQUIREMENT FOR NOTIFICATION OF CLOSURE OF MILITARY CHILD DEVELOPMENT CENTERS.—Section 1505(f) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1594; 10 U.S.C. 113 note) is amended by striking out paragraph (3).

(e) PUBLIC LAW 101–510 REQUIREMENT FOR ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(f) PUBLIC LAW 102–190 REQUIREMENT FOR SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION MASTER PLAN.—Section 829 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1444; 10 U.S.C. 2192 note) is repealed.

(g) PUBLIC LAW 102–484 REQUIREMENT FOR REPORT RELATING TO USE OF CLASS I OZONE-DEPLETING SUBSTANCES IN MILITARY PROCUREMENTS.—Section 326(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2368; 10 U.S.C. 301 note) is amended by striking out paragraphs (4) and (5).

(h) PUBLIC LAW 103–139 REQUIREMENT FOR REPORT REGARDING HEATING FACILITY MODERNIZATION AT KAISERSLAUTERN.—Section 8008 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1438), is amended by inserting ''but without regard to the notification requirement in subsection (b)(2) of such section,'' after ''section 2690 of title 10, United States Code,''.

SEC. 1074. REPORTS REQUIRED BY OTHER NATIONAL SECURITY LAWS.

(a) ARMS EXPORT CONTROL ACT REQUIREMENT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) NATIONAL SECURITY AGENCY ACT OF 1959 REQUIREMENT FOR ANNUAL REPORT ON NSA EXECUTIVE PERSONNEL.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) PUBLIC LAW 85–804 REQUIREMENT FOR REPORT ON OMISSION OF CONTRACT CLAUSE UNDER SPECIAL NATIONAL DEFENSE CONTRACTING AUTHORITY.—Section 3(b) of the Act of August 28, 1958 (50 U.S.C. 1433(b)), is amended by striking out the matter following paragraph (2).

SEC. 1075. REPORTS REQUIRED BY OTHER PROVISIONS OF THE UNITED STATES CODE.

Section 1352(f) of title 31, United States Code, is amended—

(1) by inserting ''(1)'' after ''(f)'';

(2) by striking out the second sentence; and

(3) by adding at the end the following:

''(2) Subsections (a)(6) and (d) do not apply to the Department of Defense.''.

SEC. 1076. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) PANAMA CANAL ACT OF 1979 REQUIREMENT FOR ANNUAL REPORT REGARDING UNITED STATES TREATY RIGHTS AND OBLIGATIONS.—Section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871) is repealed.

(b) PUBLIC LAW 91–611 REQUIREMENT FOR ANNUAL REPORT ON WATER RESOURCES PROJECT AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(c) PUBLIC LAW 94–587 REQUIREMENT FOR ANNUAL REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE WATERWAY.—Section 185 of the Water Resources Development Act of 1976 (Public Law 94–587; 33 U.S.C. 544c) is amended by striking out the second sentence.

(d) PUBLIC LAW 100–333 REQUIREMENT FOR ANNUAL REPORT ON MONITORING OF NAVY HOME PORT WATERS.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (Public Law 100–333; 33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 1077. REPORTS REQUIRED BY JOINT COMMITTEE ON PRINTING.

Requirements for submission of the following reports imposed in the exercise of authority under section 103 of title 44, United States Code, do not apply to the Department of Defense:

(1) A notice of intent to apply new printing processes.

(2) A report on equipment acquisition or transfer.

(3) A printing plant report.

(4) A report on stored equipment.

(5) A report on jobs which exceed Joint Committee on Printing duplicating limitations.

(6) A notice of intent to contract for printing services.

(7) Research and development plans.

(8) A report on commercial printing.

(9) A report on collator acquisition.

(10) An annual plant inventory.

(11) An annual map or chart plant report.

(12) A report on activation or moving a printing plant.

(13) An equipment installation notice.

(14) A report on excess equipment.

Subtitle H—Other Matters

SEC. 1081. GLOBAL POSITIONING SYSTEM.

The Secretary of Defense shall turn off the selective availability feature of the global positioning system by May 1, 1996, unless the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan that—

(1) provides for development and acquisition of—

(A) effective capabilities to deny hostile military forces the ability to use the global positioning system without hindering the ability of United States military forces and civil users to exploit the system; and

(B) global positioning system receivers and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption; and

(2) includes a specific date by which the Secretary of Defense intends to complete the acquisition of the capabilities described in paragraph (1).

SEC. 1082. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

SEC. 1083. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

Section 1091(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended by striking out ''through 1995'' and inserting in lieu thereof ''through 1997''.

SEC. 1084. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) REPORT ON BOARDS AND COMMISSIONS RECEIVING DEPARTMENT SUPPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the following:

(1) A list of the boards and commissions described in subsection (b) that received support (including funds, equipment, materiel, or other assets, or personnel) from the Department of Defense in last full fiscal year preceding the date of the report.

(2) A list of the boards and commissions referred to in paragraph (1) that are determined by the Secretary to merit continued support from the Department.

(3) A description, for each board and commission listed under paragraph (2), of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission in the last full fiscal year preceding the date of the report;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the support of the Department.

(4) A list of the boards and commissions referred to in paragraph (1) that are determined by the Secretary not to merit continued support from the Department.

(5) A description, for each board and commission listed under paragraph (4), of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission in the last full fiscal year preceding the date of the report; and

(C) a justification of the determination that the board or commission does not merit the support of the Department.

(b) COVERED BOARDS.—Subsection (a)(1) applies to the boards and commissions, including boards and commissions authorized by law, operating within or for the Department of Defense that—

(1) provide only policy-making assistance or advisory services for the Department; or

(2) carry out activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

SEC. 1085. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 763) is amended by striking out ''to make available'' and all that follows and inserting in lieu thereof ''to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of general use areas of the center.''.

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read a follows:

''(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

''(2) The Foundation, or NSC Discovery Center, Incorporated, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design, renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials for the center.''.

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—Subsection (d) of such section is amended to read as follows:

''(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional donation of money or property that is made for the benefit of, or in connection with, the center.

''(2) Notwithstanding any other provision of law, the Secretary may endorse, promote, and assist the efforts of the Foundation and NSC Discovery Center, Incorporated, to obtain—

''(A) funds for the management, operation, and maintenance of the center; and

''(B) donations of exhibits, equipment, and other property for use in the center.

''(3) The Secretary may not accept a donation under this subsection that is made subject to—

''(A) any condition that is inconsistent with an applicable law or regulation; or

''(B) except to the extent provided in appropriations Acts, any condition that would necessitate an expenditure of appropriated funds.

''(4) The Secretary shall prescribe in regulations the criteria to be used in determining whether to accept a donation. The Secretary shall include criteria to ensure that acceptance of a donation does not establish an unfavorable appearance regarding the fairness and objectivity with which the Secretary or any other officer or employee of the Department of Defense performs official responsibilities and does not compromise or appear to compromise the integrity of a Government program or any official involved in that program.''.

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in subsection (f), as redesignated by paragraph (2), by inserting ''areas designated for Army use in'' after ''The Secretary may make''.

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGEMENT.—Such section, as amended by subsection (d), is further amended by adding at the end the following:

''(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGEMENT OF THE CENTER.—(1) The Secretary may enter into an agreement with NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, to develop, manage, and maintain a national science center under this section. In entering into an agreement with NSC Discovery Center, Incorporated, the Secretary may agree to any term or condition to which the Secretary is authorized under this section to agree for purposes of entering into an agreement with the Foundation.

''(2) The Secretary may exercise the authority under paragraph (1) in addition to, or instead of, exercising the authority provided under this section to enter into an agreement with the Foundation.''.

SEC. 1086. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

''(g)(1) The Secretary of Defense may suspend or terminate an action by the Department of Defense under this section to collect a claim against the estate of a person who died while serving on active duty as a member of the armed forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

''(2) For purposes of this subsection, the terms 'armed forces' and 'active duty' have the meanings given such terms in section 101 of title 10.''.

SEC. 1087. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Section 3721(b)(1) of title 31, United States Code, is amended by inserting after the first sentence the following: ''If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of June 1, 1991, and shall apply with respect to claims arising on or after that date.

SEC. 1088. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

''(3) a dependent of personnel of the Government, but only—

''(A) at a United States installation at which adequate banking facilities are not available; and

''(B) in the case of negotiation of negotiable instruments, if the dependent's sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.''.

(b) PAY OFFSET.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The amount of any deficiency resulting from cashing a check for a dependent under subsection (b)(3), including any charges assessed against the disbursing official by a financial institution for insufficient funds to pay the check, may be offset from the pay of the dependent's sponsor.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(e) The Secretary of Defense shall define in regulations the terms 'dependent' and 'sponsor' for the purposes of this section. In the regulations, the term 'dependent', with respect to a member of a uniformed service, shall have the meaning given that term in section 401 of title 37.''.

SEC. 1089. TRAVEL OF DISABLED VETERANS ON MILITARY AIRCRAFT.

(a) LIMITED ENTITLEMENT.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641 the following new section:

''§ 2641a. Travel of disabled veterans on military aircraft

''(a) LIMITED ENTITLEMENT.—A veteran entitled under laws administered by the Secretary of Veterans Affairs to receive compensation for a service-connected disability rated as total by the Secretary is entitled, in the same manner and to the same extent as retired members of the armed forces, to transportation (on a space-available basis) on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.

''(b) DEFINITIONS.—In this section, the terms 'veteran', 'compensation', and 'service-connected' have the meanings given such terms in section 101 of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections, at the beginning of such chapter, is amended by inserting after the item relating to section 2641 the following new item:

''2641a. Travel of disabled veterans on military aircraft.''.

SEC. 1090. TRANSPORTATION OF CRIPPLED CHILDREN IN PACIFIC RIM REGION TO HAWAII FOR MEDICAL CARE.

(a) TRANSPORTATION AUTHORIZED.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2643. Transportation of crippled children in Pacific Rim region to Hawaii for medical care

''(a) TRANSPORTATION AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may provide persons eligible under subsection (b) with round trip transportation in an aircraft of the Department of Defense, on a space-available basis, between an airport in the Pacific Rim region and the State of Hawaii. No charge may be imposed for transportation provided under this section.

''(b) PERSONS COVERED.—Persons eligible to be provided transportation under this section are as follows:

''(1) A child under 18 years of age who (A) resides in the Pacific Rim region, (B) is a crippled child in need of specialized medical care for the child's condition as a crippled child, which may include any associated or related condition, (C) upon arrival in Hawaii, is to be admitted to receive such medical care, at no cost to the patient, at a medical facility in Honolulu, Hawaii, that specializes in providing such medical care, and (D) is unable to afford the costs of transportation to Hawaii.

''(2) One adult attendant accompanying a child transported under this section.

''(c) CONDITIONS.—The Secretary may provide transportation under subsection (a) only if the Secretary determines that—

''(1) it is not inconsistent with the foreign policy of the United States to do so;

''(2) the transportation is for humanitarian purposes;

''(3) the health of the child to be transported is sufficient for the child to endure safely the stress of travel for the necessary distance in the Department of Defense aircraft involved;

''(4) all authorizations, permits, and other documents necessary for admission of the child at the medical treatment facility referred to in subsection (b)(1)(C) are in order;

''(5) all necessary passports and visas necessary for departure from the residences of the persons to be transported and from the airport of departure, for entry into the United States, for reentry into the country of departure, and for return to the persons' residences are in proper order; and

''(6) arrangements have been made to ensure that—

''(A) the persons to be transported will board the aircraft on the schedule established by the Secretary; and

''(B) the persons—

''(i) will be met and escorted to the medical treatment facility by appropriate personnel of the facility upon the arrival of the aircraft in Hawaii; and

''(ii) will be returned to the airport in Hawaii for transportation (on the schedule established by the Secretary) back to the country of departure.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2643. Transportation of crippled children in Pacific Rim region to Hawaii for medical care.''.

SEC. 1091. STUDENT INFORMATION FOR RECRUITING PURPOSES.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) educational institutions, including secondary schools, should not have a policy of denying, or otherwise effectively preventing, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to any campus or access to students on any campus equal to that of other employers; or

(B) access to directory information pertaining to students (other than in a case in which an objection has been raised as described in paragraph (2));

(2) an educational institution that releases directory information should—

(A) give public notice of the categories of such information to be released; and

(B) allow a reasonable period after such notice has been given for a student or (in the case of an individual younger than 18 years of age) a parent to inform the institution that any or all of such information should not be released without obtaining prior consent from the student or the parent, as the case may be; and

(3) the Secretary of Defense should prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information as described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) The term ''directory information'' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and (if available) the most recent previous educational program enrolled in by the student.

(2) The term ''student'' means an individual enrolled in any program of education who is 17 years of age or older.

SEC. 1092. STATE RECOGNITION OF MILITARY ADVANCE MEDICAL DIRECTIVES.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

''§ 1044c. Advance medical directives of armed forces personnel and dependents: requirement for recognition by States

''(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—An advance medical directive executed by a person eligible for legal assistance—

''(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

''(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

''(b) ADVANCE MEDICAL DIRECTIVES COVERED.—For purposes of this section, an advance medical directive is any written declaration that—

''(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

''(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

''(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, each advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).

''(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

''(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

''(e) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

''(2) The term 'person eligible for legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

''(3) The term 'legal assistance' means legal services authorized under section 1044 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following:

''1044c. Advance medical directives of armed forces personnel and dependents: requirement for recognition by States.''.

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in such section that are executed before, on, or after that date.

SEC. 1093. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.

SEC. 1094. SENSE OF SENATE REGARDING ETHICS COMMITTEE INVESTIGATION.

(a) The Senate finds that—

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(b) Therefore, it is the Sense of the Senate that the Select committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

SEC. 1095. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive Branch and in proposing new programs.

SEC. 1096. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

SEC. 1097. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

SEC. 1098. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after ''foreign or international tribunal'' the following: '', including criminal investigations conducted prior to formal accusation''.

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''International Tribunal for Yugoslavia'' means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''International Tribunal for Rwanda'' means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''Agreement Between the United States and the International Tribunal for Yugoslavia'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''Agreement between the United States and the International Tribunal for Rwanda'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations

Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

SEC. 1099. LANDMINE USE MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are ''slow-motion weapons of mass destruction''.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license for export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—

For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—The term ''antipersonnel landmine'' means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term ''1980 Conventional Weapons Convention'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

SEC. 1099A. EXTENSION OF PILOT OUTREACH PROGRAM.

Section 1045(d) of the National Defense Authorization Act for Fiscal Year 1993 is amended by striking out ''three'' and inserting ''five'' in lieu thereof.

SEC. 1099B. SENSE OF SENATE ON MIDWAY ISLANDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) September 2, 1995, marks the 50th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial to the Battle of Midway that is suitable to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act, and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivors of the Battle of Midway, their families, and other visitors should be provided in a manner that ensures the public health and safety on the Midway Islands and the conservation and natural resources of those islands in accordance with existing Federal law.

SEC. 1099C. STUDY ON CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to assess the risk associated with the transportation of the unitary stockpile, any portion of the stockpile to include drained agents from munitions and munitions, from one location to another within the continental United States. Also, the Secretary shall include a study of the assistance available to communities in the vicinity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations which facilities are subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chemical integrity report conducted by the Army on existing stockpile;

(B) a determination of the viability of transportation of any portion of the stockpile, to include drained agent from munitions and the munitions;

(C) the safety, cost-effectiveness, and public acceptability of transporting the stockpile, in its current configuration, or in alternative configurations;

(D) the economic effects of closure, realignment, or reutilization of the facilities referred to in paragraph (1) on the communities referred to in that paragraph; and

(E) the unique problems that such communities face with respect to the reuse of such facilities as a result of the operations referred to in paragraph (1).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a). The report shall include recommendations of the Secretary on methods for ensuring the expeditious and cost-effective transfer or lease of facilities referred to in paragraph (1) of subsection (a) to communities referred to in paragraph (1) for reuse by such communities.

SEC. 1099D. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the ''National Maritime Center''.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''National Maritime Center''.

SEC. 1099E. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report on aircraft designated as Operational Support Airlift Aircraft that is currently in preparation by the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—(1) The report shall contain findings and recommendations regarding the following:

(A) Modernization and safety requirements for the Operational Support Airlift Aircraft fleet.

(B) Standardization plans and requirements of that fleet.

(C) The disposition of aircraft considered excess to that fleet in light of the requirements set forth under subparagraph (A).

(D) The need for helicopter support in the National Capital Region.

(E) The acceptable uses of helicopter support in the National Capital Region.

(2) In preparing the report, the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the Operational Support Airlift Aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of aircraft designated as Operational Support Airlift Aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(3) The regulations shall apply uniformly throughout the Department of Defense.

(4) The regulations should not require exclusive use of the aircraft designated as Operational Support Airlift Aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown in fiscal year 1996 by aircraft designated as Operational Support Airlift Aircraft does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 by such aircraft.

(2) The Secretary should ensure that the number of hours flown in fiscal year 1996 for helicopter support in the National Capital Region does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 for such helicopter support.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated under title III for the operation and use of aircraft designated as Operational Support Airlift Aircraft, not more than 50 percent of such funds shall be available for that purpose until the submittal of the report referred to in subsection (a).

SEC. 1099F. SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten United States citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons, if ratified and fully implemented as signed, by all signatories.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest, and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States and all other parties to the START II and Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

TITLE XI—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1101. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) PUBLIC LAW 103–337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)) is amended as follows:

(1) Section 1624 (108 Stat. 2961) is amended—

(A) by striking out ''641'' and all that follows through ''(2)'' and inserting in lieu thereof ''620 is amended''; and

(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.

(2) Section 1625 (108 Stat. 2962) is amended by striking out ''Section 689'' and inserting in lieu thereof ''Section 12320''.

(3) Section 1626(1) (108 Stat. 2962) is amended by striking out ''(W–5)'' in the second quoted matter therein and inserting in lieu thereof '', W–5,''.

(4) Section 1627 (108 Stat. 2962) is amended by striking out ''Section 1005(b)'' and inserting in lieu thereof ''Section 12645(b)''.

(5) Section 1631 (108 Stat. 2964) is amended—

(A) in subsection (a), by striking out ''Section 510'' and inserting in lieu thereof ''Section 12102''; and

(B) in subsection (b), by striking out ''Section 591'' and inserting in lieu thereof ''Section 12201''.

(6) Section 1632 (108 Stat. 2965) is amended by striking out ''Section 593(a)'' and inserting in lieu thereof ''Section 12203(a)''.

(7) Section 1635(a) (108 Stat. 2968) is amended by striking out ''section 1291'' and inserting in lieu thereof ''section 1691(b)''.

(8) Section 1671 (108 Stat. 3013) is amended—

(A) in subsection (b)(3), by striking out ''512, and 517'' and inserting in lieu thereof ''and 512''; and

(B) in subsection (c)(2), by striking out the comma after ''861'' in the first quoted matter therein.

(9) Section 1684(b) (108 Stat. 3024) is amended by striking out ''section 14110(d)'' and inserting in lieu thereof ''section 14111(c)''.

(b) SUBTITLE E OF TITLE 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out ''Repayments'' in the item relating to chapter 1609 and inserting in lieu thereof ''Repayment Programs''.

(2)(A) The heading for section 10103 is amended to read as follows:

''§ 10103. Basic policy for order into Federal service''.

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

''10103. Basic policy for order into Federal service.''.

(3) The table of sections at the beginning of chapter 1005 is amended by striking out the third word in the item relating to section 10142.

(4) The table of sections at the beginning of chapter 1007 is amended—

(A) by striking out the third word in the item relating to section 10205; and

(B) by capitalizing the initial letter of the sixth word in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 1011 is amended by inserting ''Sec.'' at the top of the column of section numbers.

(6) Section 10507 is amended—

(A) by striking out ''section 124402(b)'' and inserting in lieu thereof ''section 12402(b)''; and

(B) by striking out ''Air Forces'' and inserting in lieu thereof ''Air Force''.

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking out the item relating to section 10508.

(8) Section 10542 is amended by striking out subsection (d).

(9) Section 12004(a) is amended by striking out ''active-status'' and inserting in lieu thereof ''active status''.

(10) Section 12012 is amended by inserting ''**the**'' in the section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to read as follows:

''§ 12201. Reserve officers: qualifications for appointment''.

(B) The item relating to section 12201 in the table of sections at the beginning of chapter 1205 is amended to read as follows:

''12201. Reserve officers: qualifications for appointment.''.

(12) The heading for section 12209 is amended to read as follows:

''§ 12209. Officer candidates: enlisted Reserves''.

(13) The heading for section 12210 is amended to read as follows:

''§ 12210. Attending Physician to the Congress: reserve grade while so serving''.

(14) Section 12213(a) is amended by striking out ''section 593'' and inserting in lieu thereof ''section 12203''.

(15) The table of sections at the beginning of chapter 1207 is amended by striking out ''promotions'' in the item relating to section 12243 and inserting in lieu thereof ''promotion''.

(16) The table of sections at the beginning of chapter 1209 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and

(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out ''Ready Reserve'' in the second sentence and inserting in lieu thereof ''Retired Reserve''.

(18) The heading of section 12401 is amended by striking out the seventh word.

(19) Section 12407(b) is amended—

(A) by striking out ''of those jurisdictions'' and inserting in lieu thereof ''State''; and

(B) by striking out ''jurisdictions'' and inserting in lieu thereof ''States''

(20) Section 12731(f) is amended by striking out ''the date of the enactment of this subsection'' and inserting in lieu thereof ''October 5, 1994,''.

(21) Section 12731a(c)(3) is amended by inserting a comma after ''Defense Conversion''.

(22) Section 14003 is amended by inserting ''**lists**'' in the section heading immediately before the colon.

(23) The table of sections at the beginning of chapter 1403 is amended by striking out ''selection board'' in the item relating to section 14105 and inserting in lieu thereof ''promotion board''.

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out ''Numbers'' and inserting in lieu thereof ''Number'';

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out ''a Reserve officer'' and inserting in lieu thereof ''a reserve officer''.

(26) 14317(e) is amended—

(A) by inserting ''OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—'' after ''(e)''; and

(B) by striking out ''section 10213 or 644'' and inserting in lieu thereof ''section 123 or 10213''.

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting ''reserve'' after ''Marine Corps and''; and

(B) in the item relating to section 14507, by inserting ''reserve'' after ''Removal from the''; and

(C) in the item relating to section 14509, by inserting ''in grades'' after ''reserve officers''.

(28) Section 14501(a) is amended by inserting ''OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—'' after ''(a)''.

(29) The heading for section 14506 is amended by inserting a comma after ''**Air Force**''.

(30) Section 14508 is amended by striking out ''this'' after ''from an active status under'' in subsections (c) and (d).

(31) Section 14515 is amended by striking out ''inactive status'' and inserting in lieu thereof ''inactive-status''.

(32) Section 14903(b) is amended by striking out ''chapter'' and inserting in lieu thereof ''title''.

(33) The table of sections at the beginning of chapter 1606 is amended in the item relating to section 16133 by striking out ''limitations'' and inserting in lieu thereof ''limitation''.

(34) Section 16132(c) is amended by striking out ''section'' and inserting in lieu thereof ''sections''.

(35) Section 16135(b)(1)(A) is amended by striking out ''section 2131(a)'' and inserting in lieu thereof ''sections 16131(a)''.

(36) Section 18236(b)(1) is amended by striking out ''section 2233(e)'' and inserting in lieu thereof ''section 18233(e)''.

(37) Section 18237 is amended—

(A) in subsection (a), by striking out ''section 2233(a)(1)'' and inserting in lieu thereof ''section 18233(a)(1)''; and

(B) in subsection (b), by striking out ''section 2233(a)'' and inserting in lieu thereof ''section 18233(a)''.

(c) OTHER PROVISIONS OF TITLE 10.—Effective as of December 1, 1994 (except as otherwise expressly provided), and as if included as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacted, title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out ''section 175'' and inserting in lieu thereof ''section 10301''.

(2) Section 114(b) is amended by striking out ''chapter 133'' and inserting in lieu thereof ''chapter 1803''.

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out ''section 673'' and inserting in lieu thereof ''section 12302'';

(B) in paragraph (2), by striking out ''section 673b'' and inserting in lieu thereof ''section 12304''; and

(C) in paragraph (3), by striking out ''section 3500 or 8500'' and inserting in lieu thereof ''section 12406''.

(4) Section 123(a) is amended—

(A) by striking out ''281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220,'', ''5414, 5457, 5458,'', and ''8217, 8218, 8219,''; and

(B) by striking out ''and 8855'' and inserting in lieu thereof ''8855, 10214, 12003, 12004, 12005, 12007, 12202, 12213, 12642, 12645, 12646, 12647, 12771, 12772, and 12773''.

(5) Section 582(1) is amended by striking out ''section 672(d)'' in subparagraph (B) and ''section 673b'' in subparagraph (D) and inserting in lieu thereof ''section 12301(d)'' and ''section 12304'', respectively.

(6) Section 641(1)(B) is amended by striking out ''10501'' and inserting in lieu thereof ''10502, 10505, 10506(a), 10506(b), 10507''.

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1), 1064, and 1065(a) are amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(9) Section 1063(a)(1) is amended by striking out ''section 1332(a)(2)'' and inserting in lieu thereof ''section 12732(a)(2)''.

(10) Section 1074b(b)(2) is amended by striking out ''section 673c'' and inserting in lieu thereof ''section 12305''.

(11) Section 1076(b)(2)(A) is amended by striking out ''before the effective date of the Reserve Officer Personnel Management Act'' and inserting in lieu thereof ''before December 1, 1994''.

(12) Section 1176(b) is amended by striking out ''section 1332'' in the matter preceding paragraph (1) and in paragraph (2) and inserting in lieu thereof ''section 12732''.

(13) Section 1208(b) is amended by striking out ''section 1333'' and inserting in lieu thereof ''section 12733''.

(14) Section 1209 is amended by striking out ''section 1332'', ''section 1335'', and ''chapter 71'' and inserting in lieu thereof ''section 12732'', ''section 12735'', and ''section 12739'', respectively.

(15) Section 1407 is amended—

(A) in subsection (c)(1) and (d)(1), by striking out ''section 1331'' and inserting in lieu thereof ''section 12731''; and

(B) in the heading for paragraph (1) of subsection (d), by striking out ''CHAPTER 67'' and inserting in lieu thereof ''CHAPTER 1223''.

(16) Section 1408(a)(5) is amended by striking out ''section 1331'' and inserting in lieu thereof ''section 12731''

(17) Section 1431(a)(1) is amended by striking out ''section 1376(a)'' and inserting in lieu thereof ''section 12774(a)''.

(18) Section 1463(a)(2) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(19) Section 1482(f)(2) is amended by inserting ''section'' before ''12731 of this title''.

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out ''chapter 106 of this title'' and inserting in lieu thereof ''chapter 1606 of this title''.

(22) Section 2121(c) is amended by striking out ''section 3353, 5600, or 8353'' and inserting in lieu thereof ''section 12207'', effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out ''section 591'' and inserting in lieu thereof ''section 12201''.

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''.

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out ''section 5457 or section 5458'' and inserting in lieu thereof ''section 12004 or section 12005''.

(28) Section 6410(a) is amended by striking out ''section 1005'' and inserting in lieu thereof ''section 12645''.

(29) The table of sections at the beginning of chapter 837 is amended by striking out the items relating to section 8351 and 8352.

(30) Section 8360(b) is amended by striking out ''section 1002'' and inserting in lieu thereof ''section 12642''.

(31) Section 8380 is amended by striking out ''section 524'' in subsections (a) and (b) and inserting in lieu thereof ''section 12011''.

(32) Sections 8819(a), 8846(a), and 8846(b) are amended by striking out ''section 1005 and 1006'' and inserting in lieu thereof ''sections 12645 and 12646''.

(33) Section 8819 is amended by striking out ''section 1005'' and ''section 1006'' and inserting in lieu thereof ''section 12645'' and ''section 12646'', respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

(1) Section 337(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) is amended by inserting before the period at the end the following: ''or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title''.

(2) Section 525 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190, 105 Stat. 1363) is amended by striking out ''section 690'' and inserting in lieu thereof ''section 12321''.

(3) Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 10 U.S.C. 12681 note) is amended—

(A) in section 4415, by striking out ''section 1331a'' and inserting in lieu thereof ''section 12731a'';

(B) in subsection 4416—

(i) in subsection (a), by striking out ''section 1331'' and inserting in lieu thereof ''section 12731'';

(ii) in subsection (b)—

(I) by inserting ''or section 12732'' in paragraph (1) after ''under that section''; and

(II) by inserting ''or 12731(a)'' in paragraph (2) after ''section 1331(a)'';

(iii) in subsection (e)(2), by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''; and

(iv) in subsection (g), by striking out ''section 1331a'' and inserting in lieu thereof ''section 12731a''; and

(C) in section 4418—

(i) in subsection (a), by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''; and

(ii) in subsection (b)(1)(A), by striking out ''section 1333'' and inserting in lieu thereof ''section 12733''.

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out ''section 673c of title 10'' in paragraphs (2) and (3)(A) and inserting in lieu thereof ''section 12305 of title 10''; and

(B) in section 433(a), by striking out ''section 687 of title 10'' and inserting in lieu thereof ''section 12319 of title 10''.

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out ''600 of title 10'' and inserting in lieu thereof ''12209 of title 10''; and

(B) in section 741(c), by striking out ''section 1006 of title 10'' and inserting in lieu thereof ''section 12646 of title 10''.

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out ''section 672, 673, 673b, 674, or 675 of title 10'' and inserting in lieu thereof ''section 12301, 12302, 12304, 12306, or 12307 of title 10'';

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out ''section 268(b) of title 10'' and inserting in lieu thereof ''section 10143(a) of title 10'';

(C) in section 3501(a)(3)(C), by striking out ''section 511(d) of title 10'' and inserting in lieu thereof ''section 12103(d) of title 10''; and

(D) in section 4211(4)(C), by striking out ''section 672(a), (d), or (g), 673, or 673b of title 10'' and inserting in lieu thereof ''section 12301(a), (d), or (g), 12302, or 12304 of title 10''.

(3) Section 702(a)(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out ''section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10'' and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10''; and

(B) by striking out ''section 672(d) of such title'' and inserting in lieu thereof ''section 12301(d) of such title''.

(4) Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended in subsection (a)(10) by striking out ''(10 U.S.C. 2172)'' and inserting in lieu thereof ''(10 U.S.C. 16302)''.

(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out ''section 216(a) of title 5'' and inserting in lieu thereof ''section 10101 of title 10''.

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549), 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act).

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994.

SEC. 1102. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

(a) PUBLIC LAW 103–355.—Effective as of October 13, 1994, and as if included therein as enacted, the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3243 et seq.) is amended as follows:

(1) Section 1202(a) (108 Stat. 3274) is amended by striking out the closing quotation marks and second period at the end of paragraph (2)(B) of the subsection inserted by the amendment made by that section.

(2) Section 1251(b) (108 Stat. 3284) is amended by striking out ''Office of Federal Procurement Policy Act'' and inserting in lieu thereof ''Federal Property and Administrative Services Act of 1949''.

(3) Section 2051(e) (108 Stat. 3304) is amended by striking out the closing quotation marks and second period at the end of subsection (f)(3) in the matter inserted by the amendment made by that section.

(4) Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is amended by replacing ''regulation'' with ''regulations'' in the first quoted matter.

(5) The heading of section 2352(b) (108 Stat. 3322) is amended by striking out ''PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—'' and inserting in lieu thereof ''PROCEDURES.—''.

(6) Section 3022 (108 Stat. 3333) is amended by striking out ''each place'' and all that follows through the end of the section and inserting in lieu thereof ''in paragraph (1) and '', rent,'' after ''sell'' in paragraph (2).''.

(7) Section 5092(b) (108 Stat. 3362) is amended by inserting ''of paragraph (2)'' after ''second sentence''.

(8) Section 6005(a) (108 Stat. 3364) is amended by striking out the closing quotation marks and second period at the end of subsection (e)(2) of the matter inserted by the amendment made by that section.

(9) Section 10005(f)(4) (108 Stat. 3409) is amended in the second matter in quotation marks by striking out ''SEC. 5. This Act'' and inserting in lieu thereof ''SEC. 7. This title''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2220(b) is amended by striking out ''the date of the enactment of the Federal Acquisition Streamlining Act of 1994'' and inserting in lieu thereof ''October 13, 1994''.

(2)(A) The section 2247 added by section 7202(a)(1) of Public Law 103–355 (108 Stat. 3379) is redesignated as section 2249.

(B) The item relating to that section in the table of sections at the beginning of subchapter I of chapter 134 is revised to conform to the redesignation made by subparagraph (A).

(3) Section 2302(3)(K) is amended by adding a period at the end.

(4) Section 2304(h) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.).''.

(5)(A) The section 2304a added by section 848(a)(1) of Public Law 103–160 (107 Stat. 1724) is redesignated as section 2304e.

(B) The item relating to that section in the table of sections at the beginning of chapter 137 is revised to conform to the redesignation made by subparagraph (A).

(6) Section 2306a is amended—

(A) in subsection (d)(2)(A)(ii), by inserting ''to'' after ''The information referred'';

(B) in subsection (e)(4)(B)(ii), by striking out the second comma after ''parties''; and

(C) in subsection (i)(3), by inserting ''(41 U.S.C. 403(12))'' before the period at the end.

(7) Section 2323 is amended—

(A) in subsection (a)(1)(C), by inserting a closing parenthesis after ''1135d–5(3))'' and after ''1059c(b)(1))'';

(B) in subsection (a)(3), by inserting a closing parenthesis after ''421(c))'';

(C) in subsection (b), by inserting ''(1)'' after ''AMOUNT.—''; and

(D) in subsection (i)(3), by adding at the end a subparagraph (D) identical to the subparagraph (D) set forth in the amendment made by section 811(e) of Public Law 103–160 (107 Stat. 1702).

(8) Section 2324 is amended—

(A) in subsection (e)(2)(C)—

(i) by striking out ''awarding the contract'' at the end of the first sentence; and

(ii) by striking out ''title III'' and all that follows through ''Act)'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10b–1)''; and

(B) in subsection (h)(2), by inserting ''the head of the agency or'' after ''in the case of any contract if''.

(9) Section 2350b is amended—

(A) in subsection (c)(1)—

(i) by striking out ''specifically—'' and inserting in lieu thereof ''specifically prescribes—''; and

(ii) by striking out ''prescribe'' in each of subparagraphs (A), (B), (C), and (D); and

(B) in subsection (d)(1), by striking out ''subcontract to be'' and inserting in lieu thereof ''subcontract be''.

(10) Section 2356(a) is amended by striking out ''2354, or 2355'' and inserting ''or 2354''.

(11) Section 2372(i)(1) is amended by striking out ''section 2324(m)'' and inserting in lieu thereof ''section 2324(l)''.

(12) Section 2384(b) is amended—

(A) in paragraph (2)—

(i) by striking ''items, as'' and inserting in lieu thereof ''items (as''; and

(ii) by inserting a closing parenthesis after ''403(12))''; and

(B) in paragraph (3), by inserting a closing parenthesis after ''403(11))''.

(13) Section 2397(a)(1) is amended—

(A) by inserting ''as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))'' after ''threshold''; and

(B) by striking out ''section 4(12) of the Office of Federal Procurement Policy Act'' and inserting in lieu thereof ''section 4(12) of such Act''.

(14) Section 2397b(f) is amended by inserting a period at the end of paragraph (2)(B)(iii).

(15) Section 2400(a)(5) is amended by striking out ''the preceding sentence'' and inserting in lieu thereof ''this paragraph''.

(16) Section 2405 is amended—

(A) in paragraphs (1) and (2) of subsection (a), by striking out ''the date of the enactment of the Federal Acquisition Streamlining Act of 1994'' and inserting in lieu thereof ''October 13, 1994''; and

(B) in subsection (c)(3)—

(i) by striking out ''the later of—'' and all that follows through ''(B)''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs accordingly.

(17) Section 2410d(b) is amended by striking out paragraph (3).

(18) Section 2424(c) is amended—

(A) by inserting ''EXCEPTION FOR SOFT DRINKS.—'' after ''(c)''; and

(B) by striking out ''drink'' the first and third places it appears in the second sentence and inserting in lieu thereof ''beverage''.

(19) Section 2431 is amended—

(A) in subsection (b)—

(i) by striking out ''Any report'' in the first sentence and inserting in lieu thereof ''Any documents''; and

(ii) by striking out ''the report'' in paragraph (3) and inserting in lieu thereof ''the documents''; and

(B) in subsection (c), by striking ''reporting'' and inserting in lieu thereof ''documentation''.

(20) Section 2533(a) is amended by striking out ''title III of the Act'' and all that follows through ''such Act'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10a)) whether application of such Act''.

(21) Section 2662(b) is amended by striking out ''small purchase threshold'' and inserting in lieu thereof ''simplified acquisition threshold''.

(22) Section 2701(i)(1) is amended—

(A) by striking out ''Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act','' and inserting in lieu thereof ''Miller Act (40 U.S.C. 270a et seq.)''; and

(B) by striking out ''such Act of August 24, 1935'' and inserting in lieu thereof ''the Miller Act''.

(c) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 632 et seq.) is amended as follows:

(1) Section 8(d) (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1), by striking out the second comma after ''small business concerns'' the first place it appears; and

(B) in paragraph (6)(C), by striking out ''and small business concerns owned and controlled by the socially and economically disadvantaged individuals'' and inserting in lieu thereof '', small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women''.

(2) Section 8(f) (15 U.S.C. 637(f)) is amended by inserting ''and'' after the semicolon at the end of paragraph (5).

(3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is amended by striking out the second comma after the first appearance of ''small business concerns''.

(d) TITLE 31, UNITED STATES CODE.—Section 3551 of title 31, United States Code, is amended—

(1) by striking out ''subchapter—'' and inserting in lieu thereof ''subchapter:''; and

(2) in paragraph (2), by striking out ''or proposed contract'' and inserting in lieu thereof ''or a solicitation or other request for offers''.

(e) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) The table of contents in section 1 (40 U.S.C. 471 prec.) is amended—

(A) by striking out the item relating to section 104;

(B) by striking out the item relating to section 201 and inserting in lieu thereof the following:

''Sec. 201. Procurements, warehousing, and related activities.'';

(C) by inserting after the item relating to section 315 the following new item:

''Sec. 316. Merit-based award of grants for research and development.'';

(D) by striking out the item relating to section 603 and inserting in lieu thereof the following:

''Sec. 603. Authorizations for appropriations and transfer authority.''; and

(E) by inserting after the item relating to section 605 the following new item:

''Sec. 606. Sex discrimination.''.

(2) Section 111(b)(3) (40 U.S.C. 759(b)(3)) is amended by striking out the second period at the end of the third sentence.

(3) Section 111(f)(9) (40 U.S.C. 759(f)(9)) is amended in subparagraph (B) by striking out ''or proposed contract'' and inserting in lieu thereof ''or a solicitation or other request for offers''.

(4) The heading for paragraph (1) of section 304A(c) is amended by changing each letter that is capitalized (other than the first letter of the first word) to lower case.

(5) The heading for section 314A (41 U.S.C. 41 U.S.C. 264a) is amended to read as follows:

''SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF COMMERCIAL ITEMS.''.

(6) The heading for section 316 (41 U.S.C. 266) is amended by inserting at the end a period.

(f) WALSH-HEALEY ACT.—

(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.) is amended—

(A) by transferring the second section 11 (as added by section 7201(4) of Public Law 103–355) so as to appear after section 10; and

(B) by redesignating the three sections following such section 11 (as so transferred) as sections 12, 13, and 14.

(2) Such Act is further amended in section 10(c) by striking out the comma after '''locality'''.

(g) ANTI-KICKBACK ACT OF 1986.—Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by striking out the second period at the end of subsection (d).

(h) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6 (41 U.S.C. 405) is amended by transferring paragraph (12) of subsection (d) (as such paragraph was redesignated by section 5091(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 108 Stat. 3361) to the end of that subsection.

(2) Section 18(b) (41 U.S.C. 416(b)) is amended by inserting ''and'' after the semicolon at the end of paragraph (5).

(3) Section 26(f)(3) (41 U.S.C. 422(f)(3) is amended in the first sentence by striking out ''Not later than 180 days after the date of enactment of this section, the Administrator'' and inserting in lieu thereof ''The Administrator''.

(i) OTHER LAWS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended as follows:

(A) Section 126(c) (107 Stat. 1567) is amended by striking out ''section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401 or 2401a of title 10, United States Code.''.

(B) Section 127 (107 Stat. 1568) is amended—

(i) in subsection (a), by striking out ''section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401 or 2401a of title 10, United States Code.''; and

(ii) in subsection (e), by striking out ''section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401a of title 10, United States Code.''.

(2) The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is amended by striking out section 824.

(3) The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is amended by striking out section 825 (10 U.S.C. 2432 note).

(4) Section 3737(g) of the Revised Statutes (41 U.S.C. 15(g)) is amended by striking out ''rights of obligations'' and inserting in lieu thereof ''rights or obligations''.

(5) The section of the Revised Statutes (41 U.S.C. 22) amended by section 6004 of Public Law 103–355 (108 Stat. 3364) is amended by striking out ''No member'' and inserting in lieu thereof ''SEC. 3741. No Member''.

(6) Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701(a)(1)) is amended by striking out ''as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting in lieu thereof ''(as defined in section 4(12) of such Act (41 U.S.C. 403(12)))''.

SEC. 1103. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)(2), 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 2891(a), 4342(g), 7307(b)(1)(A), and 9342(g) are amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 2864(b), 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), and 18236(a) are amended by striking out ''Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(3) Section 113(j)(1) is amended by striking out ''Committees on Armed Services and Committees on Appropriations of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(4) Section 119(g) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

''(2) the Committee on National Security and the Committee on Appropriations, and the National Security Subcommittee of the Committee on Appropriations, of the House of Representatives.''.

(5) Section 127(c) is amended by striking out ''Committees on Armed Services and Appropriations of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of''.

(6) Section 135(e) is amended—

(A) by inserting ''(1)'' after ''(e)'';

(B) by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each'' and inserting in lieu thereof ''each congressional committee specified in paragraph (2) is''; and

(C) by adding at the end the following:

''(2) The committees referred to in paragraph (1) are—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(7) Section 179(e) is amended by striking out ''to the Committees on Armed Services and Appropriations of the Senate and'' and inserting in lieu thereof ''to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(8) Sections 401(d) and 402(d) are amended by striking out ''submit to the'' and all that follows through ''Foreign Affairs'' and inserting in lieu thereof ''submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations''.

(9) Sections 1584(b), 2367(d)(2), and 2464(b)(3)(A) are amended by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out ''the Committees on Armed Services and on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(11) Section 1599(e)(2) is amended—

(A) in subparagraph (A), by striking out ''The Committees on Armed Services and Appropriations'' and inserting in lieu thereof ''The Committee on National Security, the Committee on Appropriations,''; and

(B) in subparagraph (B), by striking out ''The Committees on Armed Services and Appropriations'' and inserting in lieu thereof ''The Committee on Armed Services, the Committee on Appropriations,''.

(12) Sections 1605(c), 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out ''Armed Services'' and inserting in lieu thereof ''National Security''.

(13) Section 1060(d) is amended by striking out ''Committee on Armed Services and the

Committee on Foreign Affairs'' and inserting in lieu thereof ''Committee on National Security and the Committee on International Relations''.

(14) Section 2215 is amended—

(A) by inserting ''(a) CERTIFICATION REQUIRED.—'' at the beginning of the text of the section;

(B) by striking out ''to the Committees'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''to the congressional committees specified in subsection (b)''; and

(C) by adding at the end the following:

''(b) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a) are—

''(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(15) Section 2218 is amended—

(A) in subsection (j), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives'' and inserting in lieu thereof ''the congressional defense committees''; and

(B) by adding at the end of subsection (k) the following new paragraph:

''(4) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(16) Section 2342(b) is amended—

(A) in the matter preceding paragraph (1), by striking out ''section—'' and inserting in lieu thereof ''section unless—'';

(B) in paragraph (1), by striking out ''unless''; and

(C) in paragraph (2), by striking out ''notifies the'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation''.

(17) Section 2350a(f)(2) is amended by striking out ''submit to the Committees'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives''.

(18) Section 2366 is amended—

(A) in subsection (d), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''the congressional defense committees''; and

(B) by adding at the end of subsection (e) the following new paragraph:

''(7) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(19) Section 2399(h)(2) is amended by striking out ''means'' and all the follows and inserting in lieu thereof the following: ''means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(20) Section 2401(b)(1) is amended—

(A) in subparagraph (B), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committees on Appropriations of the''; and

(B) in subparagraph (C), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''those committees''.

(21) Section 2403(e) is amended—

(A) by inserting ''(1)'' before ''Before making'';

(B) by striking out ''shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''shall submit to the congressional committees specified in paragraph (2) notice''; and

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

''(2) The committees referred to in paragraph (1) are—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(22) Section 2515(d) is amended—

(A) by striking out ''REPORTING'' and all that follows through ''same time'' and inserting in lieu thereof ''ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time''; and

(B) by adding at the end the following new paragraph:

''(2) The committees referred to in paragraph (1) are—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(23) Section 2551 is amended—

(A) in subsection (e)(1), by striking out ''the Committees on Armed Services'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives''; and

(B) in subsection (f)—

(i) by inserting ''(1)'' before ''In any case'';

(ii) by striking out ''Committees on Appropriations'' and all that follows through ''House of Representatives'' the second place it appears and inserting in lieu thereof ''congressional committees specified in paragraph (2)''; and

(iii) by adding at the end the following:

''(2) The committees referred to in paragraph (1) are—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.''.

(24) Section 2662 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(ii) in the matter following paragraph (6), by striking out ''to be submitted to the Committees on Armed Services of the Senate and House of Representatives'';

(B) in subsection (b), by striking out ''shall report annually to the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''shall submit annually to the congressional committees named in subsection (a) a report'';

(C) in subsection (e), by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the congressional committees named in subsection (a)''; and

(D) in subsection (f), by striking out ''the Committees on Armed Services of the Senate and the House of Representatives shall'' and inserting in lieu thereof ''the congressional committees named in subsection (a) shall''.

(25) Section 2674(a) is amended—

(A) in paragraph (2), by striking out ''Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (3)''; and

(B) by adding at the end the following new paragraph:

''(3) The committees referred to in paragraph (1) are—

''(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

''(B) the Committee on National Security and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(26) Section 2813(c) is amended by striking out ''Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(27) Sections 2825(b)(1) and 2832(b)(2) are amended by striking out ''Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(28) Section 2865(e)(2) and 2866(c)(2) are amended by striking out ''Committees on Armed Services and Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(29)(A) Section 7434 of such title is amended to read as follows:

''§ 7434. Annual report to congressional committees

''Not later than October 31 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the production from the naval petroleum reserves during the preceding calendar year.''.

(B) The item relating to such section in the table of contents at the beginning of chapter 641 is amended to read as follows:

''7434. Annual report to congressional committees.''.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended—

(1) in sections 301b(i)(2) and 406(i), by striking out ''Committees on Armed Services of the Senate and House of Representatives''

and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(2) in section 431(d), by striking out ''Armed Services'' the first place it appears and inserting in lieu thereof ''National Security''.

(c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in sections 2922(b) and 2925(b) (10 U.S.C. 2687 note) by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended—

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and section 1304(a) (10 U.S.C. 113 note), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out ''the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce'' and inserting in lieu thereof ''the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce''.

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out ''the Committees on Armed Services and Foreign Affairs'' and inserting in lieu thereof ''the Committee on National Security and the Committee on International Relations''.

(4) The National Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510) is amended as follows:

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out ''Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(B) Section 1403(a) (50 U.S.C. 404b(a)) is amended—

(i) by striking out ''the Committees on'' and all that follows through ''each year'' and inserting in lieu thereof ''the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate and the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives each year''.

(C) Section 1457(a) (50 U.S.C. 404c(a)) is amended by striking out ''the Committees on Armed Services and on Foreign Affairs of the House of Representatives and the Committees on Armed Services and'' and inserting in lieu thereof ''the Committee on National Security and the Committee on International Relations of the House of Representatives and the Committee on Armed Services and the Committee on''.

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(A), by striking out ''the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees'' and inserting in lieu thereof ''the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee''; and

(ii) in subsection (g)(2), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note), is amended by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(6) Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended in subsections (b)(4) and (k)(2), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives''.

(8) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended—

(A) in subsection (d), by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives''; and

(B) in subsection (e), by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in subsection (d)''.

(d) BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out ''Armed Services'' the first place it appears and inserting in lieu thereof ''National Security''.

(2) Section 2910(2) is amended by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(e) NATIONAL DEFENSE STOCKPILE.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(B) in paragraph (2), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''such congressional committees''; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(f) OTHER DEFENSE-RELATED PROVISIONS.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out ''Committees on Appropriations and Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Appropriations and the Committees on Armed Services of the Senate and the Committee on Appropriations and the Committees on National Security of the House of Representatives''.

(2) Section 1505(f)(3) of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note) is amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(3) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note), is amended by striking out ''the Committees on Appropriations and Armed Services of the House of Representatives and the Senate'' and inserting in lieu thereof ''the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives''.

(4) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(5) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out ''Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(6) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(7) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out ''Committees on Armed Services and Government Operations'' and inserting in lieu thereof ''Committee on National Security and the Committee on Government Reform and Oversight'';

(B) in subsection (b)(4), by striking out ''Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (3)'';

(C) in subsection (f)(1), by striking out ''Committees on Armed Services and Government Operations'' and inserting in lieu thereof ''Committee on National Security and the Committee on Government Reform and Oversight''; and

(D) in subsection (f)(2), by striking out ''Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (1)''.

(8) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out ''Committees on Armed Services of the Senate and of the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

SEC. 1104. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code, is amended as follows:

(1) Section 113(i)(2)(B) is amended by striking out ''the five years covered'' and all that follows through ''section 114(g)'' and inserting in lieu thereof ''the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221''.

(2) Section 136(c) is amended by striking out ''Comptroller'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(3) Section 227(3)(D) is amended by striking out ''for''.

(4) Effective October 1, 1995, section 526 is amended—

(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

''(1) For the Army, 302.

''(2) For the Navy, 216.

''(3) For the Air Force, 279.'';

(B) by striking out subsection (b);

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);

(D) in subsection (b), as so redesignated, by striking out ''that are applicable on and after October 1, 1995''; and

(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—

(i) by striking out ''the'' after ''in the'';

(ii) by inserting ''to'' after ''reserve component, or''; and

(iii) by inserting ''than'' after ''in a grade other''.

(5) Effective October 1, 1995, section 528(a) is amended by striking out ''after September 30, 1995,''

(6) Section 573(a)(2) is amended by striking out ''active duty list'' and inserting in lieu thereof ''active-duty list''.

(7) Section 661(d)(2) is amended—

(A) in subparagraph (B), by striking out ''Until January 1, 1994'' and all that follows through ''each position so designated'' and inserting in lieu thereof ''Each position designated by the Secretary under subparagraph (A)'';

(B) in subparagraph (C), by striking out ''the second sentence of''; and

(C) by striking out subparagraph (D).

(8) Section 706(c)(1) is amended by striking out ''section 4301 of title 38'' and inserting in lieu thereof ''chapter 43 of title 38''.

(9) Section 1059 is amended by striking out ''subsection (j)'' in subsections (c)(2) and (g)(3) and inserting in lieu thereof ''subsection (k)''.

(10) Section 1060a(f)(2)(B) is amended by striking out ''(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))'' and inserting in lieu thereof '', as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)''.

(11) Section 1151 is amended—

(A) in subsection (b), by striking out ''(20 U.S.C. 2701 et seq.)'' in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof ''(20 U.S.C. 6301 et seq.)''; and

(B) in subsection (e)(1)(B), by striking out ''not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995'' and inserting in lieu thereof ''not later than October 5, 1995''.

(12) Section 1152(g)(2) is amended by striking out ''not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995'' and inserting in lieu thereof ''not later than April 3, 1994,''.

(13) Section 1177(b)(2) is amended by striking out ''provison of law'' and inserting in lieu thereof ''provision of law''.

(14) The heading for chapter 67 is amended by striking out ''**NONREGULAR**'' and inserting in lieu thereof ''**NON-REGULAR**''.

(15) Section 1598(a)(2)(A) is amended by striking out ''2701'' and inserting in lieu thereof ''6301''.

(16) Section 1745(a) is amended by striking out ''section 4107(d)'' both places it appears and inserting in lieu thereof ''section 4107(b)''.

(17) Section 1746(a) is amended—

(A) by striking out ''(1)'' before ''The Secretary of Defense''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(18) Section 2006(b)(2)(B)(ii) is amended by striking out ''section 1412 of such title'' and inserting in lieu thereof ''section 3012 of such title''.

(19) Section 2011(a) is amended by striking out ''TO'' and inserting in lieu thereof ''TO''.

(20) Section 2194(e) is amended by striking out ''(20 U.S.C. 2891(12))'' and inserting in lieu thereof ''(20 U.S.C. 8801)''.

(21) Sections 2217(b) and 2220(a)(2) are amended by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(22) Section 2401(c)(2) is amended by striking out ''pursuant to'' and all that follows through ''September 24, 1983,''.

(23) Section 2410f(b) is amended by striking out ''For purposes of'' and inserting in lieu thereof ''In''.

(24) Section 2410j(a)(2)(A) is amended by striking out ''2701'' and inserting in lieu thereof ''6301''.

(25) Section 2457(e) is amended by striking out ''title III of the Act of March 3, 1933 (41 U.S.C. 10a),'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10a)''.

(26) Section 2465(b)(3) is amended by striking out ''under contract'' and all that follows through the period and inserting in lieu thereof ''under contract on September 24, 1983.''.

(27) Section 2471(b) is amended—

(A) in paragraph (2), by inserting ''by'' after ''as determined''; and

(B) in paragraph (3), by inserting ''of'' after ''arising out''.

(28) Section 2524(e)(4)(B) is amended by inserting a comma before ''with respect to''.

(29) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(30) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(31) Section 2534(c) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading.

(32) Section 2705(d)(2) is amended by striking out ''the date of the enactment of this section'' and inserting in lieu thereof ''October 5, 1994''.

(33) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) OTHER SUBTITLES.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(2) Section 6241 is amended by inserting ''or'' at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after ''section 1405'' in formula C in the table under the column designated ''Column 2''.

(4) The item relating to section 7428 in the table of sections at the beginning of chapter 641 is amended by striking out ''Agreement'' and inserting in lieu thereof ''Agreements''.

(5) The item relating to section 7577 in the table of sections at the beginning of chapter 649 is amended by striking out ''Officers'' and inserting in lieu thereof ''officers''.

(6) The center heading for part IV in the table of chapters at the beginning of subtitle D is amended by inserting a comma after ''SUPPLY''.

SEC. 1105. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 103–337.—Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

(1) Section 322(1) (108 Stat. 2711) is amended by striking out ''SERVICE'' in both sets of quoted matter and inserting in lieu thereof ''SERVICES''.

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting ''item relating to section 1034 in the'' after ''The''.

(3) Section 541(c)(1) is amended—

(A) in subparagraph (B), by inserting a comma after ''chief warrant officer''; and

(B) in the matter after subparagraph (C), by striking out ''this''.

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out ''revaluated'' and inserting in lieu thereof ''reevaluated''.

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out ''National Academy of Science'' and inserting in lieu thereof ''National Academy of Sciences''.

(6) Section 904(d) (108 Stat. 2827) is amended by striking out ''subsection (c)'' the first place it appears and inserting in lieu thereof ''subsection (b)''.

(7) Section 1202 (108 Stat. 2882) is amended—

(A) by striking out ''(title XII of Public Law 103–60'' and inserting in lieu thereof ''(title XII of Public Law 103–160''; and

(B) in paragraph (2), by inserting ''in the first sentence'' before ''and inserting in lieu thereof''.

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out ''adding at the end'' and inserting in lieu thereof ''inserting after the item relating to section 123a''.

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out ''above paragraph (1)'' both places it appears and inserting in lieu thereof ''preceding subparagraph (A)''.

(b) PUBLIC LAW 103–160.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after ''Not later than April 30 of each year'';

(2) in paragraph (4), by striking out ''contributes'' and inserting in lieu thereof ''contribute''; and

(3) in paragraph (5), by striking out ''is'' and inserting in lieu thereof ''are''.

(c) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 note) is amended by inserting ''report'' after ''each''.

(2) Section 4403(a) (10 U.S.C. 1293 note) is amended by striking out ''through 1995'' and inserting in lieu thereof ''through fiscal year 1999''.

(d) PUBLIC LAW 102–190.—Section 1097(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1490) is amended by striking out ''the Federal Republic of Germany, France'' and inserting in lieu thereof ''France, Germany''.

SEC. 1106. MISCELLANEOUS AMENDMENTS TO FEDERAL ACQUISITION LAWS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6(b) (41 U.S.C. 405(b)) is amended by striking out the second comma after ''under subsection (a)'' in the first sentence.

(2) Section 18(a) (41 U.S.C. 416(a)) is amended in paragraph (1)(B) by striking out ''described in subsection (f)'' and inserting in lieu thereof ''described in subsection (b)''.

(3) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is amended by striking out ''Under Secretary of Defense for Acquisition'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(b) OTHER LAWS.—

(1) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out the second comma after ''Community Service''.

(2) Section 908(e) of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking out ''section 2325(g)'' and inserting in lieu thereof ''section 2326(g)''.

(3) Effective as of August 9, 1989, and as if included therein as enacted, Public Law 101–73 is amended in section 501(b)(1)(A) (103 Stat. 393) by striking out ''be,'' and inserting in lieu thereof ''be;'' in the second quoted matter therein.

(4) Section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)) is amended by striking out the second comma after ''quarters''.

(5) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended in paragraphs (3), (5), (6), and (7), by striking out ''The'' and inserting in lieu thereof ''the''.

(6) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(A) in subsection (a), by striking out ''section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)'' and inserting in lieu thereof ''section 1304 of title 31, United States Code''; and

(B) in subsection (c), by striking out ''section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)'' and inserting in lieu thereof ''section 1304 of title 31, United States Code,''.

SEC. 1107. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.

(a) OFFICER PERSONNEL ACT OF 1947.—Section 437 of the Officer Personnel Act of 1947 is repealed.

(b) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out ''903(3)'' and inserting in lieu thereof ''903(a)'';

(B) in subsection (c)(1), by inserting ''section'' before ''39(b)''; and

(C) in subsection (d), by striking out ''(33 U.S.C. 18 and 21, respectively)'' and inserting in lieu thereof ''(33 U.S.C. 918 and 921)'';

(2) in sections 8172 and 8173, by striking out ''(33 U.S.C. 2(2))'' and inserting in lieu thereof ''(33 U.S.C. 902(2))''; and

(3) in section 8339(d)(7), by striking out ''Court of Military Appeals'' and inserting in lieu thereof ''Court of Appeals for the Armed Forces''.

(c) PUBLIC LAW 90–485.—Effective as of August 13, 1968, and as if included therein as originally enacted, section 1(6) of Public Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after the end of clause (4) of the matter inserted by the amendment made by that section; and

(2) by adding close quotation marks at the end.

(d) TITLE 37, UNITED STATES CODE.—Section 406(b)(1)(E) of title 37, United States Code, is amended by striking out ''of this paragraph''.

(e) BASE CLOSURE ACT.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(2) in paragraph (11), as so redesignated, by striking out ''section 501(h)(4)'' and ''11411(h)(4)'' and inserting in lieu thereof ''501(i)(4)'' and ''11411(i)(4)'', respectively.

(f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended—

(1) by striking out ''(A)'' after ''(5)''; and

(2) by striking out ''clause'' in subparagraph (B)(iv) and inserting in lieu thereof ''clauses''.

SEC. 1108. COORDINATION WITH OTHER AMENDMENTS.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

MOTION OFFERED BY MR. SPENCE

The Clerk read as follows:

Mr. SPENCE moves to strike all after the enacting clause of S. 1124 and insert in lieu thereof the text of H.R. 1530 as reported by the committee of conference on December 13, 1995, contained in House Report 104–406.

(For text of H.R. 1530 see proceeding of the House of December 13, 1995 at page H14378.)

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPENCE] is recognized for 1 hour.

Mr. SPENCE. Mr. Speaker, I yield back 30 minutes of time, and yield 15 minutes to the gentleman from California [Mr. DELLUMS] and ask unanimous consent that the gentleman be allowed to control that time.

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

There is no objection.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPENCE], our distinguished chairman, for yielding, and I thank the distinguished gentleman from California [Mr. DELLUMS], ranking member, for his cooperation in this effort to reopen the conference to attempt to come to some agreement on some very important items that we, as authorizers, feel have to be addressed in this session of the Congress.

Mr. Speaker, while all of us are aware that there were areas of passionate disagreement in the final context of the bill that was on this floor not many days ago, there is also a lot more area where there is agreement. All of us on the authorization committee, and I think all of us in this body, understand the importance of passing an authorization bill to authorize and set the parameters for those programs that are going to be funded through the appropriation process.

Mr. Speaker, it would be a terrible tragedy not to implement the acquisition reform items that are in this bill. It would be a terrible tragedy not to pass the pay raise, and to deal with the Guard and Reserve issues that were supported by Members of both sides of the aisle.

Even in the area of such contentious issues as missile defense there are areas where we agree, where we can come together and try to find some middle ground. We in this conference may continue to disagree in this area, but we will commit ourselves to work together and try to get a bill out that not only can this body support, but the other body will support and that this President can sign into law so that we can, in fact, complete our process as required under the Constitution and the rules of this Congress whereby the authorizers set the overall parameters for defense spending.

Mr. Speaker, I applaud the leadership on both sides of the aisle for this commitment. As I have told our chairman, I am prepared to work night and day until we reach an agreement for a defense bill that we all can agree on.

I would ask our colleagues to work with us in this process and to understand that there are many more areas of agreement than there are areas of disagreement. Even though we may have to do some compromissing here, that does not mean that we will not be back for another battle another day in this area on those issues that we could not get in this particular authorization bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from California, my good friend, former chairman of this committee.

Mr. Speaker, we have troops in Bosnia. We have troops on the way to Bosnia. The least we can do is to pass this authorization bill to go to conference, because there are so many, many items in this bill that are noncontroversial that will help the troops, that will help their families, that will

give them better living conditions, that will help retrain them in the military, and will also give them that very necessary money for training.

Mr. Speaker, if we do not pass an authorization bill, it will be something that has not happened for decades, over 2 decades in this body. We cannot let this body, or the other body, not pass an authorization bill which means so much to those men and women, whether they be aboard ship, in airplanes, or on the ground in Bosnia.

Mr. Speaker, I support this motion, and I compliment the gentleman from South Carolina [Mr. SPENCE], the gentleman from California [Mr. DELLUMS], my friend, and the effort that they have put into this. I especially appreciate the discussion that my friend from California had regarding the housing allowance and the pay raise that the troops are so greatly entitled to.

Mr. Speaker, I urge the adoption of this motion.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I have served on two committees that I though were probably the most bipartisan committees in this body. One of those is one of the committees that we did away with under Chairman JONES and Chairman STUDDS, the Committee on the Merchant Marine and Fisheries, in which the two groups, the two different parties came together and I think fought for what was important to the American people.

The second of those committees is the Committee on National Security. Even though the previous chairman, the gentleman from California [Mr. DELLUMS] and I have disagreed on issues, he has always been fair, except maybe on one small area that we had some conflict on. But I think the reason for that is that the members of that committee are there to help the men and women that we support, and I think that is why we passed this bill out 46 to 3. I do not know of very many committees that you could get that kind of support on both sides of the aisle to do.

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Another area, the night we had the resolution on Bosnia, I said, please, the resolutions basically in my opinion did not mean very much. What to follow is as far as how we support the troops.

How do we do that? We do it with training so that they have the skills to use the equipment that we want to give them, which is better equipment than what they could potentially face. Even more important than that, if you go off to war, you want to know that your family is taken care of.

Those are important. It is not only important for the combat but it is important for the retention of those people in quality.

For those reasons, I ask that my colleagues support the following resolution, and ask that in the end result the conference will take a look at only the areas of disagreement because I think they can be worked out.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from California for yielding me the time.

Mr. Speaker, I want to thank the chairman of the committee and the gentleman from California for their colloquy because it said what we really want every single person in uniform to understand. There is absolutely no dispute about their getting their 2.4 percent pay raise. There is no dispute about the retroactivity of that. None. By either side of this aisle. Nor is there any dispute about their getting their increased housing allowance which we know they desperately need. What we want to do is make sure absolutely no one is putting any stress on any member of our military. They have got enough stress on them as it is without their being worried about their housing.

Basically I want to thank the chairman and the ranking member for making it very clear. Those issues are nonpartisan, those issues are bipartisan, those issues I think are unanimous in this body, and that we do not want one person in uniform or one person in uniform's dependent going to bed tonight worried about those. Those are going to be bankable one way or another. I think that is what we heard in that colloquy. I am very pleased about that, and I thank both the gentleman from South Carolina and the gentleman from California for their patience with me and many others who were trying to work this out.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. HUNTER], the chairman of the Subcommittee on Military Procurement.

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

Mr. Speaker, let me thank the ranking member, the gentleman from California [Mr. DELLUMS], for his cooperation in this effort to have another shot at the authorization bill, and also the gentleman from Missouri [Mr. SKELTON]. Let me just tell my colleagues that when we put this bill together and when we do anything with respect to armed services, as the gentleman from California, Mr. CUNNINGHAM has said, we have as many meetings in the Democrat offices—in this case in IKE SKELTON's office—on our procurement subcommittee as we have in my office in trying to ascertain, after the hearings are over, what our military needs to protect the country are.

Obviously the White House has some very specific objections—a laundry list, if you will—of very specific objections to this bill and we have to work around those objections. The gentleman from California [Mr. DELLUMS] has laid them out fairly thoroughly in the debate that we had in the effort to override the President's veto.

Let me just say in a couple of areas that the gentleman from Colorado [Mr. HEFLEY] is right and the gentlewoman from Colorado [Mrs. SCHROEDER] is right. We have the pay raise, which is absolutely important to our people. We have the increased housing allowance. We have a number of other quality of life issues that we need to get passed. We owe them to our people in uniform. That is the real vote to support the troops in Bosnia, is to support their families and support their standard of living, and Members can do that by helping us get this bill back the second time around.

With respect to missile defense, the President has some problems with the missile defense provisions that we placed in the bill the first time around. We need to work on those provisions, to try to accommodate the White House.

On the other hand, let me just remind my colleagues that we live in an age of missiles. Immediately after Desert Storm, this House rose as a body and established that we should have a defense, a national defense against ballistic missiles. We were sensitive to it because we saw the Scuds coming in and hitting our troops in Saudi Arabia and causing the greatest distress that was caused in that war with respect to American personnel.

So we rose as a body. The Senate rose as a body and in 1991 we said we are going to have a missile defense by 1996. It is now 1996 and we have nothing. A few months after the war was over, we forgot about it and we went on with business as usual. We need to remind this President that this is a very, very sensitive and very, very serious area that we must address.

So as we move into these negotiations, I know it is going to be important that we have the cooperation—and I know we will have it, and I know he has pledged to do it and he is a fair individual—of the ranking member of the full committee, the gentleman from California [Mr. DELLUMS], working along with his other members to see to it that the administration communicates with us in a very clear and concise way, and that they remember that even the President of the United States has an interest in missile defense. He has got troops in theaters all over the world now, and some of those troops are going to be exposed at least to short-range ballistic missiles and to date, ladies and gentlemen, we have no effective defense against incoming ballistic missiles shot at our troops in theater or shot at any of the United States.

Second, the U.N. command and control is going to be an area of consternation, I think, in this second attempt that we are going to have to pass the bill, and I know it is an area the President has problems with. The gentleman from California [Mr. DELLUMS] has talked about that.

But under the leadership of our chairman, the gentleman from South Carolina [Mr. SPENCE], I think we laid out some very commonsense constraints that every family that has a young man or woman in uniform is interested in getting passed. That is, to see to it that there is a clear chain of command and accountability from every young person in uniform to their commander. I would simply say let us work in conference. We look to the White House to be cooperative with us and I hope it can get through the second time.

Mr. DELLUMS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me just first respond to my colleague by saying these matters will be debated in the context of this now second opportunity to bring a conference report to the floor. But I would just like to establish a factual situation.

For several years now, we have spent at least $400 million per year doing research on a national missile defense system. The last time I looked, $400 million was not a small amount of money. We have been spending between $2.6 and $2.8 billion per year on theater missile defense, a total of approximately $3.2 billion. Now we are talking about big money.

So to assert in some way that this country is impotent in its research effort dealing with the issue of missile defense, either at the theater missile level or at the national missile level, is to fly in the face of the reality.

Having said that, I would like to make the next observation. As the gentleman from California pointed out, we now have a second opportunity to deal with this conference. It seems to me that we are looking at simple mathematics here.

If you pass a conference report that is acceptable to the President in a divided government, you need 218 votes. If you attempt to pass a conference report that is not acceptable to the administration in a divided government, you need 290 votes. You do not have to be too bright to realize that if you do not have 290 votes, the better part of valor is to attempt to pass a bill with 218 votes.

You do not have 290 votes. You demonstrated the other day that you do not have 290 votes to override the President's veto. Therefore, I hope that we enter into these negotiations in good faith, to address the myriad concerns and certainly the principal concerns that were articulated by the administration in their veto message sustained by my colleagues in the Congress. If we do that, we only need 218 votes to send the bill over.

Now the President had great concerns about ballistic missile defense/ABM treaty. We could debate that for a while, as I understand that we are a filler for some other bill, so we are doing a little dance for 30 minutes until some other legislation comes. I understand that. We could debate that matter here but we have debated that ad infinitum.

It seems to me now the decision is the mathematics of passing legislation. Two hundred ninety votes, that is impossible at this point in this climate. Two hundred eighteen votes. So I hope we come together, address these issues of the constitutional concerns of the President, the ballistic missile/ABM treaty concerns, and bring a bill back here that does indeed embrace those good things but it takes out the things that were expensive, unnecessary, potentially dangerous.

Now I am real happy because I wanted to yield to the gentleman the other day and I did not have too much time. I now yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my friend and colleague for yielding.

Mr. Speaker, I would just add we did make an attempt, although it may have been a last minute attempt, to broker a deal with the White House and with the Senate Democrats on missile defense, and thought we were moving in that direction. The meeting we had with Bob Bell where we attempted to and in fact agreed to 12 specific changes, as I mentioned to my colleague, we thought was moving us in that direction. Evidently we did not move far enough.

So I would just hope that, as our friend and colleague the gentleman from California [Mr. HUNTER] mentioned, that the White House would engage us directly in this process so that we get clear signals in terms of what is acceptable and not acceptable, because we thought we were doing that in the negotiation on missile defense that led up to that bill that finally came to the House floor which the President threatened to veto.

Mr. DELLUMS. I appreciate that.

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

Mr. SPENCE. Mr. Speaker, I yield myself 45 seconds to introduce the next person to whom I want to yield time.

The gentleman from Florida [Mr. YOUNG] is the chairman of the Subcommittee on National Security of the Committee on Appropriations. He is one of the strongest Members of this body of defense issues. He has been down the line, we have worked together in the very beginning of Congress to bring this bill to Congress and to bring his bill to the Congress. His bill was enacted into law when the President let it go into effect without his signature, but in any event Mr. YOUNG knows what we are talking about.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for the very unexpected and very flattering comments that he made. He is correct, he and I started along with the gentleman from California [Mr. DELLUMS] a number of years ago working on national defense issues in this Congress.

Mr. Speaker, I rise to mention briefly a situation that exists and to compliment the Committee on National Security for something they did about it. The cost of living adjustments for retired military come at a different time in the year than the cost of living adjustments for retired civilian Federal employees. We would like to have equity and have both COLA's come at the same time.

We thought we did that in the reconciliation bill, the Balanced Budget Act of 1995, but for some reason it was dropped out. At that time I introduced along with 320 of our colleagues, introduced H.R. 2664 that would correct this inequity. When the Committee on National Security went to conference with the conferees from the other body, they dealt with this issue and they made this issue work. I would just compliment them for the good job they did in bringing about equity in the COLA issues and urge them to stand fast as they go back to conference to keep this issue before the conference and keep it in the bill that finally goes back to the President, so that we do not have to gear up H.R. 2664 again.

But with 320 cosponsors, I think we can do that easily, Mr. Speaker. Again I compliment the members of the Committee on National Security for the good job they did in conference in trying to represent the viewpoint of the House for a strong national defense.

□ 1845

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding me this time.

I have four points I would like to make. First, I would like to associate myself with the remarks of the distinguished chairman of the Armed Services Appropriations Subcommittee, Defense Appropriations Committee, on the COLA equity issue. I agree it is totally essential that we bring that COLA equity to the military retirees.

Second, I strongly support the effort in a bipartisan way to bring this bill to fruition so we can continue to support military education in this country. With the downsizing of the military, we, indeed, must support our military schools and open opportunities that these schools are experiencing, like naval postgraduate school and the seaman-to-admiral program and the Defense Language Institute, which is doing a lot to help our troops in Bosnia and in Serbia to understand the Croatian and Serbian languages and help our troops with the translation that is going on with the 29 other countries that are now serving along with the NATO forces in Bosnia.

Third, I would like to point out that this is a bill that really assists with the base closure issues that was not all in Milcon, the authorizations for bases to do what they have to do with base

closures, which is the largest base closure list we have ever had in this country, which is addressed in this legislation.

Let us bring assurance to the veterans who had the gulf war syndrome. Last night a lot of news was indicating that perhaps there is not a specific individual syndrome, but in this authorization is the money available to continue to assist those veterans with that disease. And I appreciate the bipartisan effort to bring this to fruition in the bill.

Lastly, let us support those troops in Bosnia. They are doing a good job with the NATO forces there. I think that this is a bill that can show that we support the troops 100 percent.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Speaker, I thank the chairman for yielding this time to me.

I want to commend him and the gentleman from California [Mr. DELLUMS] and all of the members of the Committee on National Security for giving us this opportunity to revisit this very, very important bill, the Defense authorization matter.

I will point out that there are many items in this measure that have been approached in a very bipartisan way, on both sides of the aisle, and, indeed, with the administration.

One of the ones that I would point to as having very strong support is on the acquisition reforms included in this measure. It is the most significant of the acquisition-procurement process in this country in a generation.

Mr. Speaker, it would be a shame if we were to lose this very vital element, which the administration, the President, strongly supports.

If we have one opportunity in this Congress to make substantial savings in the way this Government goes about buying goods and services, it is with the enactment of this bill. It is estimated that we spend not just in defense but across the board about 20 percent too much for both goods and services for everything the Federal Government buys. Enactment of the reforms that are included in this very important measure will enable us to basically save about 20 percent across the board.

There is no other measure that I know of that has the promise of giving us those kinds of savings in this Congress.

So I commend everybody who is associated with this chance to revisit and develop and come forward with a good Defense authorization bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

I think this is a good time for us to go back and regroup. As one of the earlier speakers has said, we agree on many, many more things in this bill than we disagree on.

We need to take advantage of this opportunity to go back and correct those disagreements and keep it capsulized into that area of disagreement and not open this thing all the way back up, and just focus on those thing and bring it back, bring it back so that all of us, this entire House, can feel good about voting for this conference report. That is what our mission is.

We, again, have to focus on national security, and I say this, national security, not Republican security or Democratic security. It is time for us to make this a nonpartisan focus to make sure that we have equipped and have taken care of the quality-of-life factors for our military people in the U.S. armed services, and we do it as professionally, as adequately as we can possibly do that and do that on a bipartisan basis.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I heard that Mr. Clinton will sign this bill as is if BILL DORNAN will just resign from the House. I am not ready to go that far. See his agents here?

Let me follow the theme here this evening and mention some positive things, not just about this legislation where we all agree, as my friend from Florida said, the last speaker, there is so much good in this bill, but at least for my own chairmanship on the Subcommittee on Military Personnel, I have never had better members of the former majority, the current minority, to work with.

I have taken to calling the gentleman from Virginia [Mr. PICKETT] my vice chairman. I think that if we did that around here the way they do in some State legislatures, that it would restore a little comity and dignity to the House. Sitting to his left is the gentleman from Mississippi [Mr. MONTGOMERY], General MONTGOMERY, who has been one of the most distinguished people to ever serve in this Chamber, post-World War II, because was busy during World War II, and to his left is the gentleman from Missouri [Mr. SKELTON]. He is now an esteemed B–2 pilot, as I am one myself, and going right down the line, even those that philosophically disagreed with some of the things that we tried to enact into law and still believe will become law in that military subcommittee.

When I talk to the gentleman from Pennsylvania, Mr. WELDON, and to the distinguished gentleman from Colorado, Mr. HEFLEY, what a delight to have him at my arm sitting there on the full committee; when I talk to the gentleman from California, Mr. HUNTER, one of my closest friends in the House, and when I talk to the gentleman from Virginia, Mr. BATEMAN, they tell me that their experience as the five marshals under Sheriff FLOYD SPENCE is exactly the same terrific cooperation and work between all the members of the Committee on National Security.

Sometimes it gets a little hot in full committee, but there is not a time when there is a vote call that we are on elevators together that we are not all considering one another as friends.

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

Mr. DORNAN. I yield to the gentleman from California.

After saying all of those things about the gentleman, I did not know he was on the floor. I saw somebody from San Diego dab a corner of their eye with a hanky, they hold you in some high esteem.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for the great work that he did as chairman of personnel. You know, I think all of us owe a real debt to our chairman, the gentleman from South Carolina [Mr. SPENCE], a person totally without guile, a straightforward guy who really presided over some pretty contentious sessions of the Committee on National Security and put this bill together and brought it around, at least for the first run, with his colleague from South Carolina, the chairman of the committee in the other body. He really pulled us all together, and I think did a great job as the first Republican chairman of the Committee on National Security since Dewey Short of Missouri in, what, 1953.

Mr. DORNAN. Well, every time one of us compliments our chairman, I notice that our distinguished colleague from California gets a wistful look to ask how he did during his 2 years. If I get additional time, would you like to say something about the gentleman from California [Mr. DELLUMS]?

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

Mr. Speaker, I appreciate the comity of the last several moments. I appreciate the cooperative language. I appreciate the cooperative efforts that have come forward in the last 25 minutes.

The reality is that we are here because this effort unfortunately has been less than bipartisan. I hope that on this second effort that we will truly be bipartisan because when you, Mr. Speaker, assert your prerogatives as Speaker to appoint conferees, you will appoint both Republicans and Democrats, not just Republicans, not just Democrats, but both parties, and my hope is that the reality of the appointment of members of both parties is not lost on anyone in these Chambers.

It would seem to me if we do go forward in this second effort in a true spirit of bipartisanship, where the handful of Members charged with this awesome responsibility are bringing back a conference report that is acceptable to this body and acceptable to the administration, that we would do it together in a room where Members will

face each other and will address these lofty and significant and important questions.

I would suggest that the extent to which this is a bipartisan effort that this gentleman and others who will be appointed as conferees are legitimately part of the dynamics of the give-and-take of the trying to address the myriad difficulties that gave rise to the veto in the first place, that we will, indeed, come back with an effort that is worthy of bipartisan support.

But I simply underscore that, not to take away nor to detract from the comity and the civility that has taken place in the last 30 minutes. There has been too little of that in these Chambers. There has been too little of serious and significant grappling with the critical issues of our time that, Mr. Speaker, I am sure you and I would agree from time to time dwarf us as individuals. The issues of life and death that we confront are awesome, and when we have to put on top of that the stress and the pain of personal difficulties, anger, hostility and discourse that has sometimes characterized the business of this Chamber, it only makes the job worse.

I would simply suggest that the awesome nature of the responsibilities we have are stressful enough, so I hope that the kind of comity that we struck here in terms of our ability to respect each other carries over into 1996. This Chamber needs it. This country needs it. The world needs it.

I do not think the major and massive issues of our time can be confronted with the kind of sharp rhetoric and hostility that has characterized the efforts of these Chambers. So I hope that this will be characteristic. And I am trying to use up all of my 5 minutes in order to give everyone an opportunity.

I think I have done about as able a job as I can, and I would like to thank my distinguished colleague for his cooperation.

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

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

I would like to just point out, reiterate what the gentleman from California just said.

Remarks being made tonight on this floor by Members on both sides of the aisle point out the fact that this body can act in a bipartisan way. In recent days we have not had too much of this kind of talk. I think it resonates well with the ears of people and in the eyes of people who are looking in and listening tonight.

I would like to reiterate what I said before: We have worked in a bipartisan way on this committee. The bill was reported out by a vote of 38 to 3, and we have been bipartisan in our efforts since that time, and I thank all for their cooperation on the other side of the aisle.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

A motion to reconsider was laid upon the table.

APPOINTMENT OF CONFEREES ON S. 1124, DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

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

The Chair hears none and, without objection, appoints the following conferees:

From the Committee on National Security, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SPENCE, STUMP, HUNTER, BATEMAN, WELDON of Pennsylvania, DELLUMS, MONTGOMERY, and SPRATT.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON S. 1124, DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996 WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, pursuant to clause 6(a) of House rule XXVIII, I move that conference committee meetings on the Senate bill, S. 1124, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 34, as follows:

[Roll No. 10]

YEAS—398

Abercrombie
Ackerman
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle

Oberstar	Royce	Tejeda
Obey	Rush	Thomas
Olver	Sabo	Thompson
Ortiz	Salmon	Thornberry
Orton	Sanders	Thurman
Owens	Sanford	Tiahrt
Oxley	Sawyer	Torkildsen
Pallone	Saxton	Torres
Parker	Scarborough	Torricelli
Pastor	Schaefer	Towns
Paxon	Schiff	Traficant
Payne (NJ)	Schroeder	Upton
Payne (VA)	Schumer	Velazquez
Pelosi	Scott	Vento
Peterson (FL)	Seastrand	Visclosky
Peterson (MN)	Sensenbrenner	Volkmer
Petri	Serrano	Vucanovich
Pickett	Shadegg	Waldholtz
Pombo	Shays	Walker
Pomeroy	Shuster	Walsh
Porter	Sisisky	Wamp
Portman	Skeen	Ward
Poshard	Skelton	Waters
Pryce	Slaughter	Watt (NC)
Quinn	Smith (MI)	Watts (OK)
Radanovich	Smith (NJ)	Waxman
Rahall	Smith (TX)	Weldon (FL)
Ramstad	Solomon	Weldon (PA)
Rangel	Souder	Weller
Reed	Spence	White
Regula	Spratt	Whitfield
Richardson	Stearns	Wicker
Riggs	Stenholm	Wise
Rivers	Stokes	Wolf
Roberts	Stump	Woolsey
Roemer	Stupak	Wynn
Rogers	Talent	Yates
Rohrabacher	Tanner	Young (AK)
Roth	Tate	Young (FL)
Roukema	Tauzin	Zeliff
Roybal-Allard	Taylor (MS)	Zimmer

NAYS—1

DeFazio

NOT VOTING—34

Armey	Johnston	Skaggs
Baker (LA)	Lantos	Smith (WA)
Berman	Lightfoot	Stark
Bryant (TX)	Lofgren	Stockman
Burr	Montgomery	Studds
Chapman	Morella	Taylor (NC)
Chrysler	Myers	Thornton
Fazio	Packard	Williams
Fields (TX)	Quillen	Wilson
Fowler	Ros-Lehtinen	Wyden
Ganske	Rose	
Hayes	Shaw	

□ 1928

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HARRY KIZIRIAN POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1606), to designate the U.S. Post Office building located at 24 Corliss Street, Providence, RI, as the ''Harry Kizirian Post Office Building'', with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Senate amendments:

Page 2, after line 11 insert:

SEC. 3. SALARY ADJUSTMENTS FOR THE BOARD OF GOVERNORS OF THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking out the fifth and sixth sentences; and

(3) by adding at the end thereof the following new paragraph:

''(2)(A) Each Governor shall receive—

''(i) a salary of $30,000 a year as adjusted by subparagraph (C);

''(ii) $300 a day for not more than 42 days each year, for each day such Governor—

''(I) attends a meeting of the Board of Governors; or

''(II) performs the official business of the Board as approved by the Chairman; and

''(III) reimbursement for travel and reasonable expenses incurred in attending meetings and performing the official business of the Board.

''(B) Nothing in subparagraph (A) shall be construed to limit the number of days of meetings each year to 42 days.

''(C) Effective on the first day of the first applicable pay period beginning on or after the date on which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule, the salary of each Governor shall be adjusted by the percentage equal to the percentage adjustment in such General Schedule rates of pay.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

Mr. MCHUGH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, I do not plan to object.

Mr. Speaker, I rise in support of the legislation naming a Post Office building in Providence, RI, after Harry Kizirian. As a former postal employee, I commend Mr. Kizirian for his 25 years of service with the U.S. Postal Service.

He retired from the Postal Service as the postmaster from Rhode Island. He is to be duly recognized for his exceptional service and I thank the sponsor of H.R. 1606, the gentleman from Rhode Island [Mr. REED] for bestowing such an honor on his constituent.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I want to first thank the gentleman from New York [Mr. MCHUGH], the chairman, and the gentlewoman from Illinois [Mrs. COLLINS] for their graciousness in bringing this to the floor tonight.

Mr. Speaker, I say to all of my colleagues this is an entirely suitable honor for an extraordinary gentleman. Not only was he a postmaster and a postal worker for 25 years, but at the age of 17, he left high school, joined the Marine Corps, and won the Navy Cross for extraordinary heroism on Okinawa.

Mr. Speaker, his whole life is about serving others and it is a suitable recognition for his life and his achievements. I thank all of the Members that made this possible this evening.

Miss COLLINS of Michigan, Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. MCHUGH].

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

Mr. MCHUGH. Mr. Speaker, in the interest of time, I will submit my full statement for the RECORD.

Mr. Speaker, let me briefly say in response to the comments by the gentleman from Rhode Island and the comments of the gentlewoman from Michigan how much I appreciate their efforts. The Senate had a very, I think, meritorious proposal as amended to this bill, but one that just is not appropriate for consideration at this time. It is certainly our intent in the Subcommittee on Postal Service to reinvolve that issue. I am pleased that the Senate has agreed to consider the House bill with their amendments deleted.

Mr. Speaker, the salary of the Board of Governors was set at $10,000 per annum in 1970. This was when the Postmaster General, who is also a member of the Board of Governors, received a salary of $60,000. Today, the Postmaster General receives $148,000 but the Governors' salaries have remained at $10,000. The amendment would provide a salary of $30,000 a year with a provision for annual adjustments based on that awarded to General Schedule employees, and a per diem of $300 a day for not more than 42 days each year to Governors who attend meetings of the Board of Governors or perform the official business of the board as approved by the Chairman. The amendment also provides for the reimbursement for travel and reasonable expenses incurred in attending meetings and performing the official business of the Board.

Mr. Speaker, and the distinguished gentlewoman from Michigan, as chairman of the Subcommittee on the Postal Service, my request to delete the Senate amendment is twofold. First, it is our intent to expedite the passage of H.R. 1606, honoring Harry Kizirian. This would be achieved by deleting the amendment and sending the already passed House bill back to the Senate which would reconsider the measure and send it to the President for signature. Consideration of the amended bill would require the whole House voting on the amendment and delay the enactment of the measure.

Second, Mr. Speaker, the Senate amendment is substantive; members may need additional time to consider it. The Subcommittee on the Postal Service and the Committee on Government Reform and Oversight will revisit these important Senate amendments at a later time.

I hope that this explanation clarifies the reason that the amendment should be deleted at this time. The minority has informed they have no objection to this request and I thank the gentlelady for yielding her time for this explanation.

Miss COLLINS of Michigan. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. At this time the Chair will entertain 1-minutes until further business comes before the House.

STOP PUNISHING FEDERAL EMPLOYEES

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

Mr. DEFAZIO. Mr. Speaker, we have made a little progress here today. We can balance the budget of the Federal Government in 7 years; we can bring fiscal responsibility to Washington, DC. I myself have drawn up a detailed budget. It is going to require some tough choices.

But, Mr. Speaker, we are going to have to abandon goodies like huge tax cuts. We are going to have to go after corporate welfare and subsidies. We are going to have to reduce agriculture subsidies. We are going to have to go after the sacrosanct Pentagon and eliminate useless weapons like the B–2 bomber and star wars.

There are a number of other places where tough choices are going to have to be made. But in order to get there, we do not need to punish Federal employees and their families. We should stop doing that.

Mr. Speaker, we have made some progress on that today with a temporary resolution to put people back to work. There is a question of whether or not those employees, when they go back to their places of work, are going to have the resources they need to do their jobs. That may be resolved later this evening.

So, perhaps in addition to stopping the punishment of employees, we can stop the punishment of taxpayers. Put the Government back to work and Congress and the White House can get down to its job of balancing the budget.

THE EMPEROR HAS NO CLOTHES

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to point out a very, very important fact I think every American should be aware of. We passed a continuing resolution today that simply says all the President of the United States has to do is submit a budget that is balanced in 7 years as scored by the CBO, the Government will open up.

But shamefully the President, before the ink was even dry on that bill, announced that he would not do it. The emperor has no clothes. We now know that the President does not want to balance the budget. There is no pretense. There is no disguising it. He has admitted to the public that he does not want to balance the budget and that he will not balance the budget.

What we are about doing is getting this Government opened up and running, despite a President who is determined to do everything in his power to make sure that we do not balance the budget.

What the President is doing, in my opinion is wrong. I ask all my colleagues to work with us on both sides of the aisle to try to get this Nation back up and running.

REPUBLICANS SHOULD ESCHEW ATTACKS ON SECRETARY OF THE TREASURY

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

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that the Republicans are frustrated. Watching the ''Gong Show'' they have been putting on today underlines that. But scapegoating when frustrated is not appropriate behavior.

Mr. Speaker, this attack that is now coming on Secretary of the Treasury Rubin, and the preposterous suggestion that he might be impeached, has served no purpose except to cause serious problems in the bond market, because some of those people think that people on the other side might actually be serious, not having had firsthand exposure to them.

Robert Rubin is guilty of doing his job superbly. He had a hearing before the House Committee on Banking. When the Republicans talked to him and asked him questions, they were not able to come forward with a single suggestion of anything that he had done inappropriately. I asked Republicans and their only objection was that we did not have their version of a balanced budget.

Mr. Speaker, threatening to impeach an outstanding public official because they disagree with his having freed a hostage they have taken is one of the tactics that the Republicans ought to eschew. Why do they not go back to their fifth, sixth, and seventh CR instead?

WE NEED TO BALANCE THE BUDGET IN 7 YEARS

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

Mr. HAYWORTH. Mr. Speaker, it is always refreshing to hear the comments of my good friend from Massachusetts, and to hear the frustration on that side of the aisle, especially when it comes to the Secretary of the Treasury and his effort to dillydally around with the debt limit, the debt ceiling, being so in love with the notion of keeping the Government operating that he would take pension funds to pay it; an oath of fealty to keeping the Government running instead of being true to the American people.

Mr. Speaker, neither side has all the answers, but the fact remains that we must remain true to our country, to our Constitution, and to generations yet unborn by at long last passing a budget that comes into balance in 7 years, using honest numbers.

Let us get past frustration and let us see productivity and once again we reach out our hand to the minority party. Join with us and govern this Nation.

CONCERNING THE DEBT CEILING

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

Mrs. KENNELLY. Mr. Speaker, I would like to take up where the gentleman from Massachusetts [Mr. FRANK] left off concerning the debt ceiling.

Mr. Speaker, do we never learn? We are going through an exercise now concerning the continuing resolution. Across these United States the people do not know about a continuing resolution. What they see is that we stopped the Government. The people were told either to be idle or to come to work and not get paid.

Mr. Speaker, today we have got it half right. We are having the people come back to work, but we are not giving them the tools of the trade. Let us not get involved with the debt ceiling in this kind of carryings on. The debt ceiling has to do with what the United States of America owes. Money owed is money that should be paid. It is money already spent. It is the full faith and credit of the United States of America.

Mr. Speaker, let us next week pass a debt ceiling so that we can go on with getting the budget balanced in 7 years. We mixed apples and oranges with the budget negotiations with the continuing resolution. Let us please not allow the debt ceiling and this type of carryings on.

THE WAY TO OPEN THE GOVERNMENT

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

Mr. MANZULLO. Mr. Speaker, the House has passed several measures today. Let me concentrate on one that is very, very simple. It extends to the President an opportunity to do something historic. We are saying very simply: If by January 26 the President of the United States submits a balanced budget in 7 years, scored by the neutral Congressional Budget Office, then we will agree to open up the entire Government 100 percent.

Mr. Speaker, that means at that point that both parties have their budget on the table or in the process of

negotiating. That is the bottom line. That is how simple it is. That is how to reduce a day of very complicated transactions into one line. Give us a balanced budget agreement or proposal scored by the neutral Congressional Budget Office and we will agree to open up the Government.

WORKING WITHOUT PAY AND BEING PAID NOT TO WORK

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

Mr. DINGELL. Mr. Speaker, in an extraordinary change of policy, my Republican colleagues have changed our policy with regard to payment of our Federal employees. For the last 3 weeks American workers who work for the Federal Government had been working without pay. For the next 3 weeks under the resolutions that we have adopted today, Americans who work for the Federal Government will be paid without working.

Mr. Speaker, this is an extraordinary change, and neither of the two sets of circumstances are desirable from the standpoint of any kind of common sense. My suggestion to my Republican colleagues is let us get together. Let us work the issues out. Let us have some honest discussion. Let us not play games. Let us do the business of the country. That is what we are here for.

Mr. Speaker, I would remind my Republican colleagues, they are the majority, it is their duty to rule and to govern. It is their duty to run the place. To complain constantly about the President refusing to submit budgets ill becomes them, ill befits this institution, and does little except to bring all of us into a state of disrepute and degradation.

Mr. Speaker, I would urge my colleagues to function as a majority responsibly should.

NATIONAL COMMISSION TO STUDY IMPACT OF GAMBLING

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

Mr. WOLF. Mr. Speaker, what we did today was good and appropriate. It kept the commitment and the word that the leadership and others in Congress made, and that was that Federal employees would not lose any salary, and they have not lost any salary and they will return to work and that will be good. I thank the Members on both sides of the aisle that brought that about. We thank the leadership because it is very, very positive.

One other thing I want to announce, and hopefully we can work together on this, when we come back we will be bringing up legislation which will set up a national commission to investigate the impact that gambling is having in the country. Twenty years ago only two States had gambling. Now, 48 States have some sort of gambling and 24 have riverboat and casino gambling.

Mr. Speaker, it will be a national commission of nine men and women who have no bias on this issue, who will look to see what the impact of gambling has been on the country. Has it been good or bad? Has there been corruption involved in it? Has there been involvement with regard to political contributions? What has the impact been on other businesses? What has the impact been on addiction?

Hopefully, with what we did in the bipartisan manner today putting Federal employees back to work and paying them, we will pass this bill shortly when we come back.

CLOSING GOVERNMENT IS AN EMBARRASSMENT

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

Mr. MINGE. Mr. Speaker, we have been treated to an exercise in petty brinkmanship in this institution. It ill becomes the Congress of the United States of America and certainly has disappointed and embarrassed all of the residents of our great Nation.

Mr. Speaker, in visiting with county commissioners in my home State, I certainly have become aware that they are keenly embarrassed. They say that if any county government had to shut its doors because the county commissioners could not agree on a budget, that they essentially would be forced to resign by the public pressure in that community.

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What are we doing? We are sitting here in Washington. We are not resolving this problem. Instead we are engaging in party bickering, and we have one side that is refusing to let the other side even vote on a resolution to put the Government back to work. Instead we are bouncing continuing resolutions back and forth between the House and the Senate.

Let us get together, let us pass the resolution that was introduced on the Senate side and put America back to work.

PRIVATE SECTOR RISES TO OCCASION IN SHUTDOWN

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

Mr. TORKILDSEN. Mr. Speaker, today we did an important thing. We allowed Federal employees to go back to work and provide services that the taxpayers have been paying for. But I want to point out something else. We have people in the private sector who have also risen to the occasion. Several banks in my district, Fleet Bank, Bank of Boston, were willing to extend no-interest loans to those employees who may not have been able to draw a paycheck.

I know our colleague, the gentlewoman from New York [Mrs. KELLY], had arranged an agreement for five community banks in her district to do the same thing.

While there is a temptation to do a lot of blaming and a lot of name calling, I would ask everyone to resist and instead let us say thank you to those people in the private sector who stepped forward and said, ''Let us do what we can to help,'' whether it be offering a no-interest loan, whether it be delaying payments on bills that are owed, realizing that there is a crisis out there that was not of many people's making.

In the meantime, now that we have a pay bill for 3 weeks, let us all come together to work out a balanced budget, a truly balanced budget. It has been stated time and time again that is what the President wants. Now is his opportunity to bring one forward.

EXAMINING THE SPEAKER'S UPCOMING TRAVEL SCHEDULE

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

Mr. SANDERS. Mr. Speaker, if we want to understand why in this country the richest people are becoming richer while most working people are seeing a decline in their standard of living, if we want to understand why the Contract With America provides for huge tax breaks for the wealthiest people and the largest corporations while it cuts back massively on programs for the elderly, working people, and low-income people, we might want to examine NEWT GINGRICH's travel schedule for the coming week.

Mr. GINGRICH will be in Seattle, WA, where he will have dinner with his colleagues and his friends for the Washington State Republican Party for $1,000 each. He will be in Dallas, TX, for a dinner for only $10,000 apiece. He will be in Dearborn, MI, for another private fireside reception at $10,000.

Who goes to these events? Most people that I know do not spend $1,000 for a dinner.

KINGSTON CRITICIZES EXCESSIVE TRAVEL OF ENERGY SECRETARY

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

Mr. KINGSTON. Mr. Speaker, I am glad that the Member from the other side brought up travel. Let us talk about travel.

When the Speaker goes on a trip, he is paying for it with his own campaign money. But when your Democrat Secretary of Energy goes on a trip, for example, $660,000 to South Africa, $500,000 to Pakistan, $845,000 to China, $50,000 on the weekly shuttle to Vienna, Moscow, or Paris, or the low-discount rate

to India at a mere $729,000. You want to talk travel?

Why do we not start with the Secretary of Energy? Because I think it is timely when you are laying off Federal employees because your President will not sign a budget, he vetoes appropriations bills, when his Secretary of Energy could just about single-handedly balance the Federal budget by just cutting out her travel expenses for 1 month.

COOPERATION URGED IN BALANCING BUDGET

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

Mr. BALDACCI. Mr. Speaker, I think the important thing is that we still retain some civility and some comity and not allow ourselves to denigrate the situation, because the American public demands that we represent all the people. I think that we try to dig down deep and get inside and try to represent all the people, not just the Democrats or Republicans or Independents but to represent all the people.

I supported a balanced budget in 7 years that was scored by CBO but it did not have the tax breaks that were put forward by the majority because we decided to put the money back into Medicare, back into Medicaid, student loans, and the environment.

I would like to work together with the majority to fashion a balanced budget over 7 years scored by CBO so that we can all be proud of that and work together in that regard, and I think that we can do that.

I reach my hand out to do that with my friends on the other side.

FAILED SYSTEM RESULTS IN LITTLE GIRL'S DEATH

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DE LA GARZA. Mr. Speaker, this participation may well seem out of order for all that we have done today and all the finger-pointing and accusations.

I rise to speak about a little girl who was killed by her own mother in New York City. Her name is Elisa Izquierdo. The fact is that the system failed and that we failed.

There is a paper that I would share with Members later, but it finally ends,

Elisa Izquierdo's mother killed only one child. The seemingly anesthetized behavior of the U.S. Congress may kill thousands. Now we are told we must get tougher with the poor. How much tougher can we get with children who already have so little? How cold is America prepared to be?

The paper referred to follows:

[From Time, Dec. 11, 1995]

SPARE US THE CHEAP GRACE

(By Jonathan Kozol)

It is hard to say what was more shocking about the death of Elisa Izquierdo—the endless savagery inflicted on her body and mind, or the stubborn inaction of the New York City agencies that were repeatedly informed of her peril. But while the murder of Elisa by her mother is appalling, it is hardly unexpected. In the death zones of America's postmodern ghetto, stripped of jobs and human services and sanitation, plagued by AIDS, tuberculosis, pediatric asthma and endemic clinical depression, largely abandoned by American physicians and devoid of the psychiatric services familiar in most middle-class communities, deaths like these are part of a predictable scenario.

After the headlines of recrimination and pretended shock wear off, we go back to our ordinary lives. Before long, we forget the victims' names. They weren't our children or the children of our neighbors. We do not need to mourn them for too long. But do we have the right to mourn at all? What does it mean when those whom we elect to public office cut back elemental services of life protection for poor children and then show up at the victim's funeral to pay condolence to the relatives and friends? At what point do those of us who have the power to prevent these deaths forfeit the entitlement of mourners?

It is not as if we do not know what might have saved some of these children's lives. We know that intervention programs work when well-trained social workers have a lot of time to dedicate to each and every child. We know that crisis hot lines work best when half of their employees do not burn out and quit each year, and that social workers do a better job when records are computerized instead of being piled up, lost and forgotten on the floor of a back room. We know that when a drug-addicted mother asks for help, as many mothers do, it is essential to provide the help she needs without delay, not after a waiting period of six months to a year, as is common in poor urban neighborhoods.

All these remedies are expensive, and we would demand them if our own children's lives were at stake. And yet we don't demand them for poor children. We wring our hands about the tabloid stories. We castigate the mother. We condemn the social worker. We churn out the familiar criticisms of ''bureaucracy'' but do not volunteer to use our cleverness to change it. Then the next time an election comes, we vote against the taxes that might make prevention programs possible, while favoring increased expenditures for prisons to incarcerate the children who survive the worst that we have done to them and grow up to be dangerous adults.

What makes this moral contradiction possible?

Can it be, despite our frequent protestations to the contrary, that our society does not particularly value the essential human worth of certain groups of children? Virtually all the victims we are speaking of are very poor black and Hispanic children. We have been told that our economy no longer has much need for people of their caste and color. Best-selling authors have, in recent years, assured us for their limited intelligence and low degree of ''civilizational development.'' As a woman in Arizona said in regard to immigrant kids from Mexico, ''I didn't breed them. I don't want to feed them''—a sentiment also heard in reference to Black children on talk-radio stations in New York and other cities. ''Put them over there,'' a Black teenager told me once, speaking of the way he felt that he and other blacks were viewed by our society. ''Pack them tight. Don't think about them. Keep your hands clean. Maybe they'll kill each other off.''

I do not know how many people in our nation would confess such contemplations, which offend the elemental mandates of our cultural beliefs and our religions. No matter how severely some among us may condemn the parents of the poor, it has been in axiom of faith in the U.S. that once a child is born, all condemnations are to be set aside. If we now have chosen to betray this faith, what consequences will this have for our collective spirit, for our soul as a society?

There is an agreeable illusion, evidenced in much of the commentary about Elisa, that those of us who witness the abuse of innocence—so long as we are standing at a certain distance—need not feel complicit in these tragedies. But this is the kind of ethical exemption that Dietrich Bonhoeffer called ''cheap grace.'' Knowledge carries with it certain theological imperatives. The more we know, the harder it becomes to grant ourselves exemption. ''Evil exists,'' a student in the South Bronx told me in the course of a long conversation about ethics and religion in the fall of 1993. ''Somebody has power. Pretending that they don't so they don't need to use it to help people—that is my idea of evil.''

Like most Americans, I do not tend to think of society that has been good to me and to my parents as ''evil.'' But when he said that ''somebody has power,'' it was difficult to disagree. It is possible that icy equanimity and a self-pacifying form of moral abdication by the powerful will take more lives in the long run than any single drug-addicted and disordered parent. Elisa Izquierdo's mother killed only one child. The seemingly anesthetized behavior of the U.S. Congress may kill thousands. Now we are told we must ''get tougher'' with the poor. How much tougher can we get with children who already have so little? How cold is America prepared to be?

AIYEE, KREPLACH

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

Mr. MARKEY. Mr. Speaker, what we are doing right now reminds me of the story of the little boy in Lithuania who hated kreplach. No matter how many times his mother made it, he just hated it.

Finally his mother decided that she would just take kreplach apart and show him that all the parts of it were not bad.

She took out the sausage and fed him the sausage. ''Don't you like sausage?'' He said yes.

She took out some onions and sliced them up. ''Don't you like onions?'' Yes.

She took out some carrots, gave him some carrots, he said ''yes.''

She gave him some broccoli, he ate the broccoli, not too bad.

Then she put it all together, stirred it together, put it on the plate, and the boy said, ''Aiyee, kreplach.''

So the Republicans start off the day and they say, ''We don't like the Government.''

We take it apart. We say, ''How about small business assistance?'' They say, ''We like that.''

''How about nursing home protection?''

''Well, we like that.''

''How about a little extra money for crime protection?''

''Well, we like that.''

''How about some money for NIH?''

''Well, let's put that back in.''

But we stir it all together, we put it together, we say, ''It's the government.'' They go, ''Aiyee, kreplach.''

Let us hope when we bring it back out here on the floor in one big package, we could get out of here tonight without all your members shouting, ''Aiyee, kreplach.''

NATIONAL DEBATE ON GOVERNMENT'S DIRECTION IS HEALTHY

(Mr. WHITFIELD asked and was given permission to addres the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, it is difficult to follow such an accomplished speaker as the gentleman from Massachusetts, but I rise this evening to say that I am not really appalled at any of the discussion that has taken place on the floor of this House throughout this year. There has been a lot of acrimony on both parties' parts. But the purpose that we are here, and it is not surprising, that when one party has controlled the Government for 40 years and we are trying to move in a new direction, it is not surprising that there is going to be heated debate and there is going to be intense disagreement on where we are going.

That is the purpose of this House, and that is the purpose of a democracy, to have a national debate about the changes that we need to make.

I am delighted to be a part of this discussion. I think that it is healthy that we have this intense disagreement, because we can either continue down the path we have been moving of a large Government with higher taxes and more Government programs, or we can move in a direction of a more limited Government with less taxes and a more reasonable approach to Government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EMERSON). The Chair had previously announced that 1-minutes would be entertained until business presented itself. Business now presents itself, so we will suspend 1-minutes and may at some point come back to them.

REPORT ON RESOLUTION PROVIDING FOR DISPOSITION OF SENATE AMENDMENT TO H.R. 1358, CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MA

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–449) on the resolution (H. Res. 338) providing for the disposition of the Senate amendment to the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR DISPOSITION OF SENATE AMENDMENT TO H.R. 1358, CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 338

Resolved, That upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts, with the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment consisting of the text printed in the report of the Committee on Rules accompanying this resolution.

The text of the Senate amendment and the House amendment to the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. CONVEYANCES.

(a) NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under paragraphs (3) and (4).

(3) CONDITIONS FOR TRANSFER.—

(A) IN GENERAL.—As a condition of any conveyance of property under this subsection, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(B) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this subsection, if—

(i) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(ii) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(4) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this subsection shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

(5) RESTRICTION.—Amounts provided by the South Essex Sewage District may not be used by the Commonwealth of Massachusetts to transfer existing activities to, or conduct activities at, property conveyed under this section.

(b) PIER IN CHARLESTON, SOUTH CAROLINA.—Section 22(a) of the Marine Mammal Protection Act Amendments of 1994 (Public Law 103–238; 108 Stat. 561) is amended—

(1) by inserting ''(1)'' before ''Not''; and

(2) by adding at the end thereof the following:

''(2) Not later than December 31, 1996, the Secretary of the Navy may convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the property line located 70 feet northwest of and parallel to the centerline of Pier Q, and the northwest property line of the parking area associated with Pier R. The property shall include Pier Q, all towers and outbuildings on that property, and walkways and parking areas associated with those buildings and Pier Q.''.

SEC. 2. FISHERIES RESEARCH FACILITIES.

(a) FORT JOHNSON.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct on land to be leased from the State of South Carolina, a facility at Fort Johnson, South Carolina, provided that the annual cost of leasing the required lands does not exceed one dollar.

(b) AUKE CAPE.—The Secretary of Commerce, through the Under Secretary of Commerce for Oceans and Atmosphere, is authorized to construct a facility on Auke Cape near Juneau, Alaska, to provide consolidated office and laboratory space for National Oceanic and Atmospheric Administration personnel in Juneau, provided that the property for such facility is transferred to the National Oceanic and Atmospheric Administration from the United States Coast Guard or the City of Juneau.

(c) COMPLETION DATE FOR FUNDED WORK.—The Secretary of Commerce shall complete the architectural and engineering work for the facilities described in subsections (a) and (b) by not later than May 1, 1996, using funds that have been previously appropriated for that work.

(d) AVAILABILITY OF APPROPRIATIONS.—The authorizations contained in subsections (a) and (b) are subject to the availability of appropriations provided for the purpose stated in this section.

SEC. 3. PRIBILOF ISLANDS.

(a) IN GENERAL.—The Secretary of Commerce shall, subject to the availability of appropriations provided for the purposes of this section, clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

(b) OBLIGATIONS OF SECRETARY.—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities,

and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) or other applicable law;

(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

(4) receive approval from affected local entities or residents before conducting such activities on their property; and

(5) not seek or require financial contributions by or from local entities or landowners.

(c) RESOLUTION OF FEDERAL RESPONSIBILITIES.—(1) Within 9 months after the date of enactment of this section, and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of—

(A) title II of the Fur Seal Act Amendments of 1983 (16 U.S.C. 1161 et seq.);

(B) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(C) the provisions of this section; and

(D) any other matters which the Secretary deems appropriate.

(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

(d) USE OF LOCAL ENTITIES.—Notwithstanding any other law to the contrary, the Secretary of Commerce shall, to the maximum extent practicable, carry out activities under subsection (a) and fulfill other obligations under Federal and State law relating to the Pribilof Islands, through grants or other agreements with local entities and residents of the Pribilof Islands, unless specialized skills are needed for an activity, and the Secretary specifies in writing that such skills are not available through local entities and residents of the Pribilof Islands.

(e) DEFINITION.—For the purposes of this section, the term ''clean up'' means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed $10,000,000 in each of fiscal years 1996, 1997, and 1998 for the purposes of carrying out this section.

The text of the amendment considered as adopted is as follows:

At the end of the Senate amendment, add the following:

TITLE I

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All allowances paid under section 5(b) of the Peace Corps Act, 22 U.S.C. section 2504, notwithstanding section 10 of Public Law 91–672, at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–295) on the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, (H.R. 1868), as passed by the House of Representatives on October 31, 1995;

All activities, including administrative expenses, necessary to process single-family mortgage loans and refinancing for low-income and moderate-income families funded under the Federal Housing Administration's ''FHA-mutual mortgage insurance program account'' and ''FHA-general and special risk program account'' in the Department of Housing and Urban Development at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–384) on the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

All projects and activities directly related to the security of United States diplomatic posts and facilities abroad, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

Activities funded under the account heading ''Emergency food and shelter program'' in the Federal Emergency Management Agency: *Provided,* That, notwithstanding any other provision of this Act, the amount made available by this Act shall not exceed $46,000,000: *Provided further,* That not to exceed three and one-half percentum of the amount made available shall be for administrative costs;

All retirement pay and medical benefits for Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55) and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)); at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities of the Federal Bureau of Investigation, Drug Enforcement Administration, Interagency Crime and Drug Enforcement, Federal Prison System, U.S. Attorneys, U.S. Marshals Service, Federal Prisoner Detention, Fees and Expenses of Witnesses, Immigration and Naturalization Service, and the Executive Office for Immigration Review, necessary for the investigation and prosecution of criminal and civil offenses; national security; the apprehension, detention and removal of illegal and criminal aliens; the incarceration, detention, and movement of federal prisoners and detainees; and the protection of the Federal judiciary at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities of the Judiciary to the extent and in the manner and at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to provide for the expenses of State surveys and certifications under the account heading ''Program Management'' under the Health Care Financing Administration in the Department of Health and Human Services;

Trade adjustment assistance benefits and North American Free Trade Act benefits funded under the account heading ''Federal Unemployment Benefits and Allowances'' under the Employment and Training Administration in the Department of Labor;

Payments to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds under the account heading ''Payments to Health Care Trust Funds'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities necessary to provide for the expenses of Medicare contractors under title XVIII of the Social Security Act under the account heading ''Program Management'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Grants to States for Medicaid'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities of the National Institutes of Health in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 1996, (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities necessary to carry out the Section 7(a) General Business Loan Guaranty program and the Section 504 Certified Development Company program, as authorized by law, under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities funded under the account heading ''Surety Bond Guarantees Revolving Fund'' under the Small Business Administration at a rate for operations, notwithstanding any other provision of this

Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to accommodate visitors and to provide for visitors services on the public lands managed by the Bureau of Land Management at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996, (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities funded under the account heading ''Disease Control, Research, and Training'' under the Centers for Disease Control and Prevention in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, not to exceed an annual rate for new obligational authority of $2,114,693,000;

All Self-Determination and Self-Governance projects and activities of tribes or tribal organizations (as that term is defined in Public Law 93–638) that are authorized by Public Law 93–638 under the account heading ''Operation of Indian Programs'' under the Bureau of Indian Affairs in the Department of the Interior or under the account heading ''Indian Health Services'' under the Indian Health Service in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996, (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities necessary to provide for the expenses of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf under the account heading ''Gallaudet University'' in the Department of Education;

Payments for benefits and interest on advances, together with expenses of operation and administration, under the account heading ''Black Lung Disability Trust Fund'' under the Employment Standards Administration in the Department of Labor; and

Payments for benefits, together with expenses of operation and administration, under the account heading ''Special Benefits for Disabled Coal Miners'' in the Social Security Administration; *Provided,* That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

TITLE II

SECTION 201. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

(a) EXTENSION.—Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking ''December 31, 1995'' and inserting ''June 30, 1996''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of December 31, 1995, and with the consent of Prescott, Arizona, the contract referred to in such section 112(b) is revived.

SEC. 202. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102–575) is amended by striking ''December 31, 1995'' and inserting ''December 31, 1996''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as of December 31, 1995.

(2) LAPSED PROVISIONS OF LAW AND CONTRACTS.—The provisions of subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act, together with each contract entered into pursuant to any such section or subsection (with the consent of the Non-Federal parties thereto), shall be effective on and after the date of enactment of this Act, subject to the December 31, 1966, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dallas, TX [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all times yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order the adoption by the House of an amendment to the Senate amendment to H.R. 1358, a bill relating to the transfer to the Commonwealth of Massachusetts of a National Marine Fisheries Service laboratory in Gloucester, MA.

Mr. Speaker, if there is one thing clear from the events of the past weeks it is that this battle to balance the Federal budget is not, I repeat is not, Washington business as usual. Never before have portions of the Federal Government been shut down for weeks at a time. This is uncharted territory.

Why are we at this point? For the first time since the creation of the Federal welfare state in the late 1960's and early 1970's there is a majority in the House of Representatives that wants a smaller, not a bigger Federal Government. For the first time in a generation there is a majority in Congress that is just not willing to accept budget deficits that mortgage the future of our children.

This is new. This change has not worked its way down to the other end of Pennsylvania Avenue. The President ran for office promising a balanced budget. To this day, he has failed to deliver. The President ran for office

promising a tax cut for middle-income Americans. Instead, he raised taxes and vetoed the balanced budget passed by Congress that cut taxes on middle-income families with children.

Mr. Speaker, I must admit that we are surprised by the commitment of the President to avoid balancing the budget. We probably should not have been surprised. He is clearly the leader of the Party of Government. The liberal Democrats built the government that today eats up nearly 40 percent of the economic production of our Nation. Even more, they extended the reach of Federal Government regulators into every corner of our society and our economy.

They created the regulatory net that is now revealed, during this moment of confrontation, to block Ford Motor Co. from releasing a new pick-up truck model without the approval of a government agency. It means that Disney and Capital Cities ABC cannot conduct a merger in the private sector without the Government's OK.

Mr. Speaker, the Federal Government is not just too expensive. The Federal Government is not just mortgaging the future of our children with massive deficits. The Federal Government is too big and too intrusive.

The Party of Government is no longer in control of Congress. Now, the Party of the People is in control. Therefore, faced with an unprecedented budget battle, we are not just going to roll over and fund every corner of the Federal behemoth. Instead, we are going to go agency by agency, function by function, to try to get the most important aspects of the Federal Government working. We do not oppose government, but we have a problem with government that is just too big and too expensive.

This rule will move some of the Government programs that enjoy broad bipartisan support out of the House and to the Senate. Yes, it is an expedited process. However, we have never been in this kind of situation before. We have never had a Congress that just said ''no'' to the deficit drug. We have also never had a President so committed to not balancing the budget. In this situation, we are going to move forward with essential items quickly.

Mr. Speaker, the Party of Government may be mad at this process because they do not want to admit that some functions of the Federal Government are essential, while some are the product of liberal over-reaching. However, most Americans know that this is exactly the case.

I urge my colleagues to support this rule.

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

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

Mr. Speaker, earlier today when the House considered H.R. 1634, I commented that the proposal presented to the House by the Republican leadership resembled nothing more than an elaborate Goldberg contraption. The Republicans found all sorts of bells and whistles and levers and gears and created some sort of machinery that was intended to send some Federal workers back to work.

Yet, here we are again, Mr. Speaker. This new Rube Goldberg contraption adds enough news gears and levers to this morning's contraption so that all the bells and whistles will sound a little louder and when they ring and chime, it will appear to the American people that the Republican majority is indeed acting responsibly and really opening the Government. The Republican gizmo passed by the House earlier today funded those programs which, while they remained unfunded, have caused the Republican majority no end of public criticism. This new gimmick just adds to the list—a reelection wish list no doubt for many. The new gimmick does not, however, solve the problem.

Mr. Speaker, it is obvious that it does not sit well with the public that in order to ensure protection of a tax cut aimed primarily at the wealthiest of all Americans, that the Republican majority in Congress might be willing to let the Meals on Wheels program run out of money and let perhaps thousands of elderly Americans go hungry.

It is obvious that it does not sit well with the American public to see the real crown jewels of this country—our national parks and not the tax cuts of the contract—remain closed to visitors all in the name of a plan to balance the budget which would salvage environmental protection in this country. It does not sit well with American businessmen and American tourists who need or want to travel abroad that they are unable to obtain passports in order for the Republican majority to hold the foreign aid program of this country hostage.

So, in the face of the drubbing they have been taking from the public what have my Republican friends done? They first drew up a continuing appropriation which they termed a ''targeted appropriation''. But, now it seems that the target was not large enough to satisfy even their own Members. And so, Mr. Speaker, now we must consider yet another targeted appropriation.

Yet, Mr. Speaker the House has had plenty of opportunities in the past 4 days to clean continuing resolution which would not only allow all Federal workers to go back to their desks, but allow them to do their jobs. Mr. Speaker, adding a new gear here, or another funnel there, is no way to run our Government. What we need to do is pass a real clean CR, not the sham resolution we passed just a short while ago. Consequently, I will oppose ordering the previous question so that the House may have the opportunity to pass appropriations for those Government agencies, departments, and programs which were not considered vital enough to be included in this new Republican gimmick.

Mr. Speaker, we are not here to play games, yet this is all the Republicans seem to want to do. We are here to do the Nation's business, not play a giant game of Monopoly. If we are really serious about the Nation's business, why is it necessary for us to consider ''targeted appropriations'' ad infinitum? Frankly, Mr. Speaker, the old business as usual is starting to look pretty good to the American people. At least when we had business as usual around here, the American people were taken seriously, not treated like game pieces to be brought and sold in order to fulfill an ideological agenda.

Mr. Speaker, it would be so sensible to just pass a clean continuing resolution. I do not believe there is a Member of this body who does not understand that the balanced budget argument is not about when, but about how. And, while the Speaker raises money around this great country of ours in the next 3 weeks, instead of staying here in Washington to negotiate the how of a balanced budget, let's let the Government do its job for the taxpayers of this country. This new resolution doesn't finish our job, Mr. Speaker.

But, the real outrage here, Mr. Speaker, is that there is no opportunity afforded the minority to amend this resolution—either by amendment or by a motion to recommit. Given the gravity of this situation, Mr. Speaker, it is unconscionable that the minority has been denied a voice on the floor of the House. It is an outrage that we are being treated in this manner. Never, and I mean never, Mr. Speaker, did I as a member of the majority ever purposely seek to deny the minority any role at all in the legislative process. Yet, that is what is happening here tonight. That we have been denied three times today the opportunity to offer alternatives to the Republican proposals is a disgrace to this institution and to the democratic ideals on which it is founded.

Mr. Speaker, let us stop playing games. Let us stop building Republican gimmicks and start fixing the problem. I urge Members to oppose the previous question so that we can do our job and go home tonight.

Mr. Speaker, I gave a short speech in which I recited the various places the Speaker was going in the next 2 weeks rather than staying here to negotiate with the President, and I have had a number of questions about that since I made those remarks, and I would like to provide some additional details, if I may, why the Speaker will not be here negotiating with the President and why we need a continuing resolution.

On January 9, the Speaker will go to Colorado Springs, CO, for a 7 p.m. reception and dinner in the Colorado Hall, the Broadmoor Hotel, $150 to get in; January 9, Bloomington, MN, at 4 p.m., there will be a reception at the Radisson South Hotel in Bloomington. Sponsors are charged $50,000; if you pay

$10,000, you get to go to the reception and have the opportunity to speak with the Speaker; if you pay $1,000, get general admission; if you pay $500, you get to sit in another room and watch the whole thing on television, and if you pay $100, you get to go to a rally afterwards.

Mr. SOLOMON. Regular order. What has this to do with the bill?

Mr. FROST. It has everything to do with the need for a continuing resolution. The Speaker is not going to be here to negotiate.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman will suspend. The House will be in order. The gentleman from Texas [Mr. FROST] is recognized.

Mr. FROST. Mr. Speaker, January 10, the Speaker will go to Boise, ID, to the convention center at $1,000 a couple, and they get a picture, $100 general admission. Also, January 10, the Speaker will go to Seattle, WA, 7 p.m. reception, 8 p.m. dinner, Weston Hotel, $1,000 includes dinner and reception, $250, just dinner.

January 11, the Speaker will go to Napa, CA, 11 a.m., luncheon at the Silverado Country Club, $200 per person; January 11, Bakersfield, CA, 8 p.m. dinner, Civic Auditorium, sponsor, $1,000, host, $500, table seat at dinner, $25, seat with buffet dinner, $15; January 12, Walnut Creek, CA, 7:30 a.m., breakfast at the Civic Arts Center, $250; January 15, Dallas, TX, the city I represent, Prestonwood Country Club reception, 5 to 6:30, dinner for $10,000 for a sponsor; January 16, Dearborn, MI, $10,000 a person, private fireside reception and a picture with the Speaker, $1,000 per person just for the reception; January 17, Evansville, IN, Convention Center Gold Room, 7:30 a.m., breakfast $125, $1,000 for a picture with the Speaker; January 17, Fort Wayne, IN, $100 event; January 19, Memphis, TN, luncheon, $1,000 for a picture with the Speaker, $500 to attend.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have served in this House a good many years. I am proud of that fact.

But I am absolutely appalled and chagrined at the incredible abuse of the legislative process which is occurring here tonight. This is, I think, perhaps the most destructive action I have ever seen any Members of this institution take.

We are supposed to cast informed votes. There is no Member of this House, including the main sponsor of this proposal, who can tell you what it is you are going to be voting on tonight.

What has happened is that, in my view, I have never seen more irresponsible, more reckless, more anarchic conduct than I have seen displayed on this proposal.

Eight hours ago you rammed through this House a proposal which partially opened the Government so that taxpayers could get at least some of the services for which they have already paid. Then the phones started ringing. Member ''X,'' Member ''Y'' and Member ''Z'' said, ''Man, I am getting heat. You didn't cover this program. You didn't cover that program. You didn't cover that program.'' So you started putting together a laundry list of proposals to fix what it is you did just 8 hours ago.

Now, that laundry list has grown into a phone book, and you are taking a whole list of programs and you are providing for some funding levels for them, I guess mostly at the conference level, but there is not a single Member here who has any table showing what program level or what programs will be funded at what levels. We cannot compare them to conference, to the House-passed bill, the Senate-passed bill. We cannot compare them to last year or to the Administration request.

We have no idea what programs are being left out, and yet you are going to vote for this turkey so you can go home. That is, in my view, an incredibly destructive act for which I think we all ought to be ashamed.

I wonder how many Members of this House know, for instance, that the abortion limitations which we had in the bills this year are being removed under this proposal? I wonder; yes, they are; oh, yes, they are. If you do not believe me, check. . .Well, you had better check again.

Then let me suggest, I wonder how many of you know that there will be no funding whatsoever for Israel under this proposal come January.

There will be no funds allowed. I wonder how many of you understand what is happening to foster care activities for children, for food and other contractor-provided services at the Indian Health Service, for 300 Head Start grants around the country, for contract payments for NASA operations, for EPA Superfund cleanup activities, for FEMA disaster relief payments, Community Development block grant funds. Veterans benefits for claims filed after December 15, 1995 will not be processed under this proposal. You are going to discriminate between veterans who were on the rolls before December 15 and those who were not.

□ 2015

So I think this is an absolute joke. So what we are going to do is to ask, since we were not even allowed the courtesy of proposing an alternative, what I am simply going to ask Members of the House to do is to oppose the previous question so that we can at least pay for programs which are not covered by this package, at least provide funding levels at 90 percent of last year's level, so that when you go home, you do not have to explain why you left programs A, B, Y, J, and Q off the list, and why you funded the others.

I do not even vouch for the wisdom of doing that, because I cannot vouch for the wisdom of continuing the funding levels for the programs designated in this bill at the levels at which they are designated. But because we have had no opportunity to look at that, we have no choice but to accept that sight unseen. But I would urge you, if you have any respect at all for this House, to insist on defeating the previous question on the rule so we can provide some degree of rationality to this process tonight.

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

Mr. Speaker, it is a sad commentary that our colleagues who represent the party of government cannot realize that some programs of the Federal Government are essential and many are nonessential, and we are moving ahead with the essential ones.

Mr. Speaker, I yield such time as he may consume to the shy and retiring gentleman from Metairie, LA [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from California for yielding time to me.

Mr. Speaker, I was going to lead off with a travelogue of the President of the United States, but I think no one might have cared. Then, second, I was going to give a travelogue of the Secretary of Energy and realized we did not have time. So I thought that it was important to discuss this bill and not anybody else's travelogues.

Mr. Speaker, it is important also to understand that throughout this very long first year of this change in direction of government for the first time in 60 years, we have passed seven appropriations bills, which encompass about two-thirds of the funding of all government activities. The remaining one-third of the funding of government activities are covered by the remaining 6 appropriations bills. Three of them were vetoed by the President and three of them, admittedly, have not made their way through the processes. It is unfortunate, but they are working their way through.

Along the way, while we were all discussing the appropriations bills, we forgot one thing: The House and the Senate and the President of the United States came to an agreement that we should stop doing business as usual as we have for 60 years, increasing spending, regulation, taxing, big government, and centralization of government in Washington. We agreed that we should reverse the tide, and put this country strongly on a footing toward a balanced budget between now and the year 2002, as scored by the Congressional Budget Office.

Mr. Speaker, the President of the United States agreed to that by virtue of the joint resolution we passed on November 20. But unfortunately, while we put our balanced budget plan on the table and passed it through the House and Senate, one that did really get the

country on even footing, the President has never presented his. He has promised it, but he has never done it.

That is what brings us here today, Mr. Speaker. Yes, the remaining one-third of government has not been adequately funded. Yes, this is a piecemeal process that causes us to pick and choose certain items and rush them through without dealing with the rest of the process. It is unfortunate.

But we have begun. We have begun to tell the President of the United States that business as usual, that promising the people everything and delivering absolutely nothing, is over, absolutely over. And, yes, it was unfortunate many Federal employees were held out of work and those that worked did not get paid, but we resolved that today. We put Federal employees back to work. We paid them for their lost pay, and we are going to pay them prospectively through January 26.

Mr. Speaker, we also passed targeted appropriations for several activities, including Meals on Wheels and child welfare, veterans benefits, and others. Then we followed up that bill with another bill that was reported out of the Committee on Rules. The gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, and the gentleman from California [Mr. DREIER], and all of the other members of the Committee on Rules, reported to this floor just a few hours ago which has passed a bill that says to the President of the United States, Mr. President, if you fulfill your promise to give us that balanced budget that you have been promising for so long but never delivered, we will put Government back to work in its entirety, in its entirety, through January 26, and by that time we will get all the rest of it done.

But he has not yet done it. There is a trigger. That bill is very, very important, because it almost makes, at least for the next few weeks, what we are about to do here superfluous.

But, we are saying in this bill we will here take a number activities in other bills not yet enacted, a number of other functions of government that have not yet been funded, that are vital and critical to the United States of America, and add them with the earlier targeted list passed earlier this morning, so that they will be funded throughout the rest of this fiscal year.

Mr. Speaker, I have to ask the House's indulgence, because I want to make sure that everyone knows. The activities in this bill include funding for the black lung program; the Medicare contract employees program; Medicare claims processing; surveys of certification for nursing homes; Medicaid payments to States; funding for Gallaudet, elementary and secondary schools; National Institutes of Health; Centers for Disease Control; retirement pay for Public Health Service commissioned officers, and trade adjustment benefits.

Now, all of those items fall within the Labor-HHS bill. There has been criticism because that bill has not gotten all the way through Congress. But, Mr. Speaker, let me remind you, at the risk of being held out of order, that the other body, led by the Democrats in the other body, the minority party, has filibustered that bill. This House passed that bill in early August of this last year. That bill got filibustered and is filibustered to this very day by the Democrats in the Senate. It is being held hostage. All of the great programs funded under that bill are being held hostage. So it is incumbent upon us to come forward and say there are important programs in that bill that are not funded, and we will fund them.

At what level, the gentleman says? He says he does not know at what level. I will tell the gentleman. On NIH it is funded at the House-passed bill level. This is the same for the retirement pay for Public Health Service officers. On all the rest, it is the lower of the amount in the House-passed bill or the last year's bill whichever is lower.

This bill also provides funding, because they are important programs, for the Bureau of Indian Affairs tribal organization contracts, Bureau of Land Management visitor services on public lands, the Peace Corps, the State Department diplomatic security efforts abroad, parts of the Small Business Administration financing, the Federal Housing Administration loan processing, the FEMA emergency food and shelter programs, the Department of Justice Federal employee crime programs, all of the these crime programs, including those done by the FBI, the DEA, the Bureau of Prisons, U.S. Attorneys and Marshalls Service and Organized Crime and Drug Enforcement programs, as well as most of the Department of Justice itself, including the support of prisoners, fees and expenses of witnesses, Immigration and Naturalization Service, and Executive Office for Immigration Review. It also provides funding for the Judiciary, the courts. So we know what these targeted functions are.

Is this an exclusive list? Is this all there is going to be? Of course not. But what this says is there will be a new day, Mr. President. It is telling the President of the United States that no longer will we continue to accept the status quo. We will no longer continue to fund the bureaucracy as he protects it.

We will start picking and choosing those programs which are important to the American people, and we will fund them. But anything else that is left on the table, if it is important, we will get to it. If it is not important, it might never be funded at all.

Now, Mr. Speaker, I have to tell you this is certainly a revolutionary thought and a revolutionary approach to government that has never existed in the last 60 years, but it is an important change for the American people.

It is important for the American people to understand, Mr. Speaker, that we are not tolerating what the President so vehemently wants to protect, which is the status quo, big government bureaucracy, high taxes, and the ability to manipulate people all over America and ask them to pay for that manipulation.

We are changing the course of America with this bill, Mr. Speaker, and I urge the adoption of this resolution.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to point out to my friend and colleague from my neighboring district that as scored in real numbers by the CBO, the budget introduced by the gentleman from Ohio [Mr. KASICH] increases the annual operating deficit of this country to $270 billion. If we are really serious about reducing the annual operating deficit, bring the coalition budget, which would save this Nation $33 billion over your budget in the first 2 years, and $53 billion over your budget in the first 3 years, to the floor for a vote.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I just want to correct one statement made by my good friend from Louisiana. The Labor-HHS bill in the Senate has not been subject to a filibuster. In fact, it has never been brought up on the floor. It has never been debated on the floor. There were numerous unanimous-consent requests made to bring that bill up, which were objected to by Members of both parties.

The real reason it has taken so long to move that bill is because that bill was so extreme in nature when it left the House that Members of both parties in the other body were so embarrassed by it they did not want to touch it with a 10-foot pole.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Wilmette, IL [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education.

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

Mr. PORTER. Mr. Speaker, one of the highest priorities for funding for our Federal Government is biomedical research carried out by the National Institutes of Health. The basic research conducted with NIH grants at academic and research institutions all across this country are the envy of the entire world. We are the world's leader in basic research.

The basic research supports the biotechnology and pharmaceutical industries of our country, which also lead the world. They mean economic growth, high-technology, well-paying jobs, and a favorable balance of trade. The basic research can only be done by government, because there is no immediate profit motive involved. The result of this research is longer and better lives for the American people and for all the people of this world.

Mr. Speaker, the funding for NIH for the entire fiscal year is included in this resolution, and the funding that passed by the House of Representatives at the end of July. The House passed level represents a 5.7-percent increase over the last fiscal year. This level is in this resolution.

In addition, there is funding for the Centers for Disease Control and Prevention. That means funding for childhood vaccinations, for infectious disease prevention, and for breast and cervical cancer screening, at a level, I might say, Mr. Speaker, higher than last year's level.

Regarding NIH, we have left all matters other than the overall funding level for NIH to be resolved through negotiations with the Senate. The Speaker has been very, very strongly supportive of the increase for NIH at almost 6 percent and for the funding for CDC.

I would commend this bill to the Members of the House, I would commend it to the Senate and hope they pass it as well, and that the President adds his signature. It funds many important priorities for our country.

Mr. Speaker, I submit the following chart for the RECORD.

Centers for Disease Control and Prevention

[In thousands of dollars]

	2d targeted appropriation bill
Preventive Health Services Block Grant	145,418
Prevention Centers	8,099
Childhood immunization	470,497
AIDS	589,962
Tuberculosis	119,582
Sexually Transmitted Diseases	108,242
Chronic and Environmental Disease Prevention	147,439
Breast and Cervical Cancer Screening	125,000
Infectious Disease	65,057
Lead Poisoning Prevention	36,409
Injury Control	43,679
NIOSH	133,859
Epidemic Services	73,325
National Center for Health Statistics:	
Program Operations	40,063
1% evaluation funds (NA)	40,063
Subtotal: Health Statistics	80,126
Buildings and Facilities	4,353
Program Management	3,067
Undistributed administrative reduction	(31,000)
Subtotal: Centers for Disease Control	2,083,051
Crime Bill Activities:	
Rape Prevention and Education	28,542
Domestic Violence Community Demonstrations	3,000
Crime Victim Study	100
Subtotal: Crime Bill activities	31,642
Total: Disease Control	2,114,693

□ 2030

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for yielding time to me, and my question really would go to the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. My concern is that we have heard a number of reports about our prison system, indeed the Federal correctional facility in my congressional district.

Inquiry was made concerning the ability of providing food to prisoners, which, of course, is of great concern to many of the men and women who work for us in the Federal prison system, and particularly because it may, indeed, be one of those contracted-out types of situations.

I am not sure of that specifically in my district, but I would inquire, if I could, of the chairman from Kentucky if he has any insight with respect to the prison system.

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

Mr. COLEMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I would tell the gentleman that the legislation provides for the payment of all activities related to the Federal prisons. So if it is a contracted-out supplier of food, that will be paid. If it is done by employees of the Bureau of Prisons, that would be paid. So it taken care of in this legislation.

Mr. COLEMAN. In this particular CR?

Mr. ROGERS. Yes.

Mr. COLEMAN. Mr. Speaker, I thank the gentleman very much for his time.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. ROGERS], my friend and Chairman of the Subcommittee on Commerce, State, Justice and Judiciary.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as the gentleman from Louisiana [Mr. LIVINGSTON] has pointed out, this resolution says, in effect, there are certain things that we need to fund irrespective of whatever else happens in the fight with the White House on a balanced budget.

We are saying in this resolution the fight against crime and the fight against illegal immigration are above and beyond the political debate that is going on in balancing the budget. So consequently, in this bill there is complete funding for the fight against crime at the conference level of the appropriations bill that has passed the House and Senate conference and gone to the White House and been vetoed.

Those activities that are funded in this bill at the full level for the rest of the year include:

Funding for all activities of the Federal judiciary. We simply cannot let the courts lapse. We have to pay them.

Funding for the law enforcement agencies at Justice, for the following purposes: investigation and prosecution of criminal and civil offenses; national security; apprehension, detention, and removal of illegal and criminal aliens; the incarceration, detention, and movement of Federal prisoners and detainees; and the protection of the Federal judiciary. The law enforcement agencies funded at the conference level include the FBI, the Drug Enforcement Administration, Federal prisons and prisoner detention, U.S. attorneys, U.S. marshals, and prisoner detention, U.S. attorneys, U.S. marshals, and the Immigration and Naturalization Service, including the Border Patrol.

Finally, funding to provide security of our embassies and our diplomatic missions overseas and of the facilities there, to protect our people overseas.

I think we can all agree on both sides of the aisle we need to fund these activities irrespective of any other fights that we have. I would hope that we would have unanimity in support of this portion of the bill, which, by the way, is a significant portion of the entire bill.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, somebody said that everything had been said but everybody has not said it yet. I just could not let this pass without a couple of comments, especially to my distinguished leader of the Committee on Appropriations, talking about how terrible it was that that old terrible Senate would get over there and filibuster a bill.

One of the Presidential candidates that is out there running is bragging about how last year he spent a whole year killing the President's heath care plan, and a lot of that so-called health care plan is in the Republican budget.

When we are being told in the negotiations, and I just watched on television when the chairman of the Republican Committee on the Budget said he would like to work with Democrats and come up with maybe 100 Democrats and 100 or so Republicans and put together a budget, and then the majority leader on the House floor says we do not have to negotiate with the Senate, we do not have to negotiate with the White House, we do not even have to negotiate with the Democrats. We can handle this thing because we are running this place.

And my colleagues on the other side talk about a President that is not cooperating with trying to put together a budget?

The gentleman from California, he said we are trying to do the things for the people of this country, and the thing that we are so concerned about is the average people of this country, the people that have to depend on some government services for their existence, the senior citizens. Gentlemen, your record is not real good when the majority leader in the Senate, Senator

DOLE, was bragging that 35 years ago he was fighting tooth and nail to kill Medicare. The Speaker of the House, Mr. GINGRICH, says I hope that Medicare withers and dies on the vine. The new majority's record is not good.

The very first budget that Ronald Reagan sent to this House, that David Stockman brought to this House, called for eliminating the $125 minimum Social Security payment to the oldest, sickest senior citizens in this country, and that is a fact.

So the Republicans' record is not good on doing programs for our senior citizens, for Social Security. They never have supported the education for the loans for our students. Their record is not good. So when we talk about things that we are negotiating for budgets, the President is concerned about the overall welfare of the American citizen. I would not blame him for caving in.

We are standing for the average working American. We stand for the senior citizens, the Social Security recipients, the students, and the people that have to have some assistance from their Federal Government.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that it is a sad commentary that my friends in the party of government view the average American as being dependent on government.

Mr. Speaker, I yield 1 minute to the gentleman from Scottsdale, AZ [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my friend from California for yielding time to me.

I listened again with great interest to my good friend from North Carolina, whom I enjoyed many times on television with his beautiful singing voice. But tonight, here in the well of the House, he is singing a bit off key, especially when he quoted the Speaker of the House and some statement about withering on the vine. Once again, the complete record shows that the Speaker was talking about the Health Care Financing Administration, not the Medicare Program. I will be happy to supply the gentleman with the complete quote.

But moving on to the broader context, since our friends on the other side talk so much about reinventing government, we will borrow that phrase and say we are going to reinvent government right here and right now, not with a Rube-Goldbergesque contraption but with simple commonsense funding of necessary programs.

Mr. Speaker, I want to go on record thanking the chairman of the Committee on Appropriations for recognizing the needs of native Americans and taking care of projects that both parties concur are important. So, once again, amidst some of the ying and yang that takes place here on the floor, I hope that we can have give and take and calm minds and calm voices may prevail and we can enact these programs.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I am glad that this is before us. I wish we had a full continuing resolution so that the President and the Speaker and the majority leader and minority leader could have their negotiations and come up with a balanced budget in 7 years with CBO, which everybody has agreed to, while the Government continued doing its functions. But, no, we are only doing this through this continuing resolution for certain activities which are more important than others.

Well, the Republican Party, Mr. Speaker, is showing us what it considers unimportant. The environment. We are not touching the EPA. Their employees are funded through January 26. So we are saying, despite all the hypocrisy, they do not care about the environment, about clean water, clean air.

Superfund. It is not included here. It is not as important as trade adjustment benefits, for example. OSHA. Fifty thousand working people in this country die or are severely injured in industrial accidents every year. In 13 States OSHA programs are done by contract. Nothing here for them, for those 13 States, because we do not care, obviously. It is not that important. It is one of those things that is not important that the gentleman from Louisiana [Mr. LIVINGSTON] refers to, about whether working people have a safe working environment.

On page 3 of the rule we have the authority to process single-family mortgage loans. Single family is written in because somebody thought, obviously, single-family homes are important but multifamily homes that we have in our cities, garden apartments, apartment buildings, that is not important because people living in cities, who might vote Democratic, maybe, on average, live in multifamily homes.

So let us be hypocritical, we will fund our single-family homes and not their apartment buildings and garden apartments. That is not important. That is political.

Mr. Speaker, what shows the total hypocrisy of this is that the other CR we passed a little while ago that says if the President proposes a budget satisfactory to the majority party, we will have a CR for 2 weeks.

Mr. DRIER. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from Overland Park, KS [Mrs. MEYERS], chair of the Small Business Committee.

Mrs. MEYERS of Kansas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this resolution, and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I support this resolution and I urge my colleagues who are concerned about the impact of the partial government shutdown on small business to support it. This resolution contains important language which will allow the Small Business Administration's two major loan guarantee programs to resume. The 7(a) and 504 loan programs are vital to meeting the long-term capital needs of small business in this country.

Since the President vetoed the Commerce, Justice, State appropriations bill, loan applications have been ''sitting in the pipeline,'' many approved, but not funded. The SBA doesn't directly fund these loans, but they can't even provide the guarantee so that private banks can make the loans. These loans translate into start-ups, small business expansion, and job creation.

Mr. Speaker, the 7(a) and 504 loan guarantee programs are two of the few things the government provides that are helpful to small business. I am very pleased that small business long-term capital needs will be restored under this resolution, and I urge its adoption.

Mr. FROST. Mr. Speaker, could I inquire of the time remaining on each side?

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Texas [Mr. FROST] has 9½ minutes remaining, and the gentleman from California [Mr. DREIER] has 9½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I was elected to this body in 1992, and I was told that I would be serving with some of the most committed and brilliant people in America working for the interest of our country. I have been on the losing end of a lot of votes since I have been in this body, but this is the very first day I have ever been in this body where I have been absolutely embarrassed.

This is no way to run a government. The Republicans gave us one-tenth of a loaf this morning. My mama always said take one-tenth rather than nothing. That is fine. They gave us two-tenths today. They gave us Meals on Wheels this morning, now they are giving us the wheels to serve those meals tonight.

Next week they will be back with a whole new list of items. This is no way to run a government and the American people will ask the Republicans to answer to them for it.

□ 2045

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

Mr. Speaker, I would say to my friend that the way to run the government is to balance the Federal budget.

Mr. Speaker, I yield 1½ minutes to the gentleman from Huntington Beach, California [Mr. ROHRABACHER], my dear friend and our surfer.

Mr. ROHRABACHER. Mr. Speaker, I do not think there is any doubt about it. We all agree that this is no way to run a government. The way to run a government is to set forth a plan, say this is our plan for government, and then negotiate with someone who disagrees and find an area of compromise.

That is what the Founding Fathers had in mind. The reason it is not working right now is that the President of the United States has not done his job.

We have done our job over here; he has not done his job over there. That is why this is not any way to run a government. That is why everything is messed up, seems to be going in circles, and things are not working now. He has not done his job.

Our Founding Fathers thought the President of the United States would do his job because he would be responsible. Instead, we have a President that continues to promise everything to everybody because he must love everybody, because he is promising everything to everybody.

Mr. Speaker, I am trying to suggest today that I think the American people can see through that. They know if the President is unwilling to prioritize in the budget, that when he tells them that he is on their side when he is opposed to something in the Republican budget, he may not be telling the truth because he is unwilling to put his ideas forth as juxtaposed against other spending ideas.

Mr. Speaker, we are this close, we are this close, at any moment, to making the system work. All it means is that the President of the United States has to reach out and say, ''I have decided to do my part of the job,'' and then things would be working. All of the criticism that my colleagues on the other side of the aisle have not aimed at us, although they try to make it seem like it is aimed at us. It is aimed at the President of the United States, who has not done his job.

Mr. Speaker, I believe that the American people, when they sit there hearing him criticize our budget, are too smart to be taken in thinking that he cares about them. If he cared about the American people, he would present us his budget and the American people understand that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I wanted to follow up on what the gentleman from New York [Mr. NADLER] said before. I listened to what the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, said about how we are picking and choosing items here tonight. Then I listened to what the gentleman from California said about how we are not going to deal with regulatory issues; that perhaps they are not essential; we are only dealing with the essential issues here tonight.

Mr. Speaker, it is abundantly clear that the list does not include any Federal Agency that deals with quality of life issues, whether it is the environment, whether it is safety, whether it is consumer protection. All those things are completely eliminated and they are not going to be funded, and the people are going to be sitting in their offices in the EPA and not doing a thing.

Mr. Speaker, I know that it was said before that we are only going to deal with the issues that both sides can agree on, so I suppose that means that the Republican party, or at least the Republican leadership, does not care about the EPA; does not care about consumer protection; does not care about OSHA; does not care for a very simple reason, I believe, which is that basically the corporate interests here are going to have a field day.

Mr. Speaker, the polluters are going to be out there polluting and the people in the corporations that do not want to take care of worker safety, they are not going to have to worry about it. Those out there who do not care about the consumers are not going to have to worry about it. It is special interests. Nothing is being done to go after the corporations and the special interests and the polluters. They will remain unregulated. They will be able to ply their trade and we are not going to include any money to go ahead and deal with those enforcement and those investigation issues that affect the quality of life of many Americans.

Mr. Speaker, I am glad that the Republican leadership has finally revealed itself and what it is all about in the quality of life issues.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

Mr. Speaker, the fact of the matter is we sent to the President the appropriations bill that deals with every single one of those items, and what did the President do? He vetoed it.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BONO] who has become most prominent as the mayor of Palm Springs.

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

Mr. BONO. Mr. Speaker, one thing that is terribly interesting to me since I have come here is debates. I am fascinated by them. When I watch them, I want to pull everybody back over and say, ''Wait, the issue was over here. Now it gets all over there, and the basic point is gone. The basic point is what we are talking about. And the reason I am a Republican, my father is a Democrat, my mom was a Democrat, I was raised a Democrat, the reason I am a Republican is because I like the idea that your word is important. I like that.

This is how our party operates. So, I know that if I shake hands with the gentleman from California [Mr. DREIER] I have got a deal on whatever we shook hands on. I know if I shake hands with the gentleman from Louisiana [Mr. LIVINGSTON] we have cut a deal. However, I do not think that exists totally in this entire body.

What we did was we went to the President, this is why we are fighting. We went to the President and the President said, all right, I have got a deal for you. I will consent to a budget in 7 years, scored by CBO. He got a deal. And by a certain date. Then the date came up and he said, just kidding. Just kidding. And then they say, we want a clean CBO. I hate to be a bad guy when somebody just kicked me in the head, and then say ''you rat.'' And I feel like I have been kicked in the head. Just kidding. I mean, would you tell your kids, ''Kids, Santa said I am going to get it for you,'' and then there is nothing under the tree? And then Christmas comes and there is nothing there and you say, ''Kids, just kidding. Santa Claus was kidding around when he told you that.''

It does not happen. There is a word, and that is why I belong to this party. The whole issue here is because we got duped, and so we do not want to get duped again. So we have our guard up.

Now they are saying we did not fund this, we did not fund that, we did not do this, we did not do that. No, we cannot. There is no trust now to operate that way any longer.

Mr. Speaker, if the President will stop kidding, I think we would get along very well. I hope some day he stops.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BONO. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I just want the gentleman to know that there are a lot of people on this side who agree that you have been kicked in the head.

Mr. BONO. Thank you. Thank you. I suppose I am supposed to be insulted, but by the gentleman from North Carolina [Mr. WATT] I am not.

Let me further say one more thing. The Speaker never, I wish I could count the times you said the Speaker said let Medicare wither on the vine. He never said let Medicare wither on the vine. That is not true.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Speaker, the gentleman from California was not here in the last session, and quite frankly I agree with my colleague, the gentleman from Massachusetts [Mr. MARKEY]. But in Arkansas we say, if it looks like a duck and it walks like a duck, it must be a duck.

The fact is this is business as usual. We are passing something in the dead of the night with everything but the kitchen sink in it, which helps on target shots, special people's interest. That is not the changes that the American people are wanting to see.

With all due respect to the gentleman from Kentucky, the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, this is about balancing the budget, but there is a right way and a wrong way to do everything. The fact is in this package you have got, you are spending $10 million more to locate Border Patrol

training facilities that are going to slow up from 6 months to a year those Border patrol agents that could be out there protecting our border States. It is business as usual, and it is a sad day for the American people.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Albuquerque, NM [Mr. SCHIFF], the chairman of the Subcommittee on Basic Research.

Mr. SCHIFF. Mr. Speaker, two of our Democratic colleagues in a row said they do not like the priority with which the appropriations is being presented here this evening. I want to say that the President of the United States has it in his power as a result of our previous vote to open up the entire Government by doing just one thing, offering his version of a balanced budget. That is all he has to do.

Mr. Speaker, I have to respectfully correct one of my Democratic colleagues who said we were requesting that the President present a budget acceptable to us. That is not true. We are requesting that the President abide by the agreement he made with Congress, which is to present a budget which is balanced within 7 years using the economic projections of the Congressional Budget Office.

After that, the President can establish the spending priorities any way he chooses. After that the President can set any tax policy that he chooses; less taxes, no taxes, no change in the Tax Code. If the President would just do what he agreed to do in November, all of the agencies discussed on the other side will be opened.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, as one who has prided himself for all my 19 years here of having what I consider a 100-percent pro-life record, I am dismayed and amazed that the gentleman from Louisiana [Mr. LIVINGSTON] would bring to this floor a bill that will permit and require States, under present court decisions, to fund Medicaid abortions. That is what this bill does for all of 1996, for rape, incest, and life of the mother. This is a pro-abortion bill.

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

Mr. VOLKMER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, it is simply not true. It funds Medicaid under the same terms and conditions that existed last year, and we did not do it that way last year.

Mr. VOLKMER. Mr. Speaker, reclaiming my time, the gentleman did. That is the point. He does not know what he did.

Mr. Speaker, the courts have decided, under the 1995 law, the States are required to fund the Medicaid abortions for those provisions. That is the status of it right now. In the 1996 law that we passed in this House, we said that the States do not have to do that. This is going backwards. This is saying that the States will still, my State, which is a pro-life State, will still have to do abortions for these provisions. Anybody that votes for this cannot be pro-life.

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

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, the gentleman may know, he is my friend, we happen to differ on this issue. I am pro-choice. However, I agree with the gentleman. This is a pro-choice bill. The gentleman has correctly analyzed the legislation. It is pro-choice.

Mr. VOLKMER. Mr. Speaker, reclaiming my time, I thank the gentleman.

PERMISSION TO INSERT EXTRANEOUS MATERIAL IN THE RECORD

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PORTER] be allowed to insert tabular and extraneous material in the RECORD following the point at which he spoke.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would like to ask for a better understanding of what the gentleman is asking to have inserted.

We have been asking for tables of funding levels all night long and have not gotten anything. Are we now going to pretend, by inserting something in the RECORD, that Members knew what they were doing when they, in fact, did not?

Mr. DREIER. Mr. Speaker, would the gentleman yield?

Mr. OBEY. Surely.

Mr. DREIER. Mr. Speaker, what this is, is material that I am told was provided to the minority side about 20 minutes ago that the chairman of the subcommittee wishes to have printed in the CONGRESSIONAL RECORD following his statement.

Mr. OBEY. Mr. Speaker, further continuing to reserve my right to object, this applies only for the Centers for Disease Control; is that correct?

Mr. DREIER. Mr. Speaker, the gentleman is correct.

Mr. OBEY. Mr. Speaker, further continuing to reserve my right to object, so we are still not going to note what the tabular material would be for any of the other programs funded in this bill?

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, no other material is going to be inserted in the RECORD other than this material that the gentleman from Illinois, my friend, has handed me.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection, with the expression that I think that the kind of material which has been provided halfway in the debate for one agency is the kind of material that should have been on the floor for every agency being funded in this bill before we vote blind here tonight.

Mr. DREIER. Mr. Speaker, I thank my friend for not objecting.

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

There was no objection.

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

Mr. FROST. Mr. Speaker, I would inquire of the time remaining of each side.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 3½ minutes remaining, and the gentleman from California [Mr. DREIER] has 3¾ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

□ 2100

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding this time to me.

I guess this legislation is some form of hostage taking, and what we are doing is we are going to release some hostages like the NIH, and that is good because places like UT Health Sciences Centers at the Texas Medical Center were getting ready to lay researchers off. On the other hand, we are going to continue to hold hostages like NASA.

Let me tell you about the Johnson Space Center. At the Johnson Space Center we are going to bring back 1,500 Federal employees who have been furloughed. We are going to start laying off 12,000 contract employees, private employees, privatization, those people in the private sector who are working on the space shuttle and who are working on the space station, and we are going to raise the cost of the space shuttle and the cost of the space station.

Now, someone here said this is common-sense Government. I do not know what is common sense about bringing on the Federal employees who are not running the program and paying them to do nothing and then laying off 12,000 employees in the greater Houston area and raising the cost of the space station and raising the cost of the space shuttle. There is nothing common sense about that. It is just plain stupid.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the continuing resolution before us is a classic example of attempting to be too cute by half.

You know, as a general guiding principle, doing the right thing is the right thing to do, and Senator DOLE, in calling for reopening Government, clearly struck the right note. That was the right thing to do.

Trying to do it piecemeal is a half-baked way of accomplishing with some grace, apparently, the same result that Senator DOLE called for, but to have one continuing resolution listing several items of Government pass this House, only a few hours later back passing more functions of Government,

to apparently alleviate the embarrassment from having those items shut down has left this House, I think, facing a complete debacle in this procedure.

The American people deserve more than too cute by half. They deserve to have the Government reopened while we continue the talks leading to a balanced budget.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Metairie, LA [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, as a pro-life Member, I have to say that I have to address the concerns expressed by the gentleman from Missouri a few minutes ago.

The fact is that this bill does extend the terms and conditions for Medicare-Medicaid funding from last year. But the Labor, Health bill has yet to work its way through the Congress. It has passed the House with the terms and conditions that meet the objections and needs of the pro-life community. It will come out of the Senate, and we will still have to deal with it. When we deal with it, we will address the concerns of the pro-life community.

The provisions we agree to will supercede the provisions in this bill. For the meantime, if we do not pass this bill, Medicare payments by the end of this month will not be made; Medicaid payments by the end of this month will not be made.

It is important we pass this bill under the terms and conditions of last year. Otherwise those people will not get these benefits.

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

Mr. Speaker, I urge my colleagues to defeat the previous question. If the previous question is defeated, I will offer an amendment. My amendment adds to the provisions of the bill to provide funding through the fiscal year for programs and activities not otherwise funded. All activities would be funded at the lower of House-passed, Senate-passed or last year's level, though nothing would be funded at less than 90 percent of last year's level. Mr. Speaker, this is exactly the same rate as in the first continuing resolution this Congress passed.

Mr. Speaker, this is the last opportunity to avoid the folly. Mr. Speaker, only by defeating the previous question can we let Federal workers actually work-under the Republican plan, we pay these people to show up but insist they do not work. That is a waste of taxpayer dollars.

Mr. Speaker, I am inserting in the RECORD at this point the amendment I will offer if the previous question is defeated:

AMENDMENT TO THE RESOLUTION

Strike the period in the last line and add the following: '', as modified by the amendment printed in section 2 of this resolution.''

At the end of the resolution, add the following new section:

''SEC. 2. At the end of the bill, add the following:

''TITLE III

Such amounts as may be necessary to continue through September 30, 1996 any other program, project, or activity carried out in fiscal year 1995 not provided for in Title I of this Act or any other appropriations Act for fiscal year 1996, at a rate for operations and under the terms and conditions provided for in Public Law 104–31.''

Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply want to make certain that the comments of the gentleman from Louisiana [Mr. LIVINGSTON] did not confuse the facts.

What this language does on abortion is to remove all of the limitations above last year's law, which the majority party insisted in putting into the Labor, HEW bill when that bill was before us. I am not going to argue about whether that is wise or not.

But I would observe that if you vote for this tonight, you are voting to remove the limitations which you insisted on placing in that legislation just a few months ago.

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

Mr. Speaker, we have, I believe, 3¾ minutes remaining, and I do not plan to use that time because we want to get these essential Government programs open as quickly as possible.

With that, I urge an ''aye'' vote on this.

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

The SPEAKER pro tempore (Mr. EMERSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 204, nays 167, not voting 62, as follows:

[Roll No. 11]

YEAS—204

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

NAYS—167

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Dornan
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Istook
Jackson (IL)
Jefferson
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt

Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Wise
Woolsey
Wynn

NOT VOTING—62

Baker (LA)
Berman
Bilbray
Bilirakis
Brownback
Bryant (TX)
Burr
Burton
Chapman
Chrysler
Clinger
Diaz-Balart
Dickey
Dicks
Doggett
Durbin
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Fowler
Ganske
Green
Hayes
Jackson-Lee (TX)
Jacobs
Johnston
LaFalce
Lightfoot
Lipinski
Lofgren
Manton
Matsui
Meehan
Miller (CA)
Montgomery
Morella
Myers
Neal
Packard
Pickett
Quillen
Radanovich
Ros-Lehtinen
Rose
Rush
Shaw
Stark
Stockman
Studds
Taylor (NC)
Thornton
Velazquez
Waters
Waxman
Wicker
Williams
Wilson
Wyden
Yates

☐ 2123

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 11, I was absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, during rollcall vote No. 11 on House Resolution 338 I was not present because of district business and district meetings. Had I been present I would voted "nay."

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 344, noes 24, not voting 65, as follows:

[Roll No. 12]

AYES—344

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bunn
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fields (LA)
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Torkildsen
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—24

Barr
Barton
Chabot
Chenoweth
de la Garza
Dornan
Funderburk
Graham
Hilleary
Hoekstra
Hostettler
Istook
Jones
Largent
McIntosh
Orton
Sanford
Scarborough
Shadegg
Smith (NJ)
Smith (WA)
Souder
Tiahrt
Volkmer

NOT VOTING—65

Baker (LA)
Beilenson
Berman
Bilbray
Bilirakis
Brownback
Bryant (TX)
Burr
Burton
Chapman
Chrysler
Clinger
Diaz-Balart
Dickey
Dicks
Doggett
Durbin
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Fowler
Ganske
Green
Hayes
Jackson-Lee (TX)
Jacobs
Johnston
LaFalce
Lewis (CA)
Lightfoot
Lipinski
Lofgren
Manton
Matsui
Meehan
Miller (CA)
Montgomery
Morella
Myers
Neal
Packard
Pickett
Quillen
Ros-Lehtinen
Rose
Rush
Shaw
Shuster
Stark
Stockman
Studds
Taylor (NC)
Thornton
Torres
Velazquez
Waters
Waxman
Wicker
Williams
Wilson
Wyden
Yates

☐ 2140

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, during rollcall vote No. 12 on House Resolution 338 I was not present because of District business and District meetings. Had I been present I would have voted "yes".

DESIGNATION OF HON. BILL EMERSON TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 23, 1996

The SPEAKER pro tempore (Mr. EMERSON) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 5, 1996.

I hereby designate the Honorable BILL EMERSON to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 23, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

PERMISSION FOR ALL MEMBERS TO REVISE AND EXTEND ON LEGISLATIVE DAY TODAY

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that for the legislative day today, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks".

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate disagrees to

the amendments of the House of Representatives to the bill (S. 1124) ''An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.'', agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. NUNN, Mr. EXON, and Mr. LEVIN, be the conferees on the part of the Senate.

□ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTERT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. FIELDS of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. FUNDERBURK] addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. COLLINS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. BENTSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. BUYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WHITE HOUSE TRAVEL OFFICE SCANDAL

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

Mr. ROHRABACHER. Mr. Speaker, the first scandal of the Clinton administration was brought on in May of 1993 by the precipitous firing of Billy Dale and six other long-time employees of the White House travel office.

Having worked in the White House for 7 years, I was fully aware of the personal tragedy this dismissal represented. Billy Dale and the career civil servants that were sacked by the new White House regime were hard-working professionals who labored for Republicans and Democrats, never taking sides in politics, but only concerned about making the White House run as efficiently as possible.

But they were in the way. A relative of the President needed a job, and who cares about if the rules get bent or if some little guy has to be stepped upon? Furthermore, one of the President's big contributors owned a travel agency and wanted the business.

Bill Dale and those faithful Federal employees were not just fired. They were ambushed, assaulted, beaten up and left bleeding in the alley. They came to work one day and were simply told after decades of service to get out.

This callous and probably illegal termination of loyal employees immediately created a stir. After it was learned that the President's relative and a campaign contributor would be the beneficiaries of this act, it created an uproar. That only made things worse. Dale had to be personally attacked then to protect the administration from criticism.

A vulnerability was found and apparently over the many years and decades of Dale's service, he had become complacent about keeping the formal records of petty cash and tips in the office that he oversaw.

To put this in perspective, Hazel O'Leary spends hundreds of thousands of taxpayer dollars gallivanting all over the planet, from plush hotel to plush hotel, but it is the little guy, Billy Dale, that gets investigated.

In as shameful an act and political a prosecution as I have ever seen, he was charged with criminal violations, embezzlement. This was, as is clear now, a blatant, ugly assault on a public employee by a power elite trying to protect themselves.

The FBI and the prosecutors went along. Why? Well, it not only reflects viciousness and callousness, but this also reflects an unprofessional and questionable use of law enforcement. So why did they go along?

Well, when the situation played itself out, Dale not only lost his job, but it cost his life savings to defend himself. He lost everything. Those involved with this travesty, this injustice, should be ashamed. It took a jury here in Washington, DC, all of 2 hours to determine that Dale was innocent of all the charges brought against him. The President did not even have the decency to apologize for what he did to Dale.

Whose mean-spirited idea, whose stupid idea was this in the first place?

□ 2200

Why did the FBI and the Department of Justice and the White House staff go along with it?

Well, these are good questions. Early on, fingers pointed to the First Lady, but the charge was denied over and over and over again. Well, at last, evidence is beginning to surface. A memo written at the time by White House chief administrator David Watkins says and describes First Lady Hillary Rodham Clinton as being the driving force behind this heinous attack against Billy Dale. No one was willing to stand up against her.

The shenanigans of the Clinton White House are beginning to make the court of MacBeth look tame in comparison. This certainly makes Nancy Reagan's coveting of dresses and dishes a quaint memory of tainted innocence.

The First Lady and the President are responsible for their actions. The American people deserve the facts, and the press, in this former reporter's opinion, has not been informing the American people as to the nature of those who hold power.

Well, now it is going to become clear to the American people they cannot cover it up any more, as the front page headline of the New York Post says, ''Hillary Did It.'' Well, whether it is Whitewater or the Vincent Foster suicide or the scandalous coverup of illegal activities, of the illegal activities of the health care task force or this Travelgate affair, America needs to get to the bottom of these matters. We

need to know the facts so that we can know who is governing this country and what they stand for.

If the little guy who keeps this Government going is stepped upon and abused like this, America will not be the same country. We must stand up for America and our ideals.

IN SUPPORT OF THE COALITION BUDGET

The SPEAKER pro tempore (Mr. HASTERT). Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I apologize to the staff, who I know I am keeping late. I hope what I say is worth hearing to the American people.

If you have been listening to the budget debate, you have heard Member after Member talk about reducing the deficit, and it is not so, folks, and the Congressional Budget Office has scored the plan put forward by the gentleman from Ohio [Mr. KASICH] for next year, the only year that this Congress could really vote on, because we are only elected for 2 years at a time.

The truth of the matter is that the budget by the gentleman from Ohio [Mr. KASICH], as introduced, would increase the annual operating deficit of this Nation from $236 to $270 billion, and hidden in there is the theft of about $100 billion from the trust funds that people pay into when you pay your FICA taxes, your social security taxes. That is not a plan to balance the budget. You do not balance the budget by taking your first step backwards.

There is a plan to balance the budget. It was put together by a group of people, mostly conservative Democrats, but some of them are now Republicans. It is called the Coalition budget. When compared to the Kasich budget, it would save this Nation $33 billion in the first 2 years and $53 billion in the first 3 years, the years that really count, the years where you can presume Members of Congress who are now Members of Congress will be around to live by it to make sure it works rather than saying someone 7 years from now is going to do what this Congress would not do.

Unfortunately, Speaker GINGRICH has now twice ruled that the Members of this body cannot even vote on this measure. But there is something that can be done about it. There is a discharge petition where Members of this body, if 218 Members of this body will go down and sign it, then we can vote on the Coalition budget. We can get to a balanced budget quicker. We can do it with less pain and less borrowing, and to tell you the effect of the borrowing is every 2 minutes in this Nation we have to go out and borrow a million dollars just to pay the interest on the national debt, every 2 minutes, $1 million in interest payments on the national debt.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Missouri.

Mr. SKELTON. As a supporter of the Democratic Coalition conservation budget, there were an awful lot of people that did vote for it, and it is looking better and better every day.

I would like for you to explain what you touched on a moment ago about the larger deficit on the operating expenses, please.

Mr. TAYLOR of Mississippi. Well, again, the American people, and I do not think the press explains this very well, there are two things we are dealing with. No. 1 is the accumulated debt over many years, where the Nation spent more money than it collected in taxes. That is $5 trillion. Until we will get to the balanced budget, every year they are spending more money than they are collecting in taxes, and that is the annual operating deficit. The annual operating deficit under the Kasich budget, as approved by the majority of the Republicans in the House, will borrow $270 billion for this fiscal year.

Mr. SKELTON. In other words, it is going to cost the Americans more?

Mr. TAYLOR of Mississippi. It will cost the Americans more. And they keep saying they have a 7-year plan to balance the budget, but the first step is a step backward, not a step toward balancing the budget, a step toward larger deficit.

Mr. SKELTON. The budget I voted for, the Democratic Coalition budget, does not do that? Is that correct?

Mr. TAYLOR of Mississippi. The Coalition budget is a step in the right direction. It would not borrow as much. Both of them, unfortunately, borrow money for the first year. It borrows less money, and cumulatively it borrows less, $50 billion less than the Republican plan.

TRIBUTE TO BRETT FAVRE

On a much lighter note, I am going to brag on a fine young man from the State of Mississippi, from a community that I doubt is even on the map, who last week was voted the most valuable player in the NFL, a young man by the name of Brett Favre, who is the most deserving of that of any American I can think of. His mom and dad are public school teachers back in south Mississippi. His dad was his high school football coach.

He went on and played for the University of Southern Mississippi. By sheer hard work and determination, he has been recognized as the finest football player in the United States of America. It could not happen to a nicer family. It could not happen to a nicer guy.

Congratulations, Brett Favre.

A DIFFERENT PERSPECTIVE ABOUT BALANCING THE BUDGET

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

Mr. KIM. Mr. Speaker, in California time right now it is 7 o'clock, and I hope that many people from my district will turn on their TV and watch me tonight. I think people are tired of listening to all of this bashing each other about balancing the budget. I want to talk about some different perspective about this balancing the budget.

The Government waste, that is what I would like to talk about tonight, the waste and fraud is everywhere, Medicare, Medicaid; you are talking about waste and fraud. It is unbelievable. Food stamps, my golly, they are buying at a discount rate, turning around and selling it, buying drugs. It is total wasting, all kinds of fraud going on.

The EITC, that is supposed to help people who have children, dependents. Now what happens? They changed the law back in 1987. Now anybody can receive a cash payment from the Government, even prison inmates. Waste and fraud, just beyond control. Welfare, we all know that.

Housing, my golly, we have got housing projects put together by a Federal agency. It is unbelievable. All the housing is empty right now and defaulted. It is just unbelievable waste and fraud going on.

We have more than 9,000 Federal programs overlapping each other. Nobody knows who is doing what. Each time there is a problem, we allocate the money and set up another agency to take care of this certain sector of the people, and this is going on, I do not know how many years, last 40 years. ''You have got the problem? Come and see us, we have got a program for you.''

Let me give you one bizarre story I read this morning in the Washington Post, Washington Times, and U.S.A. Today about the Department of Energy. It is a frightening story which I would like to share with you tonight and with the people of California.

DOE, Department of Energy, was founded back in 1977 by Mr. Carter during this energy crisis. This is a temporary agency. Their job is to manage oil control, oil price control, and rationing; second responsibility is to find the energy alternative to oil, imported oil, because we are afraid that someday oil-producing nations will control us. That is all it is. It is a domestic issue. They have got to stay and do energy research and oil price control. That is what their job is.

Today they have got 20,000 employees. They should have been gone a long time ago, 20,000 employees. What are they doing? Seventy percent of their money goes into weapons testing. Can you imagine, weapons testing? That should be done by DOD, Defense Department. Only 16 percent of the money goes to R&D, development of energy. I mean, this is just really ridiculous.

But let me tell you a real horror story. The agency Secretary, supposed to be in charge of the entire Department of Energy, she spent 130 days

overseas, took 16 overseas trips, higher than any other Cabinet official except the Secretary of State. Let me tell you typical example of a trip she took, recent trip to South Africa. The agency Secretary took 51 staff members and 68 guests, 119 people. They chartered a luxury jet, which is often chartered by Madonna. It has a wet bar and all this. It cost the taxpayers $560,000.

Next trip, to India, she took 63 staff members and 72 guests, mostly from environmental groups. It cost taxpayers $720,000.

Next trip, to China, cost you and I $845,000.

Trip to Pakistan was $500,000.

Adding this together, 4 out of 16 trips cost taxpayers $2.6 million. My God, is that not something?

But two trips alone, India and South Africa, they have 1,600 pages of expenses and a quarter million dollars missing. They could not find where they spent it.

Now, this is the kind of stuff going on. This is the typical example of Government waste and fraud before our eyes, and here we are talking balancing the budget.

The question is: Why is it? Why spend so much money, 130 days and 16 trips? why is that? Well, they said, ''We are going to get some contracts.'' Today's paper says that is not true. They did not get any contracts whatsoever.

It is really embarrassing, and I think if she curtails the trips, we could balance the budget easily.

THE BUDGET DEFICIT AFFECTS REAL HUMAN BEINGS

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

Mr. DORNAN. Mr. Speaker, I hope more than the citizens of Missouri stay tuned to the proceedings of this House tonight via the courtesy of C–SPAN, Mr. Speaker, to hear the gentleman from Missouri [Mr. HANCOCK] give what will probably be one of the more enlightening 30-minute special orders on taxation destroying this country and what we are doing here.

First of all, Mr. Speaker, I just called my home, and my daughter-in-law is still waiting patiently for the baby that we thought was coming a few hours ago, not here yet. If she makes it past midnight, it will be on the birthday of her daughter, Haley. That is No. 10 for my Sally and me. I really believe with all my heart, Mr. Speaker, that that is what we are fighting for here, for my three beautiful Griffin grandchildren out in California, Kevin, Colin, and Erin. Their mom is Robin. They married a Griffin. I call them my in team here and in California; No. 3 will join Haley and Robert K. Dornan III. Then there is my youngest daughter, with beautiful Liam Christopher Dornan Penn, the only redhead in the gang of 10. Four of my five were redheads. He is something really special.

Then there is, what have I got, 1, 2, 3, 4, then there is the original 3, the Colbins live out here in Virginia, Ricky, my first grandson, Tara, my first granddaughter, both of them soccer stars, Anna, another soccer star coming up, all of them exceptional students. These are names and faces of human beings that, pardon me for using an overworked word, I have bonded with all of them. They know me almost as well as they know their parents. They think their grandmother, my Sally, is the most world-class person to ever love a grandchild. They are real human beings. They are real human beings, and I cannot put an insufferable $5 trillion, soon to be $6 trillion debt before we begin to reverse this, on their back.

□ 2215

I said earlier that the whole debate here in its simplest terms is we won the day on the 7 years. It will be a 7-year balanced budget plan, no matter what Clinton and the gang at the White House does. But we should not be passing out medals on our side because this side wants to spend $13 trillion. They cannot throw off that tax-and-spend mindset that was locked in during Franklin Delano Roosevelt's days. He is not a hero of mine, the way he is of our hard-charging Speaker. He began this lunge towards socialism, and on this side we do not want to spend $13 trillion over the next 7 years. We want to spend $12 trillion.

Do you see what we are fighting here about, all the citizens in America, Mr. Speaker, that follow the proceedings of this House? $13 trillion, $12 trillion. $12 trillion is a bloody disgrace. It is too much government.

Although my heart goes out to any Government worker who is proud of their job, selected to be a civil servant, and feels they are contributing to a better life in this country, and wants to be on their job, and there was never a doubt for an instant they would not be paid. It was all this dislocation of steady money coming in, and mortgage payments. And I understand that, I am making mortgage payments and a car payment. I understand that the banks will not wait. We have taken care of that here today.

But remember this: All this angst about civil servants, and I turned on the network news tonight and here is this psychiatrist saying the civil servants are underdoing trauma, psychological disorder, they are going to need counseling, and some of them will have to be put under a suicide watch. Then they showed clothes testing at a burning manikin, and somebody came right out and said that the Republican part of this House, usually they like to focus in on the 73 freshmen, as though they are aliens that came to this place, they are going to cause children to die.

So for the next 2 minutes let me tell you what I saw in Germany and in Hungary over the last 4 days at the railheads: People on the Federal payroll, and not all of them so young, men and women, who are going to Bosnia and an uncertain mission. They are freezing. And one of the greatest writers, and I will put his articles in about the land mines, Col. David Hackworth, the highest decorated living American, as good a writer as he is, he did not have it correct here.

He talks about the land mines, and then he says they are going to ship their equipment down there, hunker down, ride down and meet up with their equipment.

They are not. These young men and women stay with their vehicles, their Bradleys, their Abrams tanks, their Humvee vehicles, and I never saw so many complicated armored systems as in this 1st Armored Division, whose beautiful pin I am wearing, Old Ironsides. They stay with their equipment, fingers cold, lashing it down, riding on the trains. The women rightfully complaining about no porta-potties, talking about how the men have a different way to go out in the field.

Mr. Speaker, let me put about six articles in the RECORD here that I was going to use in my special order. Think about these young men and women during the break.

[From the Army Times, Jan. 1, 1996]

GOING TO BOSNIA A GOOD WAY TO SEE DANGER, GROW OLD FAST

(By David H. Hackworth)

TUZLA, BOSNIA.—This place ain't exactly happy valley. After months of catching Serb cannon fire and hard fighting in the nearby mountains, things are grim. The war has left this city of about 110,000—mainly Muslims—bent, broken and bleak.

Even though the guns are now silent, few people smile. Most act like they had too much local plum brandy the night before and are wearing a head-throbbing hangover. All are waiting for the Yanks to kick-start them out of their misery and into the good life provided by Marshall Plan-type underwriting.

But the ''Amerikinci'' are slow in coming. So far, only a few dozen aircraft have landed at the airbase that sits just south of the city. These planes are bringing in the vital technicians who will lay the logistic base to support our 20,000 U.S. troopers.

The warriors will not come by air. They'll ship their heavy stuff by rail from Germany to Hungary. After the peace accord is signed, they'll marry up with their gear and roll in over 120 miles of rugged road—locked, cocked and ready.

Once on the ground, America's Task Force Eagle will be the Tuzla high sheriff, with the mission of keeping the Serbs and Muslims from going back to blowing each other away.

It's too early to tell if this can be done without a few High Noons. I have a gut feeling that the main Bosnian combatants will cool it and wait out NATO's one-year say. One Muslim says that if his folks ''are not armed,'' the war will start again just as soon as NATO leaves, and his side will lose.

The way it looks now, except for hit-and-run attacks by small bands of crazies, the big killers will be the mines, the bad roads and the many drunken Bosnian drivers.

No one knows how many mines are scattered across this savaged land. United Nations reports say there are over eight million mines and booby-traps in Bosnia alone.

I spent two days with Swedish mine-clearing team working 10 miles out of Tuzla clearing a field of widow-making anti-personnel mines, a dangerous and painstaking duty.

With the care of brain surgeons, eight men clear about 20 square yards on a good day. One man works about one square yard at a time.

First he sweeps with the mine detector.

Then he gets down on his knees and cuts all the vegetation with his clippers and gingerly probes every inch of dirt with a two-foot ice pick or bayonet, looking for the plastic mines the detector doesn't pick up.

When these brave men find a mine, they carefully dig around and under it to make sure it's not booby-trapped. Then they disarm it. Not work for the fainthearted. Each man is a hand-picked volunteer.

Their captain, Thomas Stenberg, says, ''They must have the right attitude.'' Boy, do they ever, and they don't even get extra pay!

The roads here are narrow, muddy roller coaster. In many places, the mines have not been cleared on the sides of the road.

Two weeks ago, a civilian tractor hit a mine where Stenberg's team is working, killing four people. Their clothes are still hanging in the bushes where the blast blew them.

Bosnian drivers are always in a hurry. They haven't gotten the word about drinking and driving, either, so too many blaze along these death roads ripped out of their gourds.

I'm not sure troops will accomplish much during their one-year tour here, other than facing a lot of danger and growing old fast.

I'll bet this futile mission would be scratched if Clinton and the Capitol Hill gang sending them came in with the advance party and worked the trenches and roads for 30 days.

As a matter of fact, I think you could eliminate war entirely if the Doles and Clintons led the first wave.

Mr. DORNAN. Mr. Speaker, here is a particularly thoughtful statement by Col. David Hackworth:

The brass decided early on that the best way to prepare for the coming mission is relentless training. Task Force Eagle has spent months rehearsing the details of this plan—even down to the level of briefings to journalist. ''I war-gamed what questions the press would ask, wrote them down, took them to the division public-affairs officer and we went over them,'' says Lieutenant Colonel Kooyman. Leave nothing to chance, and avoid a failure like Somalia.

That's the idea, anyhow. The old army way of doing things—''stay loose and expect the unexpected''—won't hack it in Maj. Gen. William Nash's outfit. But I'm not sure what this kind of zero-defect mentality will do to soldiers in the First Armored. Murphy's law applied to combat says that nothing ever goes according to plan. My gut tells me these men may be trained in a way that could hurt them on a future hot battlefield where they'll have to think on their feet—where they can't pull out the plan and consult Annex A. A CO's worst nightmare is to watch his warriors lose their hard-gotten fighting skills in peace enforcement missions like Bosnia. But this may be the price of post-cold-war soldiering.

And how about this analysis of the vicious cold our men and women will face.

[From the USA Today, Jan. 2, 1996]

FOR TROOPS, BEAT THE COLD—ARMY TAKING EXTREME MEASURES

(By Jack Kelley)

POSAVINA CORRIDOR, BOSNIA-HERZEGOVINA.—They jump up and down, skip back and forth, shadow box with the wind.

They are U.S. soldiers trying to stay warm in this region of Bosnia about 30 miles north of Tuzla. Part of a 60,000-soldier NATO team sent to enforce a negotiated peace in Bosnia, they are finding that weather is the greatest obstacle to a mission accomplished.

''Bosnia adds new meaning to the word 'cold,''' says Pvt. Michael Ready, 23, of Chicago. He apologizes for not enunciating his words, explaining that his mouth is too cold to speak.

''This feels like one of those bad Chicago cold spells,'' he manages to say. ''The kind we get once in a hundred years. But here it's happening every day.''

Winter storms closed down Tuzla air base for four days, delaying the arrival of thousands of troops. Snow is masking dangerous land mines. The cold is causing concern about hypothermia.

How cold is it? It is not the coldest winter in Bosnia's history. But it is the kind of raw, wet cold that makes ice form around the rim of the eye- and mouth-holes of wool caps.

In December, Bosnia got up to 12 inches of snow. The temperature barely topped 20 degrees during the day; winds made it seem like 5 degrees below zero. At night, temperatures dipped to minus 20.

And the worst may be yet to come: TV Tuzla, the main government-run television station, is forecasting a colder than normal winter. It says wind-chill temperatures will hit below zero at least one day almost very week.

''The weather has become our No. 1 enemy,'' says Pvt. Adam Seegraves, 25, of Riverside, Calif. ''Our tents are frozen. We've been living in the Humvee (military vehicle) for two days.

''You start asking, 'What am I doing here?''

The U.S. military has not encountered such cold since the Korean War, when many casualties were blamed on the bitter winters. The temperature often fell to 35 below, exacerbated by a wind unbroken by a stark landscape.

About 7,000 troops were out of action because of frostbite or stomach ailments.

U.S. Army officials, who insist that the weather has had only a minor effect on their four week-old mission, are quietly ordering new measures to avoid cold-weather injuries.

Among them:

Rotating soldiers at checkpoints every thirty minutes instead of every hour.

Installing kerosene heaters in nearly all tents and underground bunkers.

Serving two hot meals a day instead of one and boosting calorie counts from 2,000 to 3,000 a meal.

Issuing a second pair of cold-weather boots so soldiers can dry out the first pair while wearing the second.

Ordering soldiers to oil their weapons and other equipment to prevent them from rusting.

We're constantly checking the soldiers for cold,'' says Sgt. Robert Butcher, 30, of Clarksburg, W.VA. ''It outweighs all other missions. The weather can wipe out a considerable amount of troops.''

In the Army, cold-weather injuries are considered a command failure.

As a result, soldiers have been issued waterproof coats, pants, and boots and even body suits made with 1½ inches of insulation.

Still soldiers complain that their large rubber boots, jokingly called Mickey Mouse boots, do not live up to expectations. Manufacturers say the boots are made to withstand temperatures to minus 140 degrees.

Many soldiers have begun taking matters into their own hands. They've written home asking family members to send boots, extra socks, long underwear and hot chocolate.

While on guard duty or patrol, they're standing on sand bags or wooden planks to keep their toes from going numb. At the risk of being punished for breaking regulations, they are filling their water canteens with hot coffee or soup. Some are even sneaking into officers' quarters at night to use heated restrooms instead of outside latrines.

At least one soldier is bringing her kerosene heater into the latrine with her.

''The main game here is survival,'' says Pvt. Cindy Cunningham, 20, of Oklahoma City, her breath causing a cloud of vapor. ''This feels like the North Pole.''

Despite the complaints, no one has been seriously injured by the cold. There have been a few close calls.

Last week, troops underestimated the cold when they began a three-day mission to rescue a U.S. helicopter. The chopper, which had mechanical problems, had made an emergency landing near the Serb-controlled city of Banja Luka. One soldier almost died after being outdoors for three days in below-freezing temperatures.

But Serb residents came to the troops' rescue, giving them coffee, soup, and wood to build fires. They even allowed the troops to sleep in their barns.

The weather also is affecting mine-clearing operations, says U.S. Maj. Gen. William Nash. Nearly all the estimated 6 million mines in Bosnia are buried beneath the snow, officials say.

''We just can't see what we're doing.'' Nash sighs.

The result is danger:

During the weekend, Spec. Martin John Begosh, 24, of Rockville, Md., became the first known casualty of the Bosnian peacekeeping mission when his Humvee hit a snowcovered mine. Begosh, who suffered leg injuries, is in stable condition.

Last week, soldiers at the Tuzla air base unknowingly set up their tent 8 feet away from a mine. Several walked within inches of the mine for two days before it was discovered and destroyed.

Military officials also are encountering another unexpected problem. Nearly a dozen soldiers who neglected to turn off their kerosene heaters at night before falling asleep have set their tents on fire.

Some, dismayed at the whining, insist that their colleagues need to toughen up.

They point out that temperatures soared to nearly 60 degrees last month and that many soldiers walked around in T-shirts and short pants.

''The kids from Georgia and Alabama aren't used to this snow, but most guys aren't complaining,'' says Air Force pilot Capt. Dennis Davoren, 30, of Chicago. ''As long as you're busy, you don't think about the cold.''

In preparation for the Bosnia mission, many soldiers trained for two weeks in the icy Austrian Alps. They seem eager to beat the cold.

''There's no reason for a soldier out here to be getting cold,'' says Sgt. Michael Campbell, 28, of Benson, N.C., on guard duty in a driving snow storm outside Tuzla air base. ''We trained. We conditioned ourselves. If we hadn't, it would have broken us down.

''Most people can handle this.''

But try telling that to Bosnian, Serb and Croat Soldiers who found it so cold here that they stopped fighting in the winter months during their four-year war.

''You Americans must respect the weather,'' says Serb commander Mladen Vujicic, his face red with cold at a nearby checkpoint. ''The American soldier should fear it more than us. You cannot beat it.''

TV Tuzla is already predicting that one of every two of Tuzla's 160,000 residents, and some NATO peacekeeping troops, will catch a flu or virus this winter.

Residents are even using a slang word to describe the weather: hafifno, which roughly

translates into an English four-letter word. U.S. troops are doing the same.

''It's going to be a long winter,'' says Sgt. Jason Borgeson, 23, of Windsor, Conn., on guard duty here.

''We'll be fighting an enemy we can't control.''

Mr. DORNAN. And then, Mr. Speaker, the horror of millions of land mines. Please read this from the truth seeking Washington Times.

[From the Washington Times, Jan. 3, 1996]

THE HORROR OF THE LAND MINES

(By Tom Evans)

American troops in Bosnia will face land mines. The folks at home who are sending the troops ought to be sure they understand what that means, Unfortunately, we as a nation have had all too much experience.

Thirty years ago the Viet Cong frequently buried mines in populated areas where American troops walked. Troops were often funneled into columns by narrow rice paddy dikes and trails.

The most commonly used enemy mine in my battalion's area of operations was called the ''Bouncing Betty.'' It bounced waist-high before exploding. To teen-age American Marines and soldiers it was the most demoralizing type of mine. And it was American-made. We had supplied them to our allies, the South Vietnamese army, but the Viet Cong captured them. American Marines were forever bitter toward their allies for that.

In the area we called the ''Street Without Joy,'' a few miles northwest of the imperial capital city of Hue, mine detectors were rarely used on operations until somebody stepped on a mine. We assumed it was because the patrol just moved too slowly behind an engineer sweeping the long-handled dish along the ground. In fact, there as a joke in the Marine infantry. Question: What's the best mine detector the Marine Corps has? Answer: The Model PFC, one each.

The first American I saw killed stepped on a ''Bouncing Betty'' mine. He was Bernard Fall, a civilian author and one of the foremost Western authorities on Vietnam at that time. Almost 20 years later I found a photo in the National Archives of Fall taken moments after he died in February 1967. The picture, taken by a combat photographer, would never have been taken of a serviceman, but Fall was a civilian. The picture was so terribly graphic that it was marked ''Not To Be Released For Publication.'' Since it was declassified by the time I saw it, I planned to order a copy and someday show my then-1-year-old son what war really looked like. But I never did.

Unfortunately, I witnessed other mine incidents also. Some of the victims lived, at least for a while. There were three sounds we came to dread: the ''ca-rumph!'' sound of the mien explosion; the call ''Corpsman [or medic] up!''; and if the young, shocked Marine was still alive, sometimes ''Mother!'' or ''Mama!''

Recently I attended my Vietnam battalion's reunion. Some of us discussed the terror of walking down a path that might be mined. Usually the earth is an infantryman's friend. He digs a fighting hole—the deeper he digs, the safer he is. But with mines, the earth is the enemy.

A machine gunner in our unit stepped up onto a rice paddy dike on a bounding-type mine and froze when he heard the click. An engineer disarmed the mine underneath his foot, and Reader's Digest wrote up his story. But his story of survival was one in a million.

Also, there is no enemy to fire back at when a mine explodes. The nearest villagers might suffer the infantrymen's wrath.

When we send troops into Bosnia and say they will be exposed to land mines, we should know what they are getting into.

CARE NEEDED IN EDITING SUBMITTED EDITORIALS

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

Mr. HANCOCK. Mr. Speaker, I apologize to the staff that is having to stay here this late hour. However, I feel that this subject I want to talk about is of the utmost importance. It is something that has been bothering me for quite some time. In fact, before I came into the Congress, I had been in the Congress now about 7 years, I said 7 years ago when I first was elected that I believed in the principles of limited terms, and I would only serve in the Congress for a maximum of four terms, and then I would go back home and live under the laws we passed. I am doing that. This is the first time in 7 years that I have ever asked for time to make a special order.

Mr. Speaker, I believe in the Bill of Rights. I think that our Founding Fathers got some divine guidance when they drafted the Constitution of the United States and when they put the Bill of Rights in.

The first amendment talks about the freedom of speech and the freedom of the press. I fully support that. I do not think that anybody would question that one of the great things about this country is that we are able to speak, to exercise our judgment, to possibly be wrong in our opinions. But as long as we basically are telling the truth and as long as we truly believe in what we are saying, then we have those rights.

Mr. Speaker, I am going to guess that there are other Members of Congress that have had a little difficulty on what they feel possibly is misrepresentation, that they were quoted out of context, that there were statements made or repeated that can be misleading.

Where I have got the problem is a few weeks ago, in fact on December 28, I had requested the Springfield newspaper, Springfield, MO, the News Leader, part of USA Today's organization, if in fact they would agree to publish an editorial which I wrote entitled ''The truth about the GOP plan to balance the budget,'' by U.S. representative MEL HANCOCK.

This is the truth as I know it. Before I came into Congress, I could say, well, it is the truth. Now that I am in the Congress, well, I have to say it is the truth as I know it.

They agreed to publish the editorial. The same editorial was submitted to practically all of the weekly papers in my district, and those papers reproduced the editorial word for word, no editing. The Springfield newspaper edited my editorial without contacting me in any way whatsoever. They substantially changed what the editorial had to say. I appreciate the fact that they did agree to publish the editorial, but I feel that since they did edit it, that they should have at least put a disclaimer acknowledging the fact that they edited the editorial. I am sure that there are other Members of Congress that have had the same thing happen to them.

So what I want to do this evening is I am going to go over in detail what the editorial said and what they decided to change.

Mr. EMERSON. Mr. Speaker, if the gentleman would yield, I thank the distinguished gentleman from the seventh district of Missouri for yielding, and I commend him on the valuable service that he is performing here. I think the gentleman is being mild in his approach, and I think what you are talking about is something that is of concern to all of us. I have had it happen before where things were taken out of context, and the ultimate meaning was changed. We all believe in the first amendment, but that is just not fair when they do that to you.

But I want to say this about the gentleman from Missouri. I have served here throughout his entire tenure in the House of Representatives, and if there is one thing for which the gentleman from southwest Missouri is noted, it is his integrity and the fact that he endeavors to hit the nail on the head with every act that he commits. It is not always popular, but he does try to be accurate and correct and proper and appropriate. I do not believe there is anyone in this House who would challenge the integrity of the gentleman from Missouri.

I just want to thank the gentleman for what he is doing here and say I think in the political arena, we all from time to time get carried away with rhetoric, and sometimes actions are committed that maybe are later regretted, and perhaps that happens in the media business. They get caught up in the politics of certain situations, and being mortals, as people in the media are, sometimes probably get into that political syndrome and forget that they have under the Constitution, under the first amendment, a very, very high responsibility to fairness.

So I commend the gentleman for what he is doing.

Mr. HANCOCK. I thank you very much. I appreciate the kind words. I felt like when I was elected to the Congress I came up here with a good reputation. I plan on leaving the Congress at the end of this term with a good reputation. After all, that is really all you have to leave, is a good reputation.

Mr. EMERSON. If the gentleman would yield further, I would venture here to say I think the gentleman will leave the Congress with his reputation fully intact.

Mr. HANCOCK. I thank the gentleman very much. I appreciate the comment.

Let me go over in detail what happened. The first sentence said, ''It is a mixed bag for Republicans in Congress these days.'' The ''in Congress'' was edited to where it reads ''It is a mixed bag for Republicans these days.''

Well, it is. Maybe that is minor, but what I was talking about on the truth about the GOP plan to balance the budget is that it is a mixed bag for Republicans in Congress these days.

I will go ahead. ''On the one hand, we are thrilled so far with our legislative progress on important issues. The Republican House and Senate overwhelmingly passed a plan that will balance the Federal budget in 7 years, save the Medicare program from certain bankruptcy, while actually spending more on benefits to seniors and give $245 billion in well deserved tax relief to the American people. On the other hand, despite this truly historic record of accomplishment.''

They edited ''despite this truly historic record of accomplishment.'' That is my opinion. They evidently did not agree.

''Congressional Republicans are taking a beating in the polls and in the national news media. President Clinton and his Democrat allies in Congress have done an effective job of turning public opinion in their favor, thanks in part to the collaboration of their liberal friends in the national media.''

They edited ''thanks in part to the collaboration of their liberal friends in the national media.''

''In the end, it is our responsibility to make sure that people understand what we are doing on their behalf, and to that end I would like to clear up some widespread misconceptions.''

Despite the impression you may have been given, that was edited out.

''The Republican plan to balance the budget does not savagely cut vital programs like Medicare, Medicaid, food stamps, school lunches and student loans. Every one of these programs will actually enjoy a hefty spending increase. Spending on Medicare will increase under the Republican plan 6.4 percent a year.'' I understand that is actually 7.2, more than any other Government program and at twice the rate of inflation.

''The amount we spend on each Medicare recipient will go up by $2,300, from $4,800 to $7,100.''

They edited out ''from $4,800.'' That is probably a minor edit.

''There will be no increase in deductibles or copayments, and the premiums will increase at the same rate as they have for 30 years. What is more, seniors will have more health care choices, which may mean lower costs for them on Medicare. And, most importantly, because of our reforms, the Medicare program will not go bankrupt in 2002.''

They edited out ''and most importantly, because of our reforms,'' and with their editorial license, made me say, ''the Medicare program will not go bankrupt in 2002.'' Well, it will without the reforms.

''What about other programs? Under the Republican plan, Medicaid spending goes up from $433 billion over the last seven years to $733 billion over the next seven years, an increase of $330 billion.''

They took that out.

□ 2230

Food stamp funding, they took out an increase of $330 billion. Food stamp funding goes up from $3.4 billion to $4.2 billion, an increase of $800 million. That was out, an increase of $800 million.

School lunch program funding goes up from $4.5 billion to $5.6 billion, an increase of $1.1 billion. That increase of $1.1 billion was edited out.

As for student loans, let me stop here just a second. There are, I think, six colleges in Springfield, MO: Southwest Missouri State University, Drury College, Evangel College, and several bible colleges. As for student loans, while our plan does save $10 billion over the next 7 years on that program, the only change we have made is to require students to make interest payments on their loans during the 6-month grace period following graduation. Not regular loan payments, mind you, just interest payments.

At the same time, under the GOP plan, 700,000 more students will be eligible for aid next year alone. They will still receive the same Federal guarantee which makes such loans possible. The taxpayers will still subsidize the loans by paying interest while student borrowers are in school and the interest rates on the loans are likely to go down. That was edited out, they will still receive the same Federal guarantee, on down to where interest rates are likely to go down.

Republicans achieve a balanced budget, but do not cut vital programs. We simply hold the line on large spending increases. That sentence, we simply hold the line on large spending increases, was edited out. We slow the growth of Government spending enough for already growing revenues to catch up. Only a handful of boondoggle programs, and here again it is judgmental, like the National Endowment for the Arts, the Corporation for Public Broadcasting, and the AmeriCorps-paid volunteer program are actually cut. In truth, we could and should have gone much further.

The other misconception promoted by President Clinton is that the tax cuts in the Republican plan only benefit the rich. In fact, the tax cuts in the Republican plan will benefit working families, senior citizens, farmers and small business owners; practically our entire society. Decide for yourself. That was edited out, decide for yourself.

Consider the following provisions: A $500 per child family tax credit, repeal of the 1993 tax hike on Social Security benefits, lifting of the Social Security earnings limit on seniors, a $500 elder care tax credit to help families take care of elderly parents and grandparents, a $5,000 tax credit to help families defray the legal expense of an adoption, a doubling of the depreciation allowance for growing small businesses, and an allowance for individuals to save up to $2,000 a year for education, medical expenses, first-time home purchases or retirements.

One provision cited by liberals as a benefit to the rich is a 50 percent reduction in the capital gains tax, the tax on the profit from the sale of property. However, according to IRS figures, 77 percent of those who would benefit make $75,000 a year or less, helping anyone with a farm, a small business, real estate, or long-term investment, such as a retirement savings.

The more people know the facts about the Republican plan to balance the budget, the more they seem to support it. The problem is very little of the truth has made it through the filter of the White House spin doctors. That was edited out. The problem is very little of the truth has made it through the filter of the White House spin doctors.

While Republicans in Congress need to do a better job of communicating our plans to the American people, they can definitely count on us and conservative Democrats to stand firm in our commitment to balance the budget in 7 years or less and deliver long overdue tax relief to the American people.

That is the entire editorial. As I mentioned, it was published by a lot of the newspapers word for word.

I wrote a letter dated December 28 in which I said, ''While I am grateful the News Leader published my editorial on December 28, 'GOP Plan Protects Vital Programs', you edited it quite a bit, deleting some important points.'' I will say that I hope that this next sentence is factual. ''I am certain this was done because of space restrictions and not to prevent me from correcting media misrepresentations about the Republican plan to balance the budget. Some changes were minor but the information on Medicare and capital gains taxes is important.''

I will go ahead and read the entire letter into the RECORD. ''The published version of my editorial reads the Medicare Program will not go bankrupt in 2002. That is not correct. Unless something is done to reform Medicare now, the program most certainly will go bankrupt in 2002, depriving 34 million citizens of tax supported health care.''

''What I said in the submitted version of my editorial was, 'And most importantly because of our reforms, the Medicare program will not go bankrupt in 2002.' Because of our reforms. There is an important difference. Without Republican reforms, Medicare will go bankrupt. With them, it will be saved.''

''So far the President has refused to produce an alternative plan that will save Medicare. In my submitted editorial I also addressed capital gains tax cuts, the linchpin of President Clinton's argument that our plan benefits

only the rich. I wrote: 'One provision cited by liberals as a benefit to the rich is a 50 percent reduction in the capital gains tax, a tax on profits from the sale of property. However, according to IRS figures, 77 percent of those that would benefit make $75,000 a year or less, helping anyone with a farm, small business, real estate or long-term investment, such as retirement savings.'

''Again, thank you for publishing most of my original editorial and allowing me to share these additional points with your readers.''

I was hoping that they publish this letter. As of to date it has not been published.

Anybody can be wrong in their judgment. They can be wrong in their opinion. But I truly believe that any time the fourth estate decides to take it upon themselves to edit pieces that they have the option of not publishing at all, if they are going to edit, I feel they have the obligation to go back to the person that wrote it. If they are not going to do that, then I think they should put a notice on the letter to the editor, the op ed piece or what have you, that it has been edited. I think it is only fair.

I know I have had lots of people write letters to the editor and send me a copy of it. Then when I read it in the paper, it is not even close to what they wrote, but yet there is nothing in that paper that says that it has been edited.

I am sure that almost every Member of Congress and a lot of people understand exactly what I am talking about, and I would ask the editors, the publishers of newspapers, on their own, to make it a policy that they never edit on anything that is submitted to them; that they never edit without going back to the person that wrote it, give them a chance to either correct it or at least, if they do edit it, to do like most books will say if a book is edited. It will say on that book, edited by some individual.

I think it is only fair. I think that failure to do that, actually, denies, in effect, the citizen's right of the first amendment, which is the right of free speech. I feel that the No. 1 thing that makes the difference of where we are in this day and age is that we have almost instant communication through the television, radio, and daily newspaper. Without that, 200 years ago I do not know whether this country or any other country could withstand the things that are going on now because their citizens would not have been informed that it very well could be too late.

I think we are dependent upon instant communication and communicating with our citizens, informing them. Disagree with the opinion, that is fine. Do not publish it, but do not edit it. Because, in effect, that writer is denied his or her right of free speech.

Naturally, I guess somebody that wanted to be a little facetious could say, well, buy your own newspaper. Well, maybe. I think we have an obligation, and I would hope that we could get a voluntary commitment, because without a voluntary commitment, I think that even though I am one that says we ought to repeal a lot of laws instead of passing a lot of laws, I would have to recommend and introduce legislation that would require by law what we just talked about; either do not publish it, notify the writer that it has been edited and get their approval first, or put a disclaimer on it.

I think that is only fair and I think that supports the first amendment rights of individual citizens, and I think that it is essential that we are able to communicate and inform the people that are counting on the media to tell them the truth. That is all I am asking.

Mr. Speaker, I apologize again to the staff for having to stay while I talked about what I think is one of the most serious things that can happen. If we cannot count on our media to be accurate, this country has got serious troubles.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUI (at the request of Mr. GEPHARDT), for after 7 p.m. tonight, on account of family medical reasons.

Mrs. MORELLA (at the request of Mr. ARMEY), for after 6 p.m. today, on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MINGE) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 1643. An act making appropriations for certain activities for the fiscal year 1996, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On January 4:

H.R. 2203. An act to reauthorize the tied aid credit program of the Export-Import Bank of the United States, and to allow the Export-Import Bank to conduct a demonstration project.

H.R. 1295. An act to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

H.J. Res. 153. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

RECESS

The SPEAKER pro tempore (Mr. HASTERT). Pursuant to subsection (a) of the first section of House Resolution 330, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

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

1918. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with France, Germany, and Italy in the project definitions and validation phase of development of MEADS, a mobile surface-to-air missile system, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1919. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1995, pursuant to 22 U.S.C. 2904(b); to the Committee on International Relations.

1920. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 1878 and H.R. 2539, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1921. A letter from the Secretary, American Battle Monuments Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1922. A letter from the Archivist of the United States, National Archives, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1923. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting

the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1924. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1925. A letter from the Director, Office of Personnel Management, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1926. A letter from the Chairman, Railroad Retirement Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1927. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1928. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the Bureau of Justice Assistance report entitled ''Fiscal Year 1994 Annual Report to Congress,'' pursuant to 42 U.S.C. 3711 et seq.; to the Committee on the Judiciary.

1929. A letter from the Clerk, U.S. Court of Federal Claims, transmitting the court's report for the year ended September 30, 1995, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

1930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–7: Presidential Certification to Suspend Sanctions Imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro); jointly, to the Committees on National Security, International Relations, Banking and Financial Services, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 336. Resolution providing for the disposition of the Senate amendment to the joint resolution (H.J. Res. 134) making further continuing appropriations for fiscal year 1996, and for other purposes (Rept. 104–448). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 338. Resolution providing for the disposition of the Senate amendment to the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA (Rept. 104–449). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. STUMP (for himself and Mr. BUYER):

H.R. 2851. A bill to amend title 38, United States Code, to provide for approval of enrollment in courses offered at certain branches or extensions of proprietary profit institutions of higher learning in operation for more than 2 years; to the Committee on Veterans' Affairs.

By Mr. TEJEDA (for himself, Mr. GONZALEZ, Mr. BONILLA, and Mr. SMITH of Texas):

H.R. 2852. A bill to amend title 10, United States Code, to repeal certain limitations on the operation of Department of Defense depots; to the Committee on National Security.

By Mr. CRANE (for himself and Mr. RANGEL):

H.R. 2853. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. EMERSON, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EWING, Mr. COMBEST, Mr. BOEHNER, Mr. CHAMBLISS, and Mr. NETHERCUTT):

H.R. 2854. A bill to modify the operation of certain agricultural programs; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. MARTINI, and Mr. GREENWOOD):

H.R. 2855. A bill to provide that the President, Vice President, members of the President's Cabinet, and Members of Congress shall not be paid during a Federal Government shutdown; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. TORRICELLI, Mr. TOWNS, Ms. MCKINNEY, Ms. FURSE, Mr. FALEOMAVAEGA, Ms. RIVERS, Mr. MORAN, Mr. WAXMAN, Mr. TORRES, Mr. MANTON, Mrs. MINK of Hawaii, Mr. JOHNSTON of Florida, Mrs. MORELLA, Mr. EVANS, Ms. PELOSI, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. BEILENSON, Mr. YATES, and Ms. ESHOO):

H.R. 2856. A bill to amend the Marine Mammal Protection Act of 1972 to uphold the integrity of the U.S. tuna labeling program, support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Resources, and in addition to the Committees on Commerce, International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. MILLER of California, Ms. PELOSI, Ms. JACKSON-LEE, Mr. MORAN, Mr. HOYER, and Mr. DELLUMS):

H.R. 2857. A bill to provide for relief to Federal employees, Federal contractors, and employees of Federal contractors for expenses incurred as a result of nonpayment of basic pay or impediments against contract performance arising from lapses in appropriations; to the Committee on Government Reform and Oversight.

By Mr. SMITH of New Jersey:

H.R. 2858. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide that any survivor annuity for a child that terminates by reason of such child marrying shall resume, absent any other disqualifying event or condition, if and when that marriage ends; to the Committee on Government Reform and Oversight.

By Mr. TATE:

H.R. 2859. A bill to authorize the Secretary of the Army to exchange a certain parcel of real property at Fort Lewis, WA; to the Committee on National Security.

By Mr. WHITFIELD:

H.R. 2860. A bill to repeal restrictive provisions of Federal law relating to colored margarine; to the Committee on Commerce.

By Mr. DREIER (for himself, Mr. TAUZIN, and Mr. ZIMMER):

H.R. 2861. A bill to amend the Internal Revenue Code of 1986 to exclude long-term capital gains from gross income; to the Committee on Ways and Means.

By Mr. KASICH:

H. Con. Res. 131. Concurrent resolution establishing procedures making the transmission of the continuing resolution (H.J. Res. 134) to the President contingent upon the submission by the President of a 7-year balanced budget using updated economic and technical assumptions of the Congressional Budget Office; to the Committee on Rules.

By Ms. DUNN of Washington:

H. Con. Res. 132. Concurrent resolution relating to the extradition of Martin Pang from Brazil to the United States; to the Committee on International Relations.

By Mr. ROTH:

H. Res. 335. Resolution to congratulate the Green Bay Packers of the National Football League on winning its first National Football Conference [NFC] Central Division title in 23 years and to commend Quarterback Brett Favre for being recognized as the National Football League's Most Valuable Player; to the Committee on Government Reform and Oversight.

By Mrs. KENNELLY:

H. Res. 337. Resolution electing Jesse L. Jackson, Jr., of Illinois to the Committee on Banking and Financial Services; considered and agreed to.

By Mr. TAYLOR of Mississippi (for himself, Mr. MONTGOMERY, Mr. PARKER, Mr. THOMPSON, Mr. WICKER, Mr. WATTS of Oklahoma, and Mr. LARGENT):

H. Res. 339. Resolution to congratulate Brett Favre, a native of Fenton, MS, for winning the 1995 National Football League Most Valuable Player Award; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

185. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to the release of Jimmy Tran from prison in Vietnam; to the Committee on International Relations.

186. Also, memorial of the General Assembly of the State of California, relative to human rights violations and political oppression in Vietnam; to the Committee on International Relations.

187. Also, memorial of the Legislature of the Virgin Islands, relative to adoption of the Florida Senate Resolution relating to the Republic of China on Taiwan; to the Committee on International Relations.

188. Also, memorial of the General Assembly of the State of California, relative to cultural antiquities; to the Committee on International Relations.

189. Also, memorial of the General Assembly of the State of California, relative to dedication of a Pearl Harbor Memorial in Washington, DC; to the Committee on Resources.

190. Also, memorial of the General Assembly of the State of California, relative to the involvement of the U.S. Army Corps of Engineers in flood control projects within the State; to the Committee on Transportation and Infrastructure.

191. Also, memorial of the General Assembly of the State of California, relative to Social Security; to the Committee on Ways and Means.

192. Also, memorial of the General Assembly of the State of California, relative to child support enforcement; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 123: Mr. FRANKS of New Jersey and Mr. BLUTE.

H.R. 305: Ms. HARMAN.

H.R. 497: Mrs. FOWLER.

H.R. 573: Mr. GENE GREEN of Texas.

H.R. 580: Mr. TRAFICANT.

H.R. 619: Mr. COYNE.

H.R. 620: Mr. COYNE.

H.R. 991: Mr. JOHNSON of South Dakota.

H.R. 1160: Ms. MCKINNEY.

H.R. 1305: Mr. FATTAH AND Mr. OLVER.

H.R. 1552: Mr. VENTO, Mr. SCHIFF, and Ms. HARMAN.

H.R. 1619: Mr. BREWSTER and Mr. HUTCHINSON.

H.R. 2008: Mr. COYNE.

H.R. 2011: Ms. SLAUGHTER and Mr. WATT of North Carolina.

H.R. 2143: Mr. COYNE.

H.R. 2202: Mr. FRAZER.

H.R. 2246: Ms. VELAZQUEZ and Ms. LOFGREN.

H.R. 2458: Mr. SISISKY, Ms. LOFGREN, Mr. LOBIONDO, Mrs. LOWEY, and Mr. SHAYS.

H.R. 2472: Mr. FRAZER, Mrs. SLAUGHTER, Mr. PASTOR, Ms. BROWN of Florida, and Mr. VISCLOSKY.

H.R. 2557: Mr. THORNBERRY, Mr. CONDIT, Mr. HASTINGS of Washington, and Mr. ZIMMER.

H.R. 2579: Ms. HARMAN, Mr. SCOTT, Mr. SOUDER, Mr. WAMP, Mr. PAYNE of New Jersey, Mr. MILLER of California, and Mr. WAXMAN.

H.R. 2639: Mr. BARRETT of Wisconsin and Mr. WYNN.

H.R. 2651: Mr. CRAMER, Mr. MICA, Mr. BURTON of Indiana, Mr. POSHARD, Mr. FATTAH, Ms. ROS-LEHTINEN, Mr. HOLDEN, and Mr. HILLIARD.

H.R. 2652: Mr. JOHNSON of South Dakota, Mrs. LOWEY, Mr. NADLER, Mr. WYDEN, Mr. SABO, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. KLINK, Mr. SHAYS, Ms. FURSE, and Mr. COYNE.

H.R. 2655: Mr. MANTON.

H.R. 2658: Mr. DAVIS, Mr. HOLDEN, Mr. LANTOS, Ms. LOFGREN, Mr. PAYNE of Virginia, Mr. SANDERS, Mr. WYNN, Mr. OWENS, and Mr. MINGE.

H.R. 2664: Mr. WELLER.

H.R. 2671: Mr. SHAYS, Mr. WYNN, Mr. PAYNE of Virginia, and Mr. UPTON.

H.R. 2690: Mr. MCDERMOTT, Mr. GONZALEZ, and Mr. OXLEY.

H.R. 2691: Mr. PAYNE of New Jersey, Ms. LOFGREN, and Ms. JACKSON-LEE.

H.R. 2700: Mr. BONILLA, Mr. DOGGETT, Mr. LAUGHLIN, Mr. COMBEST, Mr. DELAY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE, Mr. FIELDS of Texas, and Mr. ARCHER.

H.R. 2716: Mr. RANGEL.

H.R. 2731: Mr. BONO.

H.R. 2745: Mr. FARR, Mr. CONYERS, Mr. JACOBS, and Mr. CARDIN.

H.R. 2757: Mrs. SMITH of Washington.

H.R. 2785: Mr. FARR, Mr. FRAZER, Mr. BALDACCI, Mr. WATT of North Carolina, Mr. STUDDS, and Mr. WARD.

H.R. 2803: Mr. ROGERS and Mr. CONYERS.

H.R. 2828: Mr. DAVIS.

H.R. 2837: Mrs. COLLINS of Illinois, Mr. DEUTSCH, Mr. BATEMAN, Mr. LIPINSKI, Mr. PASTOR, and Mr. GONZALEZ.

H.R. 2839: Mr. FILNER and Mr. FOX.

H.R. 2848: Mr. SOLOMON and Mr. LATOURETTE.

H.J. Res. 89: Mr. MARTINI and Mr. GENE GREEN of Texas.

H.J. Res. 155: Mr. ENGEL, Mr. RANGEL, Mr. OLVER, Mr. HINCHEY, Mr. VENTO, Mr. PASTOR, and Ms. MCCARTHY.

H. Con. Res. 130: Mr. MONTGOMERY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

51. The SPEAKER presented a petition of the Board of Commissioners of Cook County, IL, relative to support for the retention of section 936 in its present form under the U.S. Internal Revenue Code; which was referred to the Committee on Ways and Means.

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Senate

(Legislative day of Wednesday, January 3, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, in the welter of human words, our souls cry out, ''Is there any word from the Lord?''

We wonder what You have to say about our present crisis. In our deepest hearts we know all too well. You call all of us to absolute honesty with You and with each other, and to mean what we say and to do what we promise. So often we speak across the cavern of contentious conflict, but do not listen to each other. You command all of us to humble ourselves and repent of the use of coercion because we have failed effectively to communicate our perception of truth or convince each other of the theories and programs we hold so dear. We meet, but sometimes there is not a meeting of minds because often our desire is to defeat those we consider to be the opposition and to rally the approval of our constituencies. Our attention to the polls keeps us poles apart. Pious attitudes mask petulant agendas.

O God, we all are accountable to You. We give up the human power struggle so that we may receive Your power to humbly move forward toward workable solutions. In the name of our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, leaders' time has been reserved.

Mr. President, today we will be awaiting a possible House action on maybe one or two measures on returning Federal workers and also paying Federal workers who have not been paid.

We do not expect rollcall votes to occur during today's session. We do not know precisely what the form of the legislation will be when it comes from the House. We hope to be able to pass it by unanimous consent. So if anybody wants to object, they ought to be letting us know early because we will have to give 24-hour notice to get our colleagues back here sometime tomorrow for that vote.

I know that some indicated that they would have objected to the last UC while they were hundreds of miles away. So I want to be sure those people who may be out and around the country today understand that there may be another request for a unanimous consent, and if they wish to object, they had better hustle back here and do so.

I hope, with the House apparently trying to come together on a couple of proposals that would enable Federal workers to return to work with pay, that we would not engage in rhetoric here today that might discourage positive action by the House.

So it would be my hope that we would dwell on other matters, if necessary, and let the Senate then stand in recess subject to the call of the Chair awaiting House action. I do not think it is going to help anything if some of our colleagues on the other side of the aisle find it necessary to beat up House Republicans. It will only make it more difficult, and it should make it more difficult, frankly. So I hope we can avoid that rhetoric today.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. Mr. President, I ask unanimous consent that following statements by the Senator from New Mexico, who is here, and the Senator from Virginia, that the Senate stand in recess subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Virginia is recognized.

SENATOR DOLE'S LEADERSHIP

Mr. WARNER. Mr. President, I again wish to thank the distinguished majority leader for his leadership throughout this situation. I find a ray of encouragement here that Federal workers can return to work with pay.

I want to state for the record that the majority leader has stood steadfast on seeing that Federal workers who have been furloughed, and otherwise their pay stopped, will receive this pay.

It is an obligation of the United States of America and all citizens to see that those who have contracted with our Federal Government to be gainfully employed be compensated because they are in no way—absolutely no way—at fault on this situation.

THE RIPPLE EFFECT

Mr. WARNER. Also, Mr. President, I wish to inform my colleagues that throughout my State, and in many other parts of the United States, this problem is now working its way by ripple effect into the private sector such that many, many gainfully employed persons in an infrastructure supporting not only the Government but other private sector support are beginning to feel most severely this situation.

This morning on television here in the Nation's Capital was a picture of

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

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an entrepreneur who runs a small business—simply a bakery—which provides food for individuals, and they had to furlough three-quarters of their work force today. But that is by the tens of thousands throughout Virginia in the private sector.

The tragedy, Mr. President, is that there is no back pay coming to those private sector employees who are being laid off as a consequence of this partial shutdown of the U.S. Government.

So I extend to my colleagues here in the U.S. Senate a most fervent plea that they allow the Senate leadership, most particularly the majority leader, to pass today those matters that will be coming from the House by a voice vote such that they can become law after the President's signature.

It is my fervent hope that the President will recognize the problems throughout this Nation today and that he will come forward with a balanced budget, as is his obligation, so that we can quickly come to closure on this matter.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Virginia leaves the floor, I wanted to just ask in a very straightforward way if he had any more information than I have been able to get about what might be in the bill which would be coming to the Senate from the House of Representatives on several different issues. And I would ask the President pro tempore at this time if the Senator from Virginia would be able to respond to my question on this issue.

Mr. WARNER. Mr. President, the answer to that rests in a meeting that is now taking place by the Speaker of the House together with the Republican colleagues. I would not want to venture any speculation as to what might emerge. I think the reports today in the press are reasonably accurate as to the framework of what would come about by this.

So I have been in consultation with the Republican Members of the greater metropolitan area of Washington, primarily Congressmen DAVIS and WOLF and Congresswoman MORELLA, this morning. As yet, I would not want to try to speculate as to the final action.

I know essentially it is in two parts. One is to try to restore the Government across the board in terms of people returning to their work with pay for the future and backpay, and then the possibility of coupling another provision which would be contingent on the President of the United States being forthcoming with a balanced budget, which has always been the bottom line. It seems to me that it is a very reasonable request by the Republican leadership of the House and the Senate.

Mr. BINGAMAN. Mr. President, I appreciate that response.

I guess what caused me to come to the floor today was an article which came out in our paper in New Mexico today saying that ''The Federal budget deadlock has caused depleted drug cupboards at the Veterans Administration hospital in Albuquerque. The hospital's procurement division has warned pharmacists that drug stocks soon will be exhausted.''

Then they go on to say, ''What is the Government thinking about these people who fought for their country?''

I was wondering if the funding in the bill that would come from the House would provide money to the Veterans' Administration to buy drugs for the VA hospital in our State. I have a one-page summary of what might be passed by the House. It says here veterans' compensation, pensions, and education programs would be covered. But it does not say anything about the VA hospital functions and the expenses for drugs for veterans. I do not know if the Senator from Virginia has any information on that.

Mr. WARNER. Mr. President, at this time I do not have the specific answer to my distinguished colleague, who, by the way, serves with me on the Senate Armed Services Committee, and I, like the Senator from New Mexico and, indeed, the Presiding Officer, feel very strongly about this Nation's obligation to its veterans. I will try to get a very prompt answer.

Mr. BINGAMAN. Mr. President, if the Senator would be able to get answers to two other questions, I will just pose those and then yield the floor.

One pertains to our Department of Labor in New Mexico. This is another article that was in our papers there. It says that the Department of Labor employs State workers but they use Federal funds to pay their salaries. I gather that is a normal practice all around the country in the Department of Labor. They operate the unemployment compensation program and a variety of programs there, and the State workers are paid with Federal funds.

Does the bill which is being considered in the House contemplate that there would be funds to pay the State workers who are paid with Federal funds as well as the Federal workers, or does the Senator from Virginia know?

Mr. WARNER. Mr. President, I do not have the specific answer. I will get it and provide it to the Senator. But I hope that this measure would cure that situation because a great many State workers are dependent on some Federal source as a means of being able to continue with the performance of their duties.

Mr. BINGAMAN. I thank the Senator very much.

There is a similar article about the Bureau of Indian Affairs activities in our State and how that agency has had trouble buying food, heating oil, trucks, and other equipment in order to perform their responsibilities on the reservations.

I hope we can get information as to whether or not those items would be covered by this kind of a bill which is coming to us.

I say to my colleagues, the information that I have been given is that there would not be funds made available for anything other than the salaries of the Federal workers. Obviously, that becomes a problem if your job as a Federal worker requires you to drive a vehicle and you have to have funds to buy gasoline for that vehicle.

The other issue on which I hope we can get an answer relates to an article I saw that the Government shutdown has delayed the construction of a fence at the United States-Mexican border. I had the occasion a few weeks ago when I was in Dona Ana County in my State near El Paso to get a tour of the area for the planned construction of a fence that would go along the southern part of the Anapra area between the United States and Mexico. This is a priority for the law enforcement officers of that region. It is a law enforcement issue. They feel the incidence of crime across the border has increased very dramatically and they need to get this fence up. The article I saw indicated that because contract officers responsible for obtaining building materials have been furloughed, work on that project has had to stop.

I hope very much that when we get the bill from the House of Representatives it will contain funds, authorization and appropriation of funds, for those items as well. So I will not delay the Senate further at this point, Mr. President. I do think that there are a great many activities going unattended, a great many needs going unaddressed which I hope this House action today will correct.

Again, I have spoken several times on the Senate floor this week commending the majority leader and other Senators, all Senators, Republican and Democratic Senators, for the continuing resolution that was passed earlier this week and sent to the House. In my opinion, that was the correct and responsible way for us to proceed. It demonstrated and reflected the recognition that the Congress as well as the President have a shared responsibility to maintain a functioning Government. I think that is the essential issue: Do we agree that we in Congress share in that responsibility to maintain a functioning Government? I feel very strongly that we do. I think all Senators indicated their belief that we do by agreeing to that continuing resolution. I hope the action by the House reflects the same recognition of that responsibility.

Mr. President, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER (Mr. WARNER). Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 11:15 a.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 4:07 p.m. when called to order by the Presiding Officer (Mr. WARNER).

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are waiting on the Senate side for, I think, three bills to come over from the House which would in effect put Federal workers back to work, and which is targeted, to a certain extent—two of the bills cover many of the agencies that the Presiding Officer has been concerned about as has this Senator and others on both sides of the aisle. Then there is the third bill which would be the one with the CR until the January 26 date, if the President submits a balanced budget as scored by the Congressional Budget Office.

As I understand, they passed one. They are now on the second. It may be another hour, 2 hours, 2½ hours.

RECESS

Mr. DOLE. For the benefit of staff who must sit here, I move the Senate stand in recess until 6:30 p.m.

The motion was agreed to, and the Senate, at 4:08 p.m., recessed until 6:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

RECESS

Mr. CRAIG. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now stand in recess until the hour of 7:30 p.m.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, reserving the right to object—I will not object—could the distinguished Senator give us some idea of what the schedule will be for the rest of the evening?

Mr. CRAIG. Mr. President, it is my understanding that when the majority leader and the minority leader return from the White House, where they are now meeting with the President, the Senate will reconvene at 7:30 in an effort to bring up the resolutions that have now been passed by the House.

Mr. FORD. We still have some others that are yet to be passed that we are to receive tonight, I understand.

Mr. CRAIG. I understand that is the case. It is our belief that they will attempt to handle the business at that time under unanimous consent.

Mr. FORD. As I understand it, will they be coupled together en bloc, or will we be able to work on them one at a time?

Mr. CRAIG. I am advised that it is the intent of the leader to attempt to do the two pay bills, or spending bills, if you will, en bloc.

Mr. FORD. That is the one that directs the President for a continuing resolution if he lays down a budget that is certified by the Congressional Budget Office and the Speaker of the House.

Mr. CRAIG. I believe that to be the case.

Mr. FORD. I thank the Senator. I have no objection.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, could I inquire of the distinguished acting majority leader: We will have a period of time in which to examine these?

Mr. CRAIG. That is certainly the intent of leadership. The two continuing resolutions have passed the House. They are now in the Senate and can be examined at this time, as I understand it, while the Senate will stand in recess for the next hour.

Mr. WARNER. Mr. President, I have not had the opportunity to examine those. I wanted to make sure.

Mr. CRAIG. I think all Senators who are present would want to examine those before they are considered.

Mr. WARNER. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. Is their objection to the request?

There being no objection, the Senate, at 6:31 p.m. recessed until 7:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

The PRESIDING OFFICER. The Senator from Kentucky.

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

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate be allowed to proceed in morning business until the return of our leaders.

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

THE BUDGET DILEMMA

Mr. CRAIG. Mr. President, it is my understanding, and I think the understanding of most of the Senators present, that the majority leader and the minority leader are at the White House at this moment once again meeting with the President as we try to unravel and resolve the budget issue that we are now in that has brought a portion of our Government to a standstill.

I, like many of my colleagues, am tremendously frustrated by the process of the last several weeks which has failed to produce a resolution that appeared to be a resolution committed to by the White House some weeks ago, that we would negotiate on the terms of a 7-year balanced budget reviewed by CBO figures. That simply has not materialized. And, of course, over the course of the last several weeks, with well over 200,000 Federal employees unemployed by failure to act, it is now time for the Congress to move to the issue of those Federal employees and resolve it.

As many of us know, the House earlier today passed a resolution that would allow those employees to come back to work for a period of time which results hopefully in the ability then of the Congress to move toward a balanced budget and resolve that issue and for us to be able to conclude the budget and get on with the business of operating this Government as I think the American people expect us to do.

I find it ironic that we are yet fumbling with the issue of a budget when we are nearing a statutory deadline that the President must agree to for the submission of a 1997 budget.

Here we are having failed to complete a 1996 budget that is balanced, that honors the commitment that we believe we hold with the American people to produce a balanced budget over the course of the next 7 years, and it will be on February 5, exactly 1 month from today, that the President by law is responsible for submitting the 1997 balanced budget, a product of the 1974 Budget Act.

Why are we in this dilemma at this moment? I think, except for the HHS, Education appropriations bill that my colleagues on the other side of the aisle have refused to allow us to debate and to bring to a vote and to send to the President, the Congress has done its homework. It has done what it is responsible for doing under the Constitution in submitting to the President the appropriate appropriations bills.

The President's only action has been to veto, veto, veto the bills that would have kept the veterans' hospitals fully up and running, that would have kept the veterans' programs alive and operative; instead of being subject to the criticism we now hear, that the pharmaceutical shelves at some of our veterans' hospitals may be growing empty if we fail to act responsibly in a short period of time.

The President's actions, if he had not vetoed, would have kept the national parks and the forests and the museums opened and would have funded the Department of Justice and given law enforcement block grants to the States, would have allowed numerous agencies to continue and to complete their obligations to small business contractors and suppliers and provide passport services, and so on and so forth.

That is exactly what has happened. We have watched this President as he

has vetoed these bills in an attempt to use rhetoric to place the burden on the shoulders of the U.S. Congress.

I ask unanimous consent, Mr. President, to have printed in the RECORD a dialog that occurred on CNN last night between Judy Woodruff, the anchor, and Brooks Jackson, a special assignment correspondent, that I thought would be appropriate to be in the CONGRESSIONAL RECORD.

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

EXECUTIVE SHUTDOWN STATISTICS MISS THE MARK

JUDY WOODRUFF, Anchor. If you are not one of the Federal workers staying home and worrying about bills, just how harmful are the effects of the partial government shutdown?

Our Brooks Jackson has some eye opening details.

BROOKS JACKSON, Special Assignment Correspondent. The shutdown—President Clinton calls it an unnatural disaster, but how bad is it? Let's check some facts.

The president ticked off some dire sounding consequences.

Pres. BILL CLINTON: This week, the Meals on Wheels Program for senior citizens will run out of money.

BROOK JACKSON: Federal money, yes, but in fact meals are still being delivered to seniors almost everywhere, paid for by state money or vendors extending credit.

Pres. BILL CLINTON: Yesterday, the Environmental Protection Agency shut down toxic waste clean-ups at 32 sites across America.

BROOKS JACKSON: This time Clinton underestimated. In fact, more than 450 clean-ups, including this one in Virginia are being halted. But there are 1,283 clean-up sites and work is continuing at many, maybe more than half, including the roughly 100 sites that pose any immediate threat.

Pres. BILL CLINTON: Funds to pay for drugs, food and supplies at veterans' hospitals run out today.

BROOKS JACKSON: Funds ran out but not the food. Patients in veterans hospitals are still being fed, still getting medication. The Veterans Administration says patients are unaffected and vendors are still working figuring they'll get paid eventually.

Pres. BILL CLINTON: Ten states have run out of the funding they use to run our unemployment insurance program and 15 more will soon do so.

BROOKS JACKSON: But, in fact, not a single jobless person has yet missed an unemployment check. The Labor Department confirms. Kansas did shut its offices briefly, but then came up with state money to continue benefits as other states are doing. Clinton was just wrong on one point.

Pres. BILL CLINTON: Half the Head Start Programs in the country will run out of money within the month.

BROOKS JACKSON: In fact, Head Start officials say only 200 programs will lose funding at the end of the month out of a total of more than 1,400, so it's way less than half. The Justice Department got one of its facts wrong too.

JAMIE GORELICK, Deputy Attorney General: There are companies that provide credit cards for gasoline, are starting not to honor those credit cards.

BROOKS JACKSON: Turns out, Federal drug agents in South Florida tried to use a card that expired in 1995—nothing to do with the budget fight. The White House said the Federal Emergency Management Agency might be unable to recall some furloughed workers if an earthquake hit.

MIKE McCURRY, White House Press Secy.: —some of those employees because they can't pay their bills and don't have phone service.

BROOKS JACKSON: FEMA says phone service has been cut off for about half a dozen Washington employees, but admits their bill paying problems probably began long before the budget deadlock.

Of course, a longer deadlock will produce more serious consequences, but for now, the shutdown looks less like a national disaster than it does a political fiasco.

Brooks Jackson, CNN, Washington.

Mr. CRAIG. It is an interesting dialog, Mr. President, because it confirms some of the things that I have been talking about and that have concerned a lot of Members of this Congress as to the rhetoric of the White House and what to believe over the course of the last good many weeks, when the President has seemed to be a constantly changing and moving target on the issue of the budget, to agree some weeks ago to a 7-year, CBO-targeted budget, now not to want to present it or not to appear to be interested in presenting it.

The dialog that the anchor at CNN last night went through with Brooks Jackson was interesting in the sense that it said the President said this, but in fact this is the case, the President said that, but in fact something else is the case. I think it goes along to show that the shifting sands at the White House are extremely difficult for this Congress to work with at this moment to try to resolve these kinds of issues. I thought it would be important that that become a part of the record because simply they have not, in my opinion, kept their word.

So it is important tonight for the Congress to intervene, as we are now doing. I use the word ''intervene'' to pull, if you will, these Federal employees off the hostage roster and put them back to work doing what they are responsible for doing and bringing them back into the real world because they have been in limbo, and that has created great frustration. And it should not be allowed to happen.

I am one for some weeks that has been critical of using our Federal employees as hostages, if you will, or pawns in this budget battle that we are in, and that, Mr. President, in no way lessens my interest or the interest of this Congress in achieving a balanced budget.

I have been an advocate for well over a decade that the Congress face the reality of their spending habits and balance the budget. I have pushed for a balanced budget amendment, and of course we know the history of that whole debate here in the House and in the Senate for the last good number of years.

But without question, the battle that we are engaged in is extremely fundamental. It is not business as usual, as some news reporters and observers of the Congress would argue that it is. We have not phonied the numbers. We have not used smoke and mirrors, because if we had, we would not be in session right now, we would be in adjournment, and we would have told the American people that the work of the Government was done and that the 1996 budget was in place, and that all was well with the world.

That simply has not been the case. And it should not be the case. We are dealing with real figures right now, trying to downsize the overall growth of Government or the rate of growth. And you, Mr. President, have been directly involved, as have others of our colleagues, in trying to face the reality of these tough choices. Now we are just simply trying to get the White House to face the reality of tough choices. And they have simply passed on occasion after occasion to do that.

What we are trying to say at this moment, and what I am pleased the House has been willing to say, is let us at least take the Federal employees out of this battle and set them to the side, allow them to do the work they were charged with doing. I hope we can get that done.

Now, that was the first CR that was passed. I hope that we would be able to consider a second resolution or continuing resolution that was passed by the House today. That would allow all of the Government to open up for at least a period of time through January 26. The reason I say that is important is because while we are allowing, I hope, the Federal employees to go back to work, we may not necessarily be giving them the tools to do their work.

Of course, that would be a bit of a hollow argument that we are allowing Government to continue to operate and turning as it should without giving them the total tools to do so. The House recognized that, but they have put a requirement on the President. That requirement is that the President send forth a balanced budget, scored by CBO, and that budget be in balance in the 7-year timeframe that the Republican Congress has asked and required by their actions, and that the same funding levels of the CR that expired on December 15, funds required at 75 percent of fiscal year 1995 levels, would operate the significantly impacted programs.

I hope that we can look at that continuing resolution tonight and that our colleagues on the other side of the aisle would agree with us on that. Then we could clearly say Government is fully back in operation, while we work with the White House to resolve this issue by the 26th of January.

Mr. President, those are key and important issues critical to all of us, but more importantly critical to our country. I think that the American people expect us to be able to operate the Government in a responsible way, but they have said very clearly that part of our responsibility is to bring this Government in balance, that a near $5 trillion debt and a $200 billion-plus deficit as

far as the eye can see are no longer acceptable, that while we must be concerned about programs that fund the present, we must also reflect our concern by our actions on programs that impact the future of our country.

That, of course, is what we attempt to do tonight. So, Mr. President, I hope that within minutes our leadership will be in place and we can consider these important CR's to move the Government forward, to allow the Federal employees out of hostage, if you will, and back to work by Monday morning.

I think it is important for our country that we do so. But while we do it, let us not lose focus on the reason we are here; and that is that the White House has flatly refused to produce a balanced budget. That is now their obligation to do so. We have done so. We have done so in a responsible manner. It may not be a balanced budget that all of us agreed to, but it was one that clearly for the first time in decades demonstrates the priorities of Government under the kind of spending limitations that we believe are clearly necessary to get our debt and our deficit under control.

I hope the Senate will act responsibly tonight, as I believe the House has done this afternoon. With those comments, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

FUNDING THE OPERATION OF THE GOVERNMENT

Mr. FORD. Mr. President, I was interested in listening to my good friend from Idaho. And, you know, the devil is in the fine print. I have heard that earlier in my life: The devil is in the fine print. You can talk about the CR that comes over here. That is the continuing resolution that pays employees. I hope that we will put Federal employees back to work. Well, that is fine. I want them to go back to work, too.

I do not think anybody likes to pay people for not working. That was what the majority leader said the other day, that he grew up in Kansas, and he felt like if you worked you got paid, if you did not work, you did not get paid. So I support his position.

But in this continuing resolution that is coming over here we are going to pay the employees retroactively, and we are going to pay them for coming to the office. But we are not funding the necessary ingredients for them to work.

They talked about the DEA agent. They had a drug bust, and he wanted to go. They needed him—several of them. They did not have any money to buy gasoline to put in the car under this continuing resolution. That does not make sense to this country, boy, that you say, ''Go back to work. We're going to pay you, but you can't do anything.''

Look at the schedule of the leadership in the next 25 days: Iowa, New Hampshire, Minnesota, Texas, Florida, all over the country. I do not think that is working here, trying to work out the budget.

Let us just be sure that the American people understand what this continuing resolution does. It sends Government employees back to the office. It pays them retroactively, to sit there and do nothing. Employees cannot make a long-distance phone call, cannot buy gasoline for a car, cannot do the things that the American people would like for them to do, that they have been shortchanged in the last 21 days. In my opinion, I have never heard so much of a continuation of the same thing, same thing, same thing.

I watched the House as they spoke this afternoon, and all the President has to do is agree to a 7-year balanced budget with CBO figures and everything will be all right. Well, the President has agreed to a 7-year budget, balanced budget in 7 years. He has agreed to that. No. 2, he has agreed to CBO figures. There is no problem with that.

Now, what is the problem? The problem is, how do you get there?

My Republican friends want to cut or reduce—however you want to say it—Medicare by $270 billion. We think that is wrong. They want to reduce Medicare, want to reduce education, want to reduce the environment. To do what? To get to the point of giving a $245 billion tax cut. That is the whole fight—to give a $245 billion tax cut.

Now, who is going to get it? If you owe taxes, as I understand it, and you have children under 18, you can get a credit. But if you do not owe any taxes, you do not get any refundable tax. Therefore, you do not get anything. If you make too much money—hopefully, we will give some kind of tax break to those under $100,000. We stood here on the floor not too long ago and asked if you would put a limit in the bill giving a tax break to those that made a million or less. We even lost that.

Now, when you send the budget to the President, when he has agreed to balance the budget in 7 years, to be using CBO figures, but to get to a $245 billion tax cut, you put 80 percent of the cuts on 20 percent of our population, the lowest 20 percent, and you give 80 percent of the help to the upper 20 percent of income, Mr. President, as we say down in my part of the country, something about that ''ain't'' right.

I want to tell you, the so-called middle income—I know a family where the man worked for the railroad. He retired. They shifted that to a Social Security payment rather than a railroad retirement payment. He had a few thousand dollars in the bank, had a house with no mortgage on it, and Social Security checks coming for he and his wife. He thought he was in pretty decent shape. Lo and behold, he and his wife both had to go to a nursing home. They had too much money to draw Medicaid. So they kept paying and kept paying and kept paying, and finally they had nothing left. Nothing. They had to go on Medicaid.

Now, in this budget that the Republicans are attempting to pass and say the President ought to accept, it says to their children, ''You use up all your money to pay for mom and dad before we trigger in Medicaid.'' A lot of people around this country, Mr. President, that are making $35,000 to $45,000 a year, they have children, they are trying to educate them and all that, and lo and behold, their parents are in the nursing home, they are drawing Medicaid, they get the Social Security check. You take about all of it, with the exception of $10 a week for personal items, which is all the individual has left out of the Social Security check. You say to them that your kids have to pay, and they are trying to educate their children, trying to make ends meet, trying to pay a mortgage on the house and all that—the Republican budget did that. To get to what? For a $245 billion tax cut that will go to the upper 20 percent of income.

If that is the kind of budget that you want the President to sign, then I hope he never does, because there are too many people out there that would be hurt by this type of budget.

I represent Kentucky, born and bred there, and proud of it. We had a Senator that came here that made quite a mark. His name was Henry Clay. Henry Clay was called ''the Great Compromiser.'' He knew how to compromise. But Henry Clay said that compromise was negotiated hurt—negotiated hurt. If you are going to hurt a little bit, let everybody have a little bit of hurt instead of some having a whole lot and others not having any. Negotiated hurt—let everybody hurt a little bit. I do not think you would have any objection to that.

Just take the farmers in the next 5 years. The Senator from Idaho understands farming very well. But the President has offered a $4 billion cut and the Republican budget takes about $14 billion. Just take $10 million off of the tax cut, you still have $235 billion; instead of taking a $270 billion reduction in Medicare, just take the $89 billion that the President offered.

Talk about real numbers, let us put real numbers in front of real faces and real places. That is how you are going to understand the numbers. It is all numbers. It is all dollars. What will you do to the individuals and the families, the young and the elderly, by just looking at numbers? There are faces and places behind those numbers, and we have to have that part of the discussion when we come to talking about the budget.

When you talk about real numbers, let us talk about real people. Let us talk about real places. Let us talk about real hurt. Let us talk about being fair. Let us talk about being compassionate. That is the kind of country we are. That is the reason we are strong. We reach out not only to our own but to others. That has made us the leader of the world.

To come in here and say we are going to say to the President that we will

give him a clean CR when he sends us a budget that is certified balanced by CBO and signed off by the Speaker of the House, I know what Senator DOLE would say if he was President of the United States, and a Democrat Speaker over there—I know what he would tell him. I think you do, too.

So let us look at the budget that the Republicans gave us. If you were not using Social Security, you would be $106 billion short—$106 billion short—in the year 2002. But when you dig in and use the Social Security numbers, you get down to—I do not want to answer any questions.

Mr. CRAIG. Will the Senator yield?

Mr. FORD. Happy to yield for a question.

Mr. CRAIG. The question is, have not the Democrats used the Social Security trust fund figures in numbers just the way the Republicans are currently using them? We learned——

Mr. FORD. Not for the last 12 years.

Mr. CRAIG. Yes, you have, Senator.

Mr. FORD. The President of the United States signed—the President is responsible for that.

The PRESIDING OFFICER. The Senators will address through the Chair.

Mr. FORD. It is awful hard to address through the Chair.

Here on December 15—Mr. President, we talk about never wanting to offer anything. What bothers me is that on December 15, the President offered some numbers based on a budget he had submitted previously. He eased toward the Republican side on December 15; the Republicans eased toward the President on December 15. They moved closer to each other on discretionary cuts, on Medicare, on Medicaid, on welfare and EITC. I thought that was negotiation. That was on December 15.

Mr. President, we have agreed to a 7-year balanced budget. We have agreed to the CBO certification. Now let us get down to trying to figure out how we help our young kids and give them an education.

They talk about increasing the Pell grants. Sure they did, but they forget to tell you they cut off the bottom half. It is the way you use the words. So you increase Pell grants by $100, but you cut off from $600 down. A lot of people get by on $600. That is all they need. That is all they should be given. But if they do not need more than that, they do not get anything. They want to get an education; just need a few dollars.

So this is the kind of budget that the President of the United States has said no to, has said no to.

So, I hope we will just leave this rhetoric behind us and look at where we need to work, and that is Medicare, that is Medicaid, that is education, that is the environment; and that we put a face on it instead of the numbers and we put a place instead of the numbers. And once we decide the faces we want to help and the places we want to secure, then we can put the numbers with them. I think then we will have a budget.

But the President, in my judgment, is trying to protect those people who are being hurt so severely by the Republicans saying ''We won't give.'' It is not here, it is over on the other end of the Capitol Building, but ''We won't give unless we get the $245 billion tax cut.'' In April the Speaker of the House said, ''We're going to shut Government down.'' Lo and behold, it did. But we have had bills vetoed before under Republican Presidents and we have offered a continuing resolution, we have continued Government while we sat down and negotiated those things that were objectionable to the Republican Presidents and we finally arrived at something that could be sent to the President that we agreed upon and he could sign. That is where we ought to be now.

I yield the floor.

The PRESIDING OFFICER. The distinguished President pro tempore, the Senator from South Carolina.

Mr. THURMOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business. There is no pending business at this time.

THE CONTINUING RESOLUTION

Mr. THURMOND. Mr. President, I rise today in support of H.R. 1643, which will return all Federal Government employees to the workplace, and restore their paychecks. This bill will also reopen many important Government services which were closed due to President Clinton's veto of various appropriation bills.

It is regrettable that the President has permitted the budget situation to deteriorate. Let me remind my colleagues that this Congress enacted a balanced budget plan which the President also vetoed. At that point, he assumed an obligation to provide the Congress with his budget proposal. Yet despite his many promises to do so, and the statutory requirement of November 20, 1995, President Clinton has failed to submit a real balanced budget.

Mr. President, for years I have made speeches in this great Chamber, and cast my vote in support of a balanced budget. I have introduced balanced budget amendments in numerous sessions of Congress, including the 104th Congress. On July 12, 1982, a balanced budget amendment was brought to the floor. As chairman of the Judiciary Committee, I was pleased to sponsor and guide that important measure to passage. On August 4, 1982, 69 Senators voted in favor of the resolution. While a majority supported it in the House, it failed to receive the necessary two-thirds vote. In March 1986, the Senate voted on another balanced budget amendment. It was unfortunate that the Resolution failed by one vote. Last session, the balanced budget amendment again failed by one vote. However, I am confident that we will yet pass the balanced budget amendment during the 104th Congress and call on the President to support that effort.

With or without a constitutional amendment, this Congress will enact a budget which protects the security, health and safety of our Nation, provides quality Government services, and eliminates harmful deficits.

Mr. President, this bill brings employees back to work with back pay. It also provides targeted appropriations, through the end of fiscal year 1996, for critical Government services. Enactment of this measure will remove the issue of the Federal Government shutdown and allow us to focus on the larger objective of the balanced budget agreement.

Mr. President, in closing, I commend the majority leader, Senator DOLE, and Senator DOMENICI, the chairman of the Budget Committee, for their leadership and continuing efforts to resolve this important issue. I call on the President to keep his promise, to stop the gimmicks, and do the right thing for the future of our great Nation.

The PRESIDING OFFICER. The Senator from Virginia.

COMMUNICATIONS FROM CONSTITUENTS

Mr. WARNER. Mr. President, the Senate hopefully will be hearing from the distinguished majority leader and Democratic leader, as they are now returning from the White House. I am continuing to review the actions taken by the House. I am hopeful that these actions will reach a compromise, a position whereby the Government can return to provide the services to the people of this Nation. But I am going to withhold my approval until I read each word and study every comma and period in it. I am still working through that. But I felt at this time it would be appropriate for me to have printed in the RECORD a number of communications, just a sampling of the communications that I have received throughout this day in my office, together with, I think, some very fine editorial review by the newspapers in my State.

I will first include a letter written by a Mr. Paul T. Gernhardt, who writes:

> I know you and your staff are quite busy so I will keep this short and to the point. I am not at all pleased with your handling of the budget process. You are not helping anyone's cause and are directly responsible for a great deal of unnecessary harm. People are beginning to lose their businesses, homes, and financial standing as you squabble between yourselves. As a business owner I just cannot understand your actions—there is no justification whatsoever.
>
> As ''constitutional officers'' you have certain privileges, benefits, and opportunities (including protecting your own pay). However, you also have obligations. These include conducting the business of government in a professional and competent manner. At this point you are not fulfilling the responsibilities you agreed to assume. One of your primary duties is to pass a budget. This is not something that came up suddenly—waiting until well past the last moment solely for political gains is undignified and unprofessional.

I have to accept my share, as a Member of this body, of such criticism. I

still believe, however, that this debate has focused the Nation's attention on the need to get a balanced budget within a period of 7 years using certain criteria, namely the Congressional Budget Office figures in which the Congress of the United States places, I might say, a great deal of faith and credit. I am hopeful the final drafts, of what may be acted upon here momentarily, will make specific reference to that need, that the President should be forthcoming with such a budget using the 7-year criteria as well as CBO figures.

I hope we can resolve this tragic situation which has impacted my State, the Commonwealth of Virginia, as severely certainly as any other State, and in my judgment probably more severely than any other State in the Union, given the fact that we are privileged—and I say that—we are privileged to provide a home for so many Federal employees, a working place and an infrastructure to accommodate their needs, not only here in the northern Virginia area but, indeed, throughout the Tidewater of Virginia where we have the largest naval base in the world, one of the largest Air Force bases, several of the large Army bases, and, indeed, the industrial base which supports so much of our national defense.

As I have said here day after day on the floor, we are not only addressing the tragic plight of certain Government employees who have been furloughed, or others who are working but without pay. Also, the infrastructure that serves these Government employees—and vice versa, they serve the infrastructure, it works both ways—has been severely crippled. It has a ripple effect all throughout my State.

To compound the tragedy of the private sector, many of these employees being laid off in the private sector do not have any certainty that their loss of pay and benefits or other job security will ever be the subject of restitution.

Throughout this controversy I have worked with the distinguished majority leader. He has provided a letter to this Senator, as well as other Members of the House delegation from the greater metropolitan area of Washington, assuring us that he would fight very hard to see that all Federal pay is received eventually. As a matter of fact, S. 1508, the legislation which I cosponsored with Senator DOLE and the Presiding Officer, the senior Senator from Alaska, so provides specifically.

So, Mr. President, I really take very seriously these many communications. I myself have gone to our phones and received a number of the calls from my constituents, coming in from all over the State.

Let me mention another organization called Resource Applications, Inc. This is dated January 3, 1996.

DEAR SENATOR WARNER: As the partial shutdown continues into its third week, the economic damage is spreading fast, and the situation is becoming painful. The Government shutdown is having a ripple effect on people and is devastating their lives. Yesterday, the U.S. Environmental Protection Agency (EPA) sent home 2,400 of its Superfund workers and stopped work at over 600 sites across the Nation, throwing tens of thousands of contract employees out of work.

The letter goes on to explain the impact on his particular firm, Resource Applications, Inc. It says:

As President of RAI, an environmental firm, I am like a father figure for our employees; they look to me for job security. With the majority of RAI's business with EPA, I am seriously concerned about the financial welfare of more than 100 people and their families. While I agree with your stand on issues that are morally and ethically good for our people, particularly the elderly, and the integrity of the environment, I want to tell you, the situation is becoming very difficult for the working people. An early resolution of the budget impasse and Government shutdown issues would be in the best interest of the country.

Yesterday, I had the head of the Environmental Protection Agency in to see me on wide range of issues, Carol Browner. I serve on the committee which has oversight for that Agency, and I had to bring to her attention, among other issues, the fact that our State very proudly has a large manufacturing plant operated by the Ford Motor Company. They are turning out a brand-new pickup truck which is eagerly being awaited all across the United States. As a matter of fact, I purchased my pickup truck from the same plant in Norfolk in 1989. It has been very useful to me on my farm, and I have enjoyed it, and I am going to keep driving it. But I must say I am quite envious of this new model. But, Mr. President, the new model cannot go into circulation for the reason that the Environmental Protection Agency has not had the staff with which to make the proper certifications as to the fact that this truck, this particular new model, can meet the environmental standards. That is an important thing to do—to have the truck meet those standards before it goes on the road.

So that is just another example of the many problems that the State of Virginia is facing.

I ask unanimous consent that an editorial from the Roanoke Times of today be printed in the RECORD, a very balanced analysis of the problem.

And, again, it concludes with the last paragraph:

Dole was right, however, in judging the shutdown a poor means of exacting concessions. The House should end it today.

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

[From the Roanoke Times, Jan. 5, 1996]

TIME TO END THE SHUTDOWN

Political fault-lines underlying the partial shutdown of government shifted and rose closer to the surface this week, as the shutdown's effects began rippling more ominously across the land.

As if to confirm his reputation as one of Washington's grown-ups, Majority Leader Bob Dole on Tuesday pushed legislation through the Senate that would have reopened the government until Jan. 12, while Congress and the White House continued their budget talks.

The Senate reasonably, overwhelmingly approved the measure. Yet, egged on by a GOP vanguard of freshman militants, the House on Wednesday turned it down.

Now there's word the GOP leadership is changing its tune, and none too soon.

Keep in mind: Federal employees who were furloughed, as well as those working without pay, in the end will be paid. In the claimed pursuit of austerity, the shutdown is costing taxpayers, on top of other costs, huge sums to pay employees for work they weren't allowed to do.

Give credit, therefore, to Reps. Rick Boucher and L.F. Payne for their vote Wednesday to end the partial shutdown. Rep. Bob Goodlatte unfortunately joined with the GOP's House majority, initially refusing to consider the Senate-passed measure.

''Bob Dole made a huge miscalculation,'' grumbled one of the GOP tough guys, John Shadegg of Arizona. The partial shutdown, he and other House Republicans argued, is their best leverage for getting the White House to accept the basics of their balanced-budget plan. Shadegg called Dole's support for ending the shutdown ''an act of betrayal.''

But if Dole betrayed his party's zealots, he hardly betrayed his country—or his chances for the presidency. On Thursday, House leaders were conceding theirs was the miscalculation.

The shutdown has gone on long enough. Indeed, it is more likely getting in the way of, than moving along, the budget talks. Clinton might have discerned a self-serving political interest in continuing the standoff rather than try to end it.

''It is wrong * * * to shut the government down while we negotiate, under the illusion that somehow that will affect the decisions that I would make on specific issues.'' Clinton said. He's right.

It is wrong to hold Americans hostage to budget bargaining and partisan charade; Meals on Wheel clients, nursing-home residents. Head Start youngsters, vendors waiting to be paid, citizens wanting to visit national parks or to travel overseas, Americans depending on unemployment assistance or water-quality monitoring—not to mention 760,000 unpaid federal workers.

Congress has proposed measures that Clinton is right to veto—mean-spirited, counterproductive measures. But House Republicans are right when they criticize the president for failing to specify how he would balance the budget in seven years, given a common set of fiscal assumptions.

To bargain in good faith—while still sticking to principles that, in most cases rightly, he says he'll stand by—Clinton needs to be more forthcoming.

Dole was right, however, in judging the shutdown a poor means of exacting concessions. The House should end it today.

Mr. WARNER. Mr. President, let us hope that the relevant document delivered to the desk in the Senate by the Clerk of the House of Representatives contains the legislative initiatives that will enable us to resolve this.

Mr. President, seeing the distinguished majority leader, I yield the floor.

AGRICULTURE POLICY

Mr. DOLE. Mr. President, for the past several weeks, America has focused its attention on the budget talks

in Washington, and on the Government workers who have been hostages in this debate.

However, one of the faces not shown on the evening news as a hostage in these talks is that of the American farmer.

As I travel around rural America, farmers remind me that they are taxpayers too. And as taxpayers, farmers want a balanced budget.

Rural America realizes what this balanced budget means for them. For agriculture alone, spending on interest with a balanced budget is projected to decline by $15 billion over 7 years. And for a lot of family farmers who struggle to make ends meet, the money saved by reduced interest payments could make the difference between success and failure.

In addition, the Balanced Budget Act would provide much needed tax relief to millions of rural Americans; including an increase in expensing limits, death tax relief, an increased deductibility for the health insurance cost of the self employed, a capital gains tax cut, and operation of a medical savings account.

Mr. President, along with putting America on course to a balanced budget, there is something else that Congress must do to be fair to America's farmers.

I believe we have an obligation to announce by the end of February, if not sooner, the details of a farm bill so farmers can prepare this year's crop. Kansas farmers have already planted their winter wheat without knowing any program details.

In my view, Mr. President, Congress has three options from which we can choose.

Option No. 1 is to do nothing, and to simply let the 1990 farm bill expire, which would mean that permanent law would be in effect.

Anyone who knows anything about permanent law realizes such action would be bad for farmers and bad for America. Farm prices would reach parity levels which to many may sound attractive. However, the long-term ramifications to the marketplace and U.S. Treasury would be significant. Farmers would produce for the Government and not the marketplace.

Option No. 2 is to pass an extension of the 1990 farm bill. This in my view, would also be the wrong road to take.

Those who are advocating this choice are unwilling to modernize American agricultural policy as we prepare to move into the next century. The world population will grow by 50 percent by 2025. We must provide American agriculture with the tools to unleash our Nation's productive capacity to meet a growing world demand. An extension of current farm policy without addressing changes that have occurred and continue to occur, is unacceptable to a majority of farmers in this country.

If we are going to have an extension, it has to be at least for a couple of years. You have to give farmers flexibility, and you have to remove production controls.

Option No. 3—which is the correct choice—is to adopt the farm bill proposals contained in the Balanced Budget Act.

One year ago, I spoke to the American Farm Bureau Federation's annual meeting in St. Louis. While there, I outlined some of my goals for the 1995 farm bill. These goals included providing farmers with full planting flexibility, elimination of set-asides, program simplicity, and a farm policy that transitions farmers into the next century without disrupting the farm economy or land values. All of these goals are reached in the language contained in the Balanced Budget Act.

Unfortunately, that act was vetoed and we must now address how to best proceed. I am hopeful that provisions contained in the Balanced Budget Act can be retained and can be passed before the end of February.

Mr. President, American agriculture does not operate in a vacuum. Rural Americans share the Republican conviction that Congress must balance the budget. Rural Americans realize that there are important policies outside the farm bill that greatly affect their bottom lines. Republicans are actively working to provide the needed relief that rural Americans are asking for. And we will not stop.

Mr. President, there are those who claim there has been no public input into the agricultural provisions included in the Balanced Budget Act.

I disagree. Last year, the Senate and House Agriculture Committees held 33 hearings on the 1995 farm bill with over 350 witnesses. In my view, the public input has been significant.

I also hear some colleagues talk about the need for a vote on the Senate democratic proposal which would reduce the agriculture savings and provide and increase in marketing loans.

I would simply point out that Senator HARKIN offered this amendment during Senate consideration of the reconciliation bill. The vote failed 31 to 68 with 15 Democrats voting with Republicans to defeat the amendment.

The fact is that we have debated farm policy. And adopting the agriculture provisions contained in the Balanced Budget Act is right for our farmers and the right path for America.

Mr. President, I point out to my colleagues that the suggestion has been made that maybe there is an alternative plan. We had a vote on that plan, offered by Senator HARKIN. We voted 68 to 31 in opposition to that proposal.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). The minority leader.

Mr. DASCHLE. Mr. President, I did not have the opportunity to hear everything that the majority leader said. I understand he spoke about agriculture.

Let me just say that I do not know what the solution is, but I think the majority leader and I both agree that we have to do something. We have a lot of farmers who have already planted everything that they are going to plant for their winter wheat, for their crops. That will be ready for harvest by spring or late spring. We have to do something. If we cannot do it in 1 year, maybe a 2-year extension is something that we ought to look at. But I do not think that doing nothing ought to be an option that either party agrees to.

While there is very little support on the other side of the aisle for the so-called marketing loan concept, that marketing loan would allow farmers to be given at least the confidence that they are going to have a plan out there that is market-sensitive; that costs less for the Government; that provides us with the kind of opportunity in the farm program that many farmers feel they need. Virtually every national farm organization has said they support it.

So I hope we can work something out. I know that in working with majority leader in good faith, we can find a way to resolve what may now appear to be some very difficult challenges in agreeing on a farm policy. But we have to do it. I hope we can do it as early as next week. We cannot wait much longer.

Again, while I did not hear what the majority leader said, I am sure he shares the need to be as expeditious as possible in finding some resolution.

I yield the floor.

Mr. DOLE. Mr. President, let me indicate to my colleague that is sort of what I pointed out. There are, as I see it, three options. We talked about it to some extent today at the White House. But I appreciate that.

Of course, we need to do something because, as the minority leader indicated, our winter wheat farmers have already planted their wheat. They do not know what the program is going to be. They are taking a chance, as they do from time to time.

HOPEFUL SIGNS BETWEEN SYRIA AND ISRAEL

Mr. PELL. Mr. President, I wish to offer my strong support for the administration's recent, extraordinary efforts to broker a peace treaty between Israel and Syria.

I cannot overemphasize the importance of bringing Israel and Syria into a peaceful, normal relationship. Their conflict is virtually the last remaining obstacle to a comprehensive peace in the Middle East. If Syria and Israel are able to overcome their differences, sign an agreement, and establish diplomatic relations, it is nearly certain that other Arab states—Lebanon, Morocco, Tunisia, and Gulf countries—would soon follow suit. From that point forward, the region's prospects for political, economic, and social advancement would become almost limitless.

It is a sad irony that the peace talks being held in Wye, Maryland arose out

of the tragic assassination of Israeli Prime Minister Yitzhak Rabin. If the Wye talks succeed in producing an agreement, it will surely add yet another dimension to the Prime Minister's legacy as a peacemaker. I only lament the fact that the price would have been so dear.

It is too early to tell what result these talks may have, but already there have been suggestions from the participants that they are operating in an unprecedented environment of comity, seriousness, and creativity. While a positive atmosphere does guarantee success on the important questions of substance, it does lend hope to those who watched the failure of the previous, stale rounds of discussions.

In the next few weeks, it is expected that the Syrian and Israeli delegations will consult with their governments, Secretary of State Christopher will shuttle to the capitals of the Middle East, and the talks will reconvene. At the same time, everyone associated with the talks knows that the Israeli and American electoral cycles afford precious little time for a deal to be concluded. Under these circumstances—a high level of activity, a small window of opportunity, and a new spirit of cooperation—progress is likely to occur quickly or not at all.

Secretary of State Christopher and his Middle East peace team clearly understand their opportunities and their limitations, and have made every effort to steer Israel and Syria in the proper direction. While ultimately it remains the decision of the parties themselves to make peace, there is indeed a place for American leadership and engagement. Secretary Christopher, Ambassador Dennis Ross, and their colleagues at the State Department deserve the Nation's highest respect and gratitude for the energy, devotion, and intellect they have brought to the peace table.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business January 4, the Federal debt stood at $4,988,799,676,202.14, about $12 billion shy of the $5 trillion mark, which the Federal debt will exceed in a few months.

On a per capita basis, every man, woman, and child in America owes $18,937.57 as his or her share of that debt.

THE DEATH OF ADM. ARLEIGH A. BURKE, U.S. NAVY

Mr. THURMOND. Mr. President, on Thursday, January 4, 1996, the Nation paid its final tribute to a naval hero and patriot whose profound influence spanned more than 70 years and who laid down the blueprint of today's balanced fleet almost 40 years ago. I want to take this opportunity to honor the truly vital contributions made by that man, Adm. Arleigh A. Burke, who died on January 1, 1996, at the age of 94. He was buried on the grounds of the U.S. Naval Academy in Annapolis, MD where he graduated in 1923. At sea and on land he was among the finest leaders that our country has produced. He stood watch on active service to our country for more than 40 years, rising from a meager farm at the foot of the Colorado Rockies to serve as Chief of Naval Operations for an unprecedented 6 years during the bleakest days of the cold war.

Admiral Burke defined himself by an unwavering commitment to making the most of every opportunity presented and giving the best he had to every challenge that confronted him. When reminded of his earliest days of commissioned service, leading cleaning teams through the bilges of the USS *Arizona* (BB 39), he once observed, ''You have only one job. Very seldom do you get the job you want. Do the best you can with the job you have. If it isn't very important, do it better. When you do a job well, it makes itself important.'' This straightforward approach to life, combined with an unwavering commitment to those with whom he served, produced an exceptional naval officer and leader who, in the words of our current Chief of Naval Operations, Adm. Mike Boorda, ''—defined what it is to be a naval officer: relentless in combat, resourceful in command, and revered by his crews.'' He was a man who received all the honors a grateful nation could bestow during his lifetime, yet chose for his burial marker the simple phrase ''Sailor'' to capture the sum and substance of his life.

As commander of Destroyer Squadron 23, ''The Little Beavers'', during World War II, he carried the fight to the Japanese navy night after night in the Solomon Islands, earned the nickname ''31 Knot Burke'' from Admiral Halsey, and did as much as any man to turn the tide of battle against an Imperial Japanese Fleet that was flushed by an unbroken series of victories. Over a sustained campaign of 4 months, his squadron turned the tide of battle in the Solomons at Empress Augusta Bay, off Cape St. George. In ''The Slot'' and in 22 desperate engagements they produced a rich harvest of sunken ships and downed aircraft.

As commander of the ''Little Beavers,'' Admiral Burke showed a remarkable ability to absorb the lessons of experience and then distill them into battle orders and combat tactics that inspired his men and took maximum advantage of every weapon at his disposal. He taught his squadron to fight at night, to fight with stealth through the use of torpedoes over guns, to strike quickly with maximum power, and to seize the initiative in battle and never let it go. He instructed his commanders concisely that, ''The difference between a good officer and a poor one is about 10 seconds'' and set their priorities clearly, ''If it helps kill the enemy it is important. If it will not help kill the enemy it is not important.''

Serving on the Chief of Naval Operations staff after World War II, Arleigh Burke played an extraordinary and vital part in clearly explaining the pivotal role the Navy could have in preserving national security during the cold war. He was not a controversial man by nature, but he never shunned it when the needs of the Navy and our country made their demands. During a postwar period of intense and bitter interservice rivalry that almost cost him his career, Arleigh Burke was a clear voice of logic and sanity in stating the case for a Navy that time and again responded to emerging cold war crises worldwide.

It was my great privilege to have served as a member of the Armed Services Committee and worked with Admiral Burke during his tenure as Chief of Naval Operations. I speak from first hand experience when I reflect on the vision, forcefulness, intellect, and leadership that he brought to bear on his duties. From his razor sharp mind came the concepts of a balanced multimission Navy that could deal with crises on short notice yet stay for the long haul when needed, antisubmarine warfare and tactics as a top priority, the tremendous potential of nuclear power for naval ships, *Polaris* missiles at sea as an essential element of nuclear deterrence, and an unwavering commitment to ''training as we'll fight and fighting to win.''

Many able naval leaders have served our country well since Admiral Burke retired in 1961. I have worked with them all. They have been men of great talent and commitment, but they have all had the advantage of following a course that was clearly charted for them by Arleigh Burke, combat hero of World War II, a great naval leader of the cold war, a man who stepped down willingly when offered a remarkable fourth term as CNO to make way for younger men. He was a ''sailor's sailor.''

The Navy shares my admiration. It honored him in his lifetime by naming the most powerful class of surface combatant in the world, the *Arleigh Burke* class destroyer, for him. His legacy to the crew of the first ship was the simple observation, ''This ship was built to fight, you had better know how.''

I want to express my condolences to Mrs. Roberta Burke, Admiral Burke's widow and wife of 72 years. She cherished and sustained her husband in peace and war, a ''Sailor's Wife''. She has set a standard of service and commitment for thousands of naval families who must daily endure the stress of family separation that accompanies service at sea. Without the sacrifices that Mrs. Burke and many other spouses have shouldered, our Navy could not have been the force for freedom that has helped guard this country and support our allies for so many years.

I had the privilege of working with Arleigh Burke for several years. I came to admire him immensely. I always

knew where he stood and what he stood for. I was struck anew by his simple eloquence when I read the following words in his funeral pamphlet: ''Life has been good to me. I didn't did young. I wasn't killed in the war. I did most everything I wanted to do, and some things I didn't want to do. I had a job I liked and a woman I loved. Couldn't ask for more than that.'' Such a powerful summation of an extraordinary life.

Mr. President, I thank my colleagues for the time and I yield the floor.

VICTOR RIESEL AND WALTER SHERIDAN—''IN DEFENSE OF HONEST LABOR''

Mr. KENNEDY. Mr. President, the New York Times Magazine began a tradition a year ago of devoting its year-end issue to essays on the lives of some of the most interesting people who died during the year. The December 31, 1994 issue of the magazine contained reflections on 51 men and women who died last year. I commend all of these essays to my colleagues for their eloquence, grace, and insight. They make excellent and inspiring reading.

One of the essays, by Pete Hamil, paid tribute to Victor Riesel and Walter Sheridan for their leadership on behalf of American workers and the integrity of the American labor movement. Walter Sheridan worked with my brother Robert Kennedy in the Justice Department in the 1960's, and later spent many years on the staff of the Senate Labor and Human Resources Committee as one of the finest investigators the Senate has ever had. I believe the essay will be of interest to all of us in Congress who knew Walter, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times Magazine, Dec. 31, 1995]

IN DEFENSE OF HONEST LABOR

(By Pete Hamill)

They spent many years fighting the same fight; trying to give the American worker a fair shake and keep the unions clean. 1913–1995 Victor Riesel, in his newspaper column that run for more than 40 years and on his radio show, fearlessly exposed labor corruption (and paid dearly for it). 1925–1995 Walter J. Sheridan, as a government investigator with Robert Kennedy in the Senate and in the Justice Department, helped send Jimmy Hoffa to prison. In the end, neither Riesel nor Sheridan was able to stem the downward slide of the labor movement, but it can't be said that they didn't try.

When they died within days of each other in January, Victor Riesel and Walter Sheridan seemed like figures from a lost America. In their separate ways, they were shaped by that brief, romantic time when millions of Americans still believed that the labor movement would serve as the cement of the social contract.

The theory was relatively simple. Unions—not government—would establish hard limits on the powerful. Braided together into a mighty national force, unions would guarantee lives of security, decency and personal pride to ordinary citizens. Unions would provide a sense of community. And unions would be the ethical watch-dogs of the society, casting cold eyes on slippery politicians and predatory businessmen. Those ambitions were paid for with the blood of union members, from Ludlow, Colo., to Flint, Mich., and in hundreds of other places where a picket line was seen as a moral necessity.

By the time Riesel and Sheridan followed their separate trails into our social history, the union movement was a sewer. They knew it better than almost all others, for Riesel and Sheridan were among the few Americans who carried torches into that sewer and came back to tell us what they had seen.

Riesel was better known than Sheridan because for most of his adult life he was a labor columnist, first at The New York Post, where he began in 1942, and after 1948 at The New York Daily Mirror, with syndication in some 300 newspapers. It is one measure of how much our society has changed that even the job description ''labor columnist'' sounds as rare now as that of blacksmith.

Riesel came to his life's work with superb credentials. He was born in 1913 on Manhattan's Lower East Side, that nursery of union organizers, artists, prize-fighters and hoodlums. His father was a union activist whose work carried the family on the familiar journey to the more serene precincts of the Bronx when Victor was 13. He graduated from Morris High School just as the Great Depression was beginning and immediately went to work. Over the next decade, he managed to earn a bachelor's degree in the night school of the City College of New York, while working in hat factories and lace-makers' lofts and steel mills. He learned journalism on college and union newspapers.

As Riesel was starting his labor column, when American industry was gorged with wartime profits, the hoodlums were everywhere. Lepke Buchalter and Gurrah Shapiro had corrupted and terrorized the garment industry. The leaders of the waterfront unions were brutal and cynical in their alliances with the men who controlled the East Coast ports. Other unions were run as businesses by faceless men protected from scrutiny by the death of union democracy. Union treasuries were looted; pension funds were eaten by the mob. Dissidents had their heads broken or were dropped in swamps in New Jersey. In the postwar boom, union leaders began buying yachts. They played a lot of golf. They had become an oligarchy, as remote from the rank and file as the men who ran the great corporations. Riesel went after them in his column and on his radio program and would eventually pay a severe price.

If Riesel was formed by the Depression, Walter Sheridan's character was shaped by World WAr II. he was born in 1925 in Utica, N.Y. His father ran a small hotel called the Monclair and a restaurant named Sheridan's, and though the Sheridans were far from rich, the Depression did not force them into soup kitchens. At the Utica Free Academy, a public high school, Walter was senior class president and quarterback of the football team. He joined the Navy, quickly volunteered for the submarine service and was on board the U.S.S. Pargo in the Sea of Japan on the day the war ended.ter the war, he came to New York City and enrolled at Fordham on the G.I. Bill. In 1948, while a student, he married Nancy Tuttle; they had met in high school in Utica (and would go on to have 5 children and 14 grandchildren). After graduation in 1950, Sheridan briefly tried law school in Albany, then decided to enter the Federal Bureau of Investigation, where he would spend four disillusioning years. The F.B.I. was then in the iron control of J. Edgar Hoover, whose anti-Communist obsessions, private intelligence files and bureaucratic genius made him as permanent, a fixture in Washington as the average union leader was in Bayonne. I once spent an hour with Sheridan during Robert F. Kennedy's 1968 campaign and asked him casually why he'd left the F.B.I.

''Because Hoover was more interested in guys who were Communists for 15 minutes in 1931,'' Sheridan said quietly, ''than he was in guys who were stealing New Jersey.''

After resigning from the F.B.I., Sheridan joined the National Security Agency, where he refined his skills as an investigator. These included a willingness to endure tedium, a stoical tenacity when faced with dry holes or disappointment and, above all, an ability to gaze at often purposefully obscure documents and discover a story line. Most great investigators have two other qualities: a passion for anonymity and a belief in the righteousness of the enterprise. Sheridan, by all accounts, was a great investigator.

In 1957, his life was permanently changed when he was recruited by Robert Kennedy to join the staff of the Senate Select Committee on Improper Activities in the Labor or Management Field, better known as the McClellan Committee. The chairman was Senator John McClellan, a Democrat from Arkansas. John F. Kennedy was a member of the committee, and Robert Kennedy was the chief counsel. Sheridan established almost instant rapport with Bobby. They laughed when they discovered they were born on the same day—Nov. 20, 1925. Kennedy quickly recognized in Sheridan characteristics he admired in others who joined his team: tenacity, courage, a respect for detail and hard work and an absence of self-importance.

The basic task of the committee was to dig into the mob takeover of the unions. It quickly began to focus on the complex, gifted and corrupt Jimmy Hoffa and the Teamsters, which, with almost two million members, was the nation's largest and richest union. The hearings had been called, in part, because of widespread national revulsion the year before at what had been done to Victor Riesel.

On April 5, 1956, on his late-night radio show, Riesel attacked racketeering in Local 138 of the International Union of Operating Engineers, based in Long Island. He singled out William C. DeKoning Sr., recently released from prison after doing time for extortion, and his son, William C. DeKoning Jr., who had inherited the presidency of the local when his father was sent to jail. Riesel had also attacked Hoffa, who was maneuvering from his Middle Western base to take over the national leadership of the Teamsters.

After the broadcast, Riesel went to Lindy's, the most famous of the late-night Broadway restaurants of the era. He stepped outside at 3 a.m., was fingered by a shadowy figure and then a young man stepped up and hurled sulfuric acid into Riesel's face. He was permanently blinded.

The police learned that the acid thrower was a 22-year-old apprentice hoodlum named Abraham Telvi, who disappeared for a while. They arrested a second-level labor hoodlum—and Hoffa crony—named John DioGuardia (better known as Johnny Dio) and charged him with ordering the attack. But witnesses suddenly developed amnesia and Johnny Dio went free. When Telvi, who had been paid $1,175 by middlemen to do the job, understood the importance of his victim, he demanded more money. He was murdered on July 28 on the Lower East Side, not far from where Riesel grew up.

There is no record of Riesel and Sheridan working together, but in Sheridan's 1972 book, ''The Fall and Rise of Jimmy Hoffa,'' he relates a tale told to him by an honest

teamster named Sam Baron, who was in a hotel room with Hoffa one night in 1956:

Hoffa went into another room to take a phone call and then came back into the room where Baron * * * and others were gathered. According to Baron, Hoffa walked up to him and poked his finger in his chest, saying, ''Hey, Baron, a friend of yours got it this morning.''

''What do you mean?'' Baron asked.

''That son of a bitch Victor Riesel. He just had some acid thrown on him. It's too bad he didn't have it thrown on the goddamn hands he types with.''

Despite his blindness, Riesel continued writing his syndicated column until his retirement in 1990. Sheridan, who moved to the Justice Department when Robert Kennedy became Attorney General, continued pursuing Jimmy Hoffa, and the Teamsters leader finally went to prison in 1967. He served 58 months before being released by Richard Nixon. None of this was simple. The ''Get Hoffa'' squad, commanded by Sheridan, often seemed obsessive; even some liberals objected to its relentlessness. But Sheridan always denied that he and Kennedy were engaged in a vendetta. ''For Kennedy to have done less than he did,'' he wrote in his book, ''would have been a violation of his own public trust and a dereliction of duty.''

By the time Sheridan wrote those words, John and Robert Kennedy had been murdered. A few years later, on July 30, 1975, Jimmy Hoffa went to meet a guy in a restaurant outside Detroit and was never seen again. The labor movement hasn't vanished, of course, but by any measurement, it is greatly diminished. Not even the most giddy union idealist offers hope that it can become in the future what it should have been before the hoodlums cut into its heart. We do know this: Victor Riesel and Walter Sheridan spent years of their lives trying to save the labor movement from the enemy within, trying to help thousands of people who would never know their names.

Pete Hamill's journalism career began in 1960 at The New York Post, a union shop. ''Piecework,'' a collection of his articles, is being published this month.

TRIBUTE TO THE LATE MARSHALL B. WILLIAMS

Mr. THURMOND. Mr. President, last week, as most people visited family and friends, enjoying the especially festive days between Christmas and New Year's, hundreds of South Carolinians, including myself, were saddened to learn of the death of a truly remarkable and legendary person—Marshall B. Williams. For almost 50 years, this man faithfully served the people of the Palmetto State as a member of the South Carolina House of Representatives and the South Carolina Senate. His easy going style and desire to build consensus among his colleagues made him an especially effective legislator and helped to ensure his re-election year after year. As a matter of fact, his longevity in the South Carolina Senate earned him the distinction of not only serving as that body's President pro tempore, but the Nation's longest serving State official.

While I have known the Williams family much of my life, I did not really come to know Marshall until 1928 when he visited his sister who lived in Ridge Spring, SC. About 20 years later, in 1947, we both found ourselves serving in State government. I had just been elected as Governor of South Carolina and Marshall was in his first term as a member of the House, being close in age as well as single, we quickly became good friends. It was a friendship that I valued and one which literally lasted a lifetime.

Marshall was born of a different era and was the product of the values and traditions of the Old South, where manners and civility were stressed, and kindness was not an aberration. Such characteristics personified Marshall throughout his personal and public lives, he treated everyone with whom he came in contact with respectfully and kindly. His geniality and desire to build alliances and friendships earned him the respect and admiration of the men and women with whom he served, his constituents, and citizens throughout South Carolina. It also helped him to become an effective and strong leader within the South Carolina State House, where he chaired some of the most important and influential committees in the Senate. He was a figure who commanded deference and respect, both because of his position and seniority, and also because he accorded others those same courtesies.

With his bow tie and gentle manners, someone who passed Marshall on the street might confuse him for a professor or a retired accountant rather than a strong and capable political leader. During his tenure in the South Carolina Legislature, Marshall helped to create an era of unprecedented growth and change for our State, helping South Carolina become one of the leading centers for commerce and industry in the Southeast. It takes an especially unique man to be born in an era when most of the citizens of our State had little formal education and earned their living by farming, and in later years have the vision to help prepare South Carolina to compete in the high-technology global marketplace of the 21st century. It was the work of a handful of leaders—of which Marshall Williams was one—in the public and private sectors, that prepared South Carolina to meet the challenges of the future and Marshall can be proud of the legacy he left.

Mr. President, this past Saturday over 1,000 people gathered in Marshall's hometown of Orangeburg, SC, to pay their last respects to this man. I was among those who had the honor of eulogizing him and I began my remarks by noting that ''A giant has fallen''. This truly describes Senator Marshall Williams, he did so much for the State and Nation that created him. I know that his wife Margaret, and his children, his grandchildren, and a large circle of friends will miss Marshall a great deal, and I certainly join them in their mourning for this very special man. He touched the lives of thousands through his work and efforts, and South Carolina will never be the same place as a result of his passing.

THE IMPACT OF THE GOVERNMENT SHUTDOWN

Mr. KENNEDY. Mr. President, the irresponsible Government shutdown has brought havoc to the lives of millions of working Americans.

For the past 3 weeks, House Republicans held the Government hostage in an effort to force harsh and excessive cuts in Medicare, education, the environment, and other vital programs in order to pay for their lavish tax breaks for the wealthy.

From coast to coast, the repercussions from the shutdown were felt not only by Federal workers but by contractors who depend on the Government for their income, and by large numbers of other citizens and firms who depend on the Government for their livelihood.

Massachusetts was hit hard by the shutdown. Over 15,000 of the State's 32,000 Federal employees had either been furloughed or were working without pay since December 15.

The various stop-gap funding bills the Senate is now adopting will ease some, but far from all, of these problems. It will pay Federal workers through January 26 and permit a number of essential programs to resume. But many other important Federal services, which families have already paid for with their hard-earned tax dollars, will not to be funded under today's stop-gap bills.

The stop-gap bills still provide no funding for Head Start, which serves 2,000 children in Massachusetts. Nor does it provide assistance to low-income families to insulate their homes. The Foster Grandparents Program, community health centers, the Ryan White AIDS Program, and clean water inspection will also continue to go unfunded.

At the same time, the stop-gap bills will send thousands of Federal workers back to work—without the funding to administer these programs. Republicans talk about making work pay, but under their stop-gap funding bills, far too many Federal employees will be forced to sit idle at their desks while taxpayers demand these important services.

Republicans claim that they want to reduce the deficit and balance the budget, but the Office of Management and Budget has found that over the 3 weeks the Government has been closed, the Federal Treasury has lost $945 million—or $45 million a day. If that's not inefficient, I don't know what is.

Instead of these defective stop-gap bills, we should have passed an honest bill to reopen the Government while the budget negotiations continue. Responsible Republican leaders have tried in good faith to end this irresponsible shutdown, and I wish they had been more successful.

Mr. DOLE. 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. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I am going to ask about three unanimous consent requests. I will state them first and then if there are any objections, they can be heard.

MESSAGE FROM THE HOUSE ON H.R. 1643

I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 1643, extending certain programs for the remainder of the fiscal year, and deems all Federal employees essential and pays those employees; that the Senate immediately concur in the House amendments, the motion to reconsider be laid upon the table, all without any intervening action or debate.

The message from the House is as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1643) entitled ''An Act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria'', with the following amendments:

In lieu of the matter inserted by said amendment, insert:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All nutrition services for the elderly under the account heading ''Aging services programs'' under the Administration on Aging in the Department of Health and Human Services;

All grants to States for child welfare services, authorized by title IV, part B, subpart 1, of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for Children and Families in the Department of Health and Human Services;

All Federal Parent Locator Service activities, as authorized by section 453 of the Social Security Act, under the account heading ''Children and families services programs'' under the Administration for Children and Families in the Department of Health and Human Services;

All State unemployment insurance administration activities under the account heading ''State unemployment insurance and employment service operations'' under the Employment and Training Administration in the Department of Labor;

All general welfare assistance payments and foster care payments, as authorized by law, funded under the account heading ''Operation of Indian programs'' under the Bureau of Indian Affairs in the Department of the Interior;

All projects and activities funded under the account heading ''Family support payments to States'' under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Payments to States for foster care and adoption assistance'' under the Administration For Children and Families in the Department of Health and Human Services;

All administrative activities necessary to carry out the projects and activities in the preceeding two paragraphs;

All projects and activities funded under the account headings ''Dual benefits payments account'', ''Limitation on administration'' and ''Limitation on railroad unemployment insurance administration fund'' under the Railroad Retirement Board;

All projects and activities necessary to accommodate visitors and to provide for visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the facilities operated by the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial; and

All projects and activities necessary to process visas and passports and to provide for American citizen services, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: Provided, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, except for the projects and activities under the headings ''Family support payments to States'' and ''Payments to States for foster care and adoption assistance'', for which date shall be March 15, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

SEC. 111. Notwithstanding any other provision of this Act, except section 106, funds appropriated under section 101 for the payment of vested dual benefits under the Railroad Retirement Act shall be made available so as to fully fund the payments made on January 1, 1996, and the payments to be made within the period covered by this Act including those payments to be made on the first day of each month within the period covered by this Act. In addition to the funds appropriated under section 101 of this Act, $12,800,000 is appropriated to restore full funding for payments made for the period prior to January 1, 1996.

SEC. 112. Notwithstanding any other provision of this Act, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this Act, notwithstanding paragraph (3) of said subsection.

TITLE II

VETERANS AFFAIRS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.—(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures

and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees excepted from the provisions of the Antideficiency Act (31 U.S.C. 1341 et seq.) who are continuing projects and activities conducted in fiscal year 1995 who work during periods when there is otherwise no funding authority for their salaries.

SEC. 302. Appropriations made by section 301 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 303. No appropriation or funds made available or authority granted pursuant to section 301 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 304. No provision which is included in the appropriations Act enumerated in section 301 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 305. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 306. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 26, 1996, whichever first occurs.

SEC. 307. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 308. No provision in the appropriations Act for the fiscal year 1996 referred to in section 301 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 306(c) of this Act.

SEC. 309. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 310. ALL FEDERAL EMPLOYEES DEEMED TO BE EXCEPTED EMPLOYEES.—(a) IN GENERAL.—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through January 26, 1996—

(1) by inserting after the first sentence ''All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property.''; and

(2) by striking out the last sentence.

SEC. 311. EXCEPTED EMPLOYEES UNDER NORMAL LEAVE POLICY.—Federal employees considered excepted from furlough during any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.—Notwithstanding any other provisions of law, beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.

SEC. 314. Appropriations made pursuant to section 301 are made notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 53 of the Arms Control and Disarmament Act, and section 10 of Public Law 91–672.

TITLE IV

The following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this title of this Act) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 402. Appropriations made by section 401 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 403. No appropriation or funds made available or authority granted pursuant to section 401 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 404. No provision which is included in the appropriations Act enumerated in section 401 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this Act.

SEC. 405. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

SEC. 406. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 407. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 408. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 409. No provision in the appropriations Act for the fiscal year 1996 referred to in section 401 of this title of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 406(c) of this Act.

SEC. 410. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 411. Notwithstanding any other provision of this title of this Act, except section 406, whenever the Act listed in section 401 as passed by both the House and Senate as of the date of enactment of this Act does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 401 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 401 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 412. Notwithstanding any other provision of this title of this Act, except section 406, whenever the rate for operations for any continuing project or activity provided by section 401 or section 411 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366.

SEC. 413. Notwithstanding any other provision of this title of this Act, except sections 406, 411, and 412, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.

SEC. 414. This title of this Act shall be implemented so that only the most limited funding action of that permitted in this title of this Act shall be taken in order to provide for continuation of projects and activities.

SEC. 415. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this title of this Act.

SEC. 416. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be used to implement or enforce any system or registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this title of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE V

CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.—(a) If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

(b) For purposes of this subsection, the term ''State'' shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

HOUSE CONCURRENT RESOLUTION 131

Mr. DOLE. I ask unanimous consent that the Senate now turn to House Concurrent Resolution 131, directing the House to enroll and send to the President House Joint Resolution 134, after he has submitted a certified balanced budget using CBO numbers; that the concurrent resolution be immediately agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

HOUSE JOINT RESOLUTION 134

And I further ask unanimous consent that once the Senate receives the message from the House on House Joint Resolution 134, the House-initiated continuing resolution, conditioned on the President submitting a balanced budget, the Senate be deemed to have concurred in the House amendment and the motion to reconsider be laid upon the table, all without any intervening action or debate.

H.R. 1358

And finally, I ask unanimous consent that if the Senate receives the message from the House on H.R. 1358, containing additional programs not identified in H.R. 1643, the Senate be deemed to have concurred in the House amendment, and the motion to reconsider be laid on the table, all without any intervening action or debate, on the condition that the House amendment is identical to the text I now send to the desk. And I ask unanimous consent that it be printed in the RECORD.

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

TITLE I

At the end of the amendment add the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All allowances paid under section 5(b) of the Peace Corps Act, 22 U.S.C. section 2504, notwithstanding section 10 of Public Law 91–672, at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–295) on the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (H.R. 1868), as passed by the House of Representatives on October 31, 1995;

All activities, including administrative expenses, necessary to process single-family mortgage loans and refinancing for low-income and moderate-income families funded under the Federal Housing Administration's ''FHA-mutual mortgage insurance program account'' and ''FHA-general and special risk program account'' in the Department of Housing and Urban Development at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–384) on the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

All projects and activities directly related to the security of United States diplomatic posts and facilities abroad, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

Activities funded under the account heading ''Emergency food and shelter program'' in the Federal Emergency Management Agency: *Provided,* That, notwithstanding any other provision of this Act, the amount made available by this Act shall not exceed $46,000,000: *Provided further,* That not to exceed three and one-half percentum of the amount made available shall be for administrative costs;

All retirement pay and medical benefits for Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and

for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55) and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)); at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities of the Federal Bureau of Investigation, Drug Enforcement Administration, Interagency Crime and Drug Enforcement, Federal Prison System, U.S. Attorneys, U.S. Marshals Service, Federal Prisoner Detention, Fees and Expenses of Witnesses, Immigration and Naturalization Service, and the Executive Office for Immigration Review, necessary for the investigation and prosecution of criminal and civil offenses; national security; the apprehension, detention and removal of illegal and criminal aliens; the incarceration, detention, and movement of federal prisoners and detainees; and the protection of the Federal judiciary at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities of the Judiciary to the extent and in the manner and at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to provide for the expenses of State surveys and certifications under the account heading ''Program Management'' under the Health Care Financing Administration in the Department of Health and Human Services;

Trade adjustment assistance benefits and North American Free Trade Act benefits funded under the account heading ''Federal Unemployment Benefits and Allowances'' under the Employment and Training Administration in the Department of Labor;

Payments to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds under the account heading ''Payments to Health Care Trust Funds'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities necessary to provide for the expenses of Medicare contractors under title XVIII of the Social Security Act under the account heading ''Program Management'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities funded under the account heading ''Grants to States for Medicaid'' under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities of the National Institutes of Health in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities necessary to carry out the Section 7(a) General Business Loan Guaranty program and the Section 504 Certified Development Company program, as authorized by law, under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities funded under the account heading ''Surety Bond Guarantees Revolving Fund'' under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to accommodate visitors and to provide for visitors services on the public lands managed by the Bureau of Land Management at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996, (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities funded under the account heading ''Disease Control, Research, and Training'' under the Centers for Disease Control and Prevention in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, not to exceed an annual rate for new obligational authority of $2,114,693,000;

All Self-Determination and Self-Governance projects and activities of tribes or tribal organizations (as that term is defined in Public Law 93–638) that are authorized by Public Law 93–638 under the account heading ''Operation of Indian Programs'' under the Bureau of Indian Affairs in the Department of the Interior or under the account heading ''Indian Health Services'' under the Indian Health Service in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104–402) on the Department of the Interior and Related Agencies Appropriations Act, 1996, (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities necessary to provide for the expenses of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf under the account heading ''Gallaudet University'' in the Department of Education;

Payments for benefits and interest on advances, together with expenses of operation and administration, under the account hearing ''Black Lung Disability Trust Fund'' under the Employment Standards Administration in the Department of Labor; and

Payments for benefits, together with expenses of operation and administration, under the account heading ''Special Benefits for Disabled Coal Miners'' in the Social Security Administration: *Provided*, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant

to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

TITLE II

SEC. 201. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

(a) EXTENSION.—Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking ''December 31, 1995'' and inserting ''June 30, 1996''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of December 31, 1995, and with the consent of Prescott, Arizona, the contract referred to in such section 112(b) is revived.

SEC. 202. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVIII of Public Law 102–575) is amended by striking ''December 31, 1995'' and inserting ''December 31, 1996''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as of December 31, 1995.

(2) LAPSED PROVISIONS OF LAW AND CONTRACTS.—The provisions of subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act, together with each contract entered into pursuant to any such section or subsection (with the consent of the non-Federal parties thereto), shall be effective on and after the date of enactment of this Act, subject to the December 31, 1966, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section.

The PRESIDING OFFICER. Is there objection to the request by the majority leader?

SENATE CONCURRENT RESOLUTION 38

Mr. DASCHLE. Reserving the right to object, I have a fourth resolution I ask to be considered as part of this series, en bloc. I will simply read the resolution.

The President and the Congress shall enact legislation in the 2nd session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office, and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and stimulate future economic growth.

The balanced budget agreement shall be estimated by the Congressional Budget Office based on its most recent current economic and technical assumptions, following a thorough consultation and review with the Office of Management and Budget, and other government and private experts.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Let me indicate we hotlined this on this side. As far as I know nobody has indicated any objection. I wanted to be sure we did that because after the action we took last week I know the Senator from Texas, Senator GRAMM, said he would have objected had he been here. I understand the Senator from Oklahoma, Senator INHOFE, and the Senator from Georgia, Senator COVERDELL, made the same indication. I am not certain about the Senator from Mississippi, Senator LOTT.

But everybody has been notified. If they want to make any objection now, wherever you are, now is the time to be heard.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the majority leader?

Mr. FORD. Mr. President, reserving the right to object, I need some explanation because of the resolution. Am I correct in my understanding that the so-called clean CR that has the proviso that says that when the President sends or submits a balanced budget in 7 years with CBO figures and is certified by the Speaker, then the clean CR would be released, that that legislation stays here and does not go to the White House until such time as the President submits that budget?

Mr. DOLE. The Senator is correct.

Mr. FORD. So therefore that piece of your unanimous-consent agreement will not go to the President, but it will stay here?

Mr. DOLE. Yes.

Mr. FORD. I thank the leader. I will not object.

● Mr. BOND. Mr. President, I rise in strong support of this latest version of a continuing resolution, and I commend the Majority Leader for his diligence in trying to bring an end to the budget impasse.

It's long past time to send government workers back to work, and ensure they receive full pay on time. We can wait no longer for the President to make good on his promise to submit a 7-year balanced budget. It's clear he never intended to honor this commitment. But we simply cannot hold our Nation's elderly, who depend on Meals on Wheels; our veterans, who depend on their monthly benefit check; those who need passports to travel; children, who depend on federal assistance; or federal workers, to name a few, hostage to the President's refusal to carry through on his commitment.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, my patience with this administration has completely expired. The White House has shown no willingness to negotiate in good faith to resolve their concerns with the VA–HUD bill. While I have expressed my willingness time and again to negotiate a compromise, the White House does not seem to understand the art of compromise.

Last month, OMB prepared a list totaling $1.9 billion which at the time represented the administration's list of what they wanted in additional spending for the VA–HUD bill. Earlier this week, I saw a new list which OMB had prepared, which had grown to almost $2.5 billion. Mr. President, this doesn't represent a good faith attempt to resolve the current budget crisis! The size of the list is going in the wrong direction!!

Let me highlight just a few items on the administration's so-called ''wish list'' for the VA-HUD Subcommittee which would make the bill ''acceptable'' to the President.

The list contains several pork barrel projects, including $62 million for the first phases of two brand new VA hospitals—at a time when the veteran population is declining, VA's existing 173 hospitals are underutilized, and GAO says these facilities are not needed.

The list includes $50 million for a new $280 million EPA laboratory, a project we just cannot afford at this time.

The list includes $1 million for the obsolete Office of Consumer Affairs, when we have 2 other consumer agencies which can take over OCA's activities at far less expense. While the President has said he's for streamlining and eliminating duplication, when the time comes to actually do it, he refuses.

For EPA's environmental technology initiative, the White House says we must put in another $62 million—despite the fact that this program has been a complete waste of taxpayer dollars and there is nothing to show for the millions we've already spent over the past 2 years.

For Boston Harbor, the White House says we need another $75 million, in addition to the $25 million included in the VA–HUD bill and on top of the $530 million already appropriated over the past several years for this pork barrel project. I say to the President, enough is enough! It's time to get real and begin good faith negotiations.

While my frustration with this administration is mounting even as I speak, I do not believe it's right to allow the American people, who depend on services provided by their Federal government, to be the victims of the President's intransigence.

Therefore, I support passage of this continuing resolution, returning workers to their jobs, and providing full year spending authority for such critical activities as veterans benefits, Meals on Wheels, child welfare programs, passport and visa services, and locally financed operations of the District of Columbia.

As chairman of the VA–HUD subcommittee, I'm particularly pleased that this continuing resolution will enable the Department of Veterans Affairs to provide payments to needy and disabled veterans in a timely manner. It will enable VA to pay its hospital workers—who have been working without pay for the past 3 weeks—and pay those who supply medicine, food, and

other critical supplies to its hospitals. This is extremely important and I strongly support the inclusion of this provision in the continuing resolution.

Let me make clear that while I support this measure, it is in no way a solution to the budget stalemate. There are many, many activities which will not be carried out even if this legislation is enacted. For example, while VA can begin processing new claims again, VA will not be able to make payments to new beneficiaries. EPA Superfund cleanup contractors will not get paid. FEMA's emergency food and shelter program will not receive funds—meaning that hundreds of people who find themselves in need of temporary housing assistance will not get help. And States will not receive grants to run their environmental protection programs or for the construction of wastewater treatment plants.

Mr. President, this measure also will not address a major problem with contractor provided services, particularly those provided by small businesses which typically have limited financial resources with which to weather-out delays in payments. This is a very large problem because over the last decade the Federal Government has emphasized contracting out of activities which could be more efficiently carried out by the private sector. Many activities which formerly were conducted by Federal employees have been converted over to the private sector. The employees of these contractors have been furloughed just like the Federal Government counterparts, but under the terms of this bill, they won't be returning to work. And, even when they do return to work, it won't be with the assurances of reimbursement that Federal employees are being given for their lost pay.

As Chairman of the Small Business Committee, I am particularly concerned over the adverse impact this budget impasse is having on cash poor small business contractors. These businesses cannot draw readily upon preexisting lines of credit or cash reserves that large corporations usually have available. So even where the Federal Government has determined that a function carried out by a contractor is critical or related to health and safety, the Government's inability to make timely payments jeopardizes the very existence of these small businesses.

While the VA–HUD bill Congress passed in December would have funded every one of these activities, the President decided the bill was not good enough and he vetoed it. He vetoed it because we could not breech the budget constraints and appropriate another $2 billion. If he had signed it, he could have sought supplemental funds in negotiations with the Congress and all of the hardships his veto caused could have been avoided.

But we are left with no choice but to enact this stop-gap measure. I urge the President and his advisors and all those involved in negotiations on the budget, to work in good faith to come to an agreement as soon as possible.

In conclusion, I again commend the Majority Leader for his hard work on this matter, and I urge its expeditious adoption.●

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the majority leader as amended by the minority leader?

Hearing none, without objection, it is so ordered.

So the motion to concur in the amendment of the House to H.R. 1643 was agreed to.

So the concurrent resolution (S. Con. Res. 131) was agreed to.

So the concurrent resolution (S. Con. Res. 38) was agreed to, as follows:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That the President and the Congress shall enact legislation in the 2nd session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office, and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and stimulate future economic growth.

The balanced budget agreement shall be estimated by the Congressional Budget Office based on its most recent current economic and technical assumptions, following a thorough consultation and review with the Office of Management and Budget, and other government and private experts.

Mr. DOLE. That takes care of the Senator's request?

Mr. DASCHLE. Yes.

Mr. DOLE. I think the Senator from Alaska wants to comment, too. I think the Senator from Oregon, Senator HATFIELD, the chairman of the Appropriations Committee, has some concern about this process. In fact, I think the Senator from Alaska talked to the Senator from Oregon. But let us proceed. We need to work on some of these things.

Has anybody determined, once they look through the list—NIH will be approved for an entire year, in fact, a number for an entire year, some March 15. That takes those provisions out of other bills that may be pending or may have been vetoed. I think it does present some difficulty for the appropriators, particularly those who might be conferees when they try to salvage the rest of those proposals and get them passed. I will be happy to yield to the Senator from Alaska for further comments. I know he talked to Senator HATFIELD.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Chair.

It is my understanding that this bill is now for the full year for all of the subjects mentioned.

Mr. DOLE. In the second, yes.

Mr. STEVENS. The difficulty is—I have not spoken directly with the Senator from Oregon, but he has sent to me his concerns as chairman of the Appropriations Committee that what this does is it pulls out of some bills, as the leader said, provisions that may disturb really the synergy of the whole bills when we come back and try to get them finally adopted and sent to the President.

So he does really express great reservation to the procedure that is being used. So he wants me to indicate that the Appropriations Committee on this side will not pursue this procedure again.

Mr. DOLE. I do not disagree, obviously, with the Senator from Alaska or the Senator from Oregon. I think in the event we should reach an agreement with the President on a balanced budget we can take care of all the appropriations bills that are still around here, but otherwise it is going to present a real problem. But I would just say the House insisted that they be for 1 year or they not be included at all. So you had to make a judgment because some of these are very sensitive programs, very important programs.

So we yielded to the wishes of the House appropriators in this case. But I understand the Senator's concern.

Mr. STEVENS. Mr. President, just one comment further. It is my understanding that the figure is the House figure on those disputed items which are in conference with the Senate. That is the Senator from Oregon's real objection to this procedure.

Mr. DOLE. Some are the House figures and some are the conference figures. But the Labor-HHS, since that has not been completed that is the House figure in Labor-HHS.

Mr. STEVENS. Right.

Mr. DOLE. Let me thank all my colleagues. The House is still debating what we have completed. But we are going to—in case there should be any amendment, the Democratic leader and I agreed we would be here tomorrow so we could concur on any additional amendment, if we agree on it, concur in that amendment, because we want to be certain on Monday the money is available for whatever may be in that text that I sent up.

I do not think there will be any amendments adopted on the House side, but if so that will be taken care of tomorrow. And we will condition coming in tomorrow on whether or not there are any amendments added. If there are no amendments added, we will not be in session tomorrow, we will not be in session Sunday, we will come in about 2 or 3 o'clock on Monday, probably about 3 o'clock Monday.

I want to thank all my colleagues for their cooperation. In my view, we have a resolution now of a very thorny problem and one that unfairly punished a lot of good people, Federal employees in particular who were being paid for not working, not because they do not want to work—they were willing to

work—but they could not go to work. And this will see that they are paid.

In addition, we have provided money for a number of programs, as pointed out in the two sort of targeted appropriations bills that we passed this evening. Of course, the President now, if he decides to lay down a balanced budget, scored by CBO, over a 7-year period, then everything is going to be open until January 26.

I think by that time we will either have reached the budget agreement or not. That gives us 3 weeks in which to do that. And I hope that if we cannot come to some agreement that we are not going to go through this process again with a Government shutdown or partial shutdown. I know that the Speaker is working on some language that in the event this should happen again that I think every Federal worker would be deemed essential so they would still be coming to work, and some other provisions they are working on on the House side so there would not be a repeat of the 21- or 22-day shutdown, following the earlier 7-day Government shutdown or partial shutdown.

So I want to thank the Democratic leader. And I want to thank my colleague from Virginia who has been on the floor all week long, and others who have an interest in this matter, as we all do. I think now that we have completed action we can tell everyone to go back to work.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I share the satisfaction expressed by the majority leader about the opportunity now to send Federal workers back to work with pay, apparently now giving them also the authority and funding to do at least some of the things that they are being paid for. But I share the reservations expressed by the Senator from Alaska and the Senator from Oregon. This is not the way to run a Government.

The majority leader had it right on January 2. On January 2 this body passed a clean continuing resolution that did all that we should do. Now we are picking and choosing. Now we are picking winners and losers. Now we are still leaving unfunded a lot of very important programs including Head Start, JOBS, cops on the beat, virtually all the programs at the Commerce Department, NASA operations, the social services block grants, Violence Against Women grants, entire divisions of the Department of Justice—including the criminal, civil rights, and environmental divisions, among others—all Environmental Protection Agency contractor operations, low-income housing vouchers, and vocational rehabilitation. Many more agencies and activities, very important functions of Government, are still left without any funding, still left without any standing as we enter this new session of Congress in this new calendar year. American taxpayers have paid for these services, yet they will not be receiving them.

So no one should be misled. We have not solved everything here. We have solved only part of the problem. As I have said all day, we have come to the agreement that something is better than nothing. And nothing is what we would have had if nothing passed tonight. And so I am somewhat encouraged that we made some progress in all of this, although I wish we had done again tonight what we did on January 2—pass a clean continuing resolution to reopen the entire government and restore some normalcy to our governmental processes.

As for the 7-year budget issue, the reason we added the fourth measure to this en bloc unanimous consent request agreement is that the commitment to a 7-year balanced budget, Mr. President, was only half of the agreement Democrats and Republicans both made last November.

The other half of the agreement was that we were going to protect priorities. We all agreed we would negotiate toward a balanced budget if we could agree to one within a 7-year period of time, scored by CBO once finalized—after there was consultation with the Office of Management and Budget. But what we also agreed to was that we would protect those priorities that Democrats and some Republicans have indicated are very important if we are going to achieve a balanced budget: all the priorities I read earlier.

Those priorities include Medicare and making sure that people have every confidence that in the Medicare Program they are going to be protected. They include Medicaid and education and the environment. They include agriculture and veterans affairs—priorities that we feel every bit as strongly about as we feel the need to balance the budget in 7 years. We are unwilling to use those pools of resources to pay for tax cuts for those who do not need them.

So we felt the need to recommit ourselves and our colleagues to those priorities that we all agreed to last November.

Mr. President, I know others want to speak. Let me just close by reading a letter that I got from Amanda Munroe a couple of days ago. Amanda Munroe is a sixth grader from Sturgis, SD. She wrote a letter that is as poignant and as straight to the point as anything I have read. It is probably appropriate tonight that it be read and shared with my colleagues:

> I am 12 years old and in the 6th grade at Sturgis Williams Middle School. My mom and dad both work at Fort Meade Veterans Medical Center. Many kids at Sturgis Williams Middle School have parents that work at Fort Meade.
>
> In school I learned that the Government is of the people, for the people, and by the people. I thought the Government was supposed to make choices that help the Nation. The furlough does not only hurt Federal workers, it hurts the children also. I thought the children were the future.
>
> I think that the Democrats and the Republicans should each give a little and pass the budget. It would make the future of Federal workers and their children much brighter.
>
> Thanks for being the grinch that stole our Christmas.

There are a lot of children and others out there who did not have a very rosy Christmas as a result of an extraordinary experience they have had to endure. Let us hope it is now over. Let us hope at long last Federal workers can go back to work, pay their bills, run the Government and do the things that we have asked them to do. We will all be better for it. I yield the floor.

Mr. WARNER. Mr. President, I first want to express my great respect and appreciation for the majority leader of the U.S. Senate. In the 200-plus years that this institution has been serving the public of this great Nation, I doubt if there has been a chapter with parallel and complexity and such seriousness as the one we witnessed here of recent days.

The leadership exhibited by Senator DOLE throughout has earned him an indelible place in the history of this institution and in that category so named as a profile in courage for what he has done.

I join with Senator DOLE in his expression of appreciation to the minority leader and his leadership, together with the minority whip and his leadership. I have had the privilege here of being on the floor throughout the week with the distinguished Senator from Kentucky, and while we may have had differences of views, we have tried our very best to maintain a bipartisan approach to the solution, and I think that was achieved.

I also want to pay special recognition to Members of Congress from the greater Metropolitan Washington area: Congressman DAVIS, Congressman GILCHREST, Congressman WOLF, Congresswoman MORELLA. We have been meeting regularly, together with Congressman BATEMAN, who represents another section of the State of Virginia, to try and provide the leadership of the Senate and the House with our best judgment as to how this matter may be resolved.

I also wish to thank the Presiding Officer, the senior Senator from Alaska, a known expert on the complexity of appropriation measures. We counseled together throughout the evening on various aspects of the legislative messages coming from the House, and, indeed, I think through his wisdom, one or two problems were corrected at the last minute. I wish to commend him for the service he has rendered the Senate in that capacity this evening. Time is short and there was a need to move forward on this.

I know there are other Senators anxious to speak. I shall yield the floor. Again, my expression of appreciation to all the colleagues who worked together as a team, together with a very competent staff of this institution to make this possible and to put back to

work these individuals who were caught in the crossfire, in a very unfair manner, caught in a crossfire—not only those who are Government employees, but indeed the ripple effect throughout our State and other parts of the United States which involved either directly or indirectly many members of the private sector.

I hope we have learned by this experience, Mr. President, we have learned a lesson such as it will not be repeated again in the future. I yield the floor.

Mr. HEFLIN. Mr. President, I join in the remarks of Senator WARNER relative to the majority leader and minority leader and the minority whip, Senator FORD, and the person who has been serving somewhat of a similar capacity, Senator WARNER, on the floor, as well as other leaders, including the chairman of the Budget Committee in the Senate.

I think the Senate, basically, has endeavored to act very reasonably in approaching this issue pertaining to the shutdown of the Government, getting the Federal employees back on the job. I think Senator DOLE's speech on ''enough is enough'' was a remarkable speech and a remarkably courageous statement.

I think in the Senate we have shown that we can get together, be reasonable, work out these matters. We have differences as to what a balanced budget over 7 years should be comprised of, and a lot of differences. Nevertheless, there is a spirit here of cooperation in endeavoring to try to work together, to try to solve the problems that confront the Nation at this particular time.

I was really concerned about the bills that were coming over from the House relative to it, because in effect they were authorizing the employees to go back to work but in effect restricting what they could do by the use of funds. I sort of referred it to one of my friends as, you are sending them back to work, but you are putting them in a thumb-twiddling situation where they just have to sit around and twiddle their thumbs and they cannot do anything because of the restrictions. That still applies to a large number of the agencies and departments that are not covered. I am delighted that there is this second targeted appropriations continuing resolution and it takes care of a number of very important agencies and departments in Government.

During the day when we first started out, this was omitted, and I began to talk to a great number of people pertaining to a number that I felt were essential, that they ought to be continued, such as the National Institutes of Health. I talked to the Director of the National Institutes of Health during the day. Of course, there were real problems there that they would have on continuation of research, vital research, and the grants. He told me they had something like over a 3-month period, around 4,000 applications that they had to process.

There is also a very unusual program where people with rare diseases come within the ambit of the National Institutes of Health and are able to be treated, and they are given special treatment and special drugs. It has saved the lives of numerous individuals, and this would have had to be shut down.

The Center for Communicable Diseases and the Centers for Disease Control were in a situation where Senator NUNN made a very telling speech and very informative speech about yesterday. To me, it was essential that we continue to operate at full force and with full effectiveness the Centers for Disease Control. Monitoring flu, you never know exactly what is going to happen. There are diseases that occur and epidemics that could take place. This is extremely important.

To me, another very essential aspect was the conduct of the courts of the land. Our judiciary needed to be protected. I did some investigations and under the proposals that would have occurred until this last second targeted appropriations bill has now been approved by this body and will be brought up before the House later—and, of course, if they pass it, it will be deemed to have been adopted by the Senate under our resolution. There are an average of 4,500 individuals charged with Federal felonies each month. If the criminal trials are not held, public safety will be jeopardized, because under the Speedy Trial Act, criminal trials must be held within 70 days from the date the defendant is indicted or arrested, or charges are dismissed and the defendants will be released back into the community.

As evidenced by the bombing at Oklahoma City, and in recent instances in Chicago involving the murder of a court security officer, an attempted mail bombing, the safety of judges and judicial employees is also at great risk.

The lack of Federal funds to pay the contractors who operate the screening equipment and assist the U.S. marshals in providing security in Federal courthouses would result in undetected guns, explosives, and other weapons getting into courtrooms. Judges, especially those in high-risk areas, will not jeopardize the safety of court personnel, jurors, witnesses, and the public by holding trial in the absence of proper security. This could result in the possible dismissal of cases and release of defendants back into the community.

And then jury trials: No funds would have been available to pay jurors in civil and criminal trials. As a result, courts will be faced with the choice of either delaying important trials or compelling citizens to serve under the threat of imprisonment or fine without any promise of timely pay. Trials would be canceled or delayed because 60 percent of the court reporting and half of all of the court interpreting is performed by outside contractors. Court-appointed private attorneys, who represent almost half of all criminal defendants, would not be paid, jeopardizing the holding of criminal trials for their clients. This would lead to possible dismissal of cases and release of defendants back into the community.

Public safety throughout the country would be seriously impaired due to a lack of Federal funds to pay for drug testing, drug and mental health treatment, halfway house placement, home confinement monitoring, community supervision by judicial employees of 114,000 convicted criminals, the majority of whom have served sentences of incarceration, and those charged with Federal crimes and so on. I could go on. Even in the bankruptcy court there are matters that would have to be looked at, and this would cause problems relative to this.

I am delighted to see that the Department of Justice crime programs—the FBI, DEA, prisons, U.S. marshals, U.S. attorneys, U.S. Marshal Service, organized crime, and drug enforcement—are taken care of in regards to that. But there are other areas in the Department of Justice that are not taken care of.

So, I think we still have to look at this, in this situation of where people go back to work, but then, in effect, they are so restricted they cannot carry out their duties, raises the question of how rational and how wise such a measure is. Nevertheless, it is better than what we have had.

Again, I thank the leadership of the Senate for their work relative to this and in the reasonable approach they have used. Hopefully, some of that reasonable approach has rubbed off on the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I believe late on a Friday evening, with very few of the public listening or watching, the Congress of the United States is about to accomplish an extraordinary feat. We have passed, or are about to pass automatically, a series of resolutions which will solve the immediate crisis before us, a crisis in the day-to-day administration of many of the agencies of our Federal Government. It is that crisis, of course, which has occupied the minds and hearts and the time of many Members of Congress, of almost all of our Federal employees, and of much of the administration over the course of the last several weeks. And it is an accomplishment in itself, given the controversial nature of the issues before us.

From the perspective, from the point of view of the long-range interests of the people of the United States, however, that accomplishment pales by comparison with the near commitment we now have to a proposed balanced budget from the President of the United States, a goal we have sought unanimously on this side of the aisle, a goal sought by many on the other side of the aisle, for an extended period of time, for at least all of calendar year 1995. It is a goal which was, of course, not attained by the original budget the

President of the United States submitted to Congress, by the revisions last summer, or by any of the further revisions which have taken place during the course of this debate during the fall and winter of 1995 and in 1996.

Now, however, the full restoration of the administration of various departments of the United States depends upon the submission by the President of the United States of just such a balanced budget. These proposals do not require any particular content in that balanced budget, but they do require, and I believe will obtain, a set of proposals from the President which can be compared at that point by Members of Congress, by the news media, and by the people of the United States, with the various proposals the Republicans have made, including the Balanced Budget Act of 1995 recently vetoed by the President of the United States.

Just why it has taken this extended period of time, why the President has so resisted meeting us on common ground, a common ground from which we all hope a valuable compromise can be reached, is difficult to understand. Clearly Members of the Democratic Party can meet the challenge of proposing a balanced budget using honest figures which presumably meets each of the priorities on which they place so much weight with respect to health care, the environment, education, and the like. Conservative Democrats in the House produced such a budget many weeks ago. The leadership of the Democratic Party here in the Senate made such a proposal before the Christmas recess.

Now, much of the debate has revolved around the insistence of Republicans on a balanced budget using figures provided by the Congressional Budget Office. The overwhelming attention of the White House and of many of its supporters has been toward a list, included in the last balanced budget requirement, respecting adequate funding for Medicare, Medicaid, education, the national defense, and a number of other activities of the Federal Government.

But there is a very real distinction between those two parts of that November resolution. The determination of whether or not a proposed budget, whatever its specific content, is in fact balanced under the projections of the Congressional Budget Office is a pure question of fact. Either it is or it is not.

The Congressional Budget Office, basing its judgment on certain assumptions, makes a series of mathematical calculations and tells us whether, in its view, in the year 2002, the budget will be balanced. The answer is yes or no. There is, given the nature of the requirement, no valid difference of opinion as to whether or not a particular budget is balanced. The Balanced Budget Act of 1995 included such a balance. Later proposals by the Senator from New Mexico, the chairman of the Budget Committee, are balanced in that fashion.

The so-called bipartisan proposal set forth by Senators CHAFEE and BREAUX and a number of others reaches such a balance. The Democratic leadership proposal reaches that balance, as does conservative Democrats' budget in the House of Representatives. Whether or not a particular budget adequately funds Medicare, Medicaid, education, the national defense, or does the right thing with respect to taxes, with respect to working Americans, however, is a question of opinion. It is the view of this Senator and the view of the Senator from New Mexico that each of those goals was and is appropriately met by the Balanced Budget Act of 1995.

Members on the other side of the aisle and the President do not agree. Presumably, they feel that each of those goals is met by the Democratic leadership budget proposal. They feel, evidently, that it deals appropriately with the tax burden on middle-class working Americans, even though that proposal increases taxes overall in order to reach balance. I disagree with that proposition as they disagree with my views on various spending programs. But these are matters of opinion; these are matters which obviously are subject to compromise.

What we have gained at this point is the implicit agreement that the President of the United States, now for the first time, will join the conservative colleagues in his party in the House, his leadership in the Senate, and make his proposal, presumably with specific policy judgments with respect to each of these spending items—to the national defense, to our tax structure—that will meet the objective requirements of the Congressional Budget Office.

Only when we have these figures is there any real chance that we will succeed in reaching a middle ground that will objectively lead to a balanced budget by the year 2002 and subjectively, presumably in the minds of those Members of Congress who vote for it in both parties and the President who signs it, meet these other policy objectives as well.

So, Mr. President, I am not here to apologize and say that this is the best job we could do. I find it at least slightly amusing that we are accepting lock, stock, and barrel what the House of Representatives has proposed with respect to the specific language in these various resolutions. But, on the other hand, I think it is safe to say that we probably would not have reached this conclusion this quickly had it not been for the actions earlier this week and late last week by the distinguished majority leader in saying that we had to get out of the dilemma in which we found ourselves.

It does seem to me, however, that given the nature of the immediate crisis we face, as well as our overall goals of balancing the budget, that we have not done a slap-dash job, we have not done a second, or third-best job. We have done the job right. We will have solved the immediate crisis, and we will have made a gigantic step toward that magnificent goal of balancing our budget; of ending the practice of spending money today on things that we want and sending the bills to our children and grandchildren; of giving them higher incomes, as now is almost a common opinion of economists throughout the United States, by lowering the burden of debt which they will be required to carry; by making their futures brighter and making their futures brighter our own as well.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. If the Senator from New Mexico will forbear for a moment, the Chair wishes to announce that under the order of September 6, 1995, the Senate, having received a message from the House on S. 1124, therefore disagrees with the House amendment, agrees to a conference with the House, and the Chair appoints the following conferees which the clerk will state.

The Presiding Officer (Mr. WARNER) appointed Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. NUNN, Mr. EXON, and Mr. LEVIN conferees on the part of the Senate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

A CLEAN CONTINUING RESOLUTION AND BALANCED BUDGET ACT

Mr. DOMENICI. Mr. President, we are here tonight to talk about two important issues—one is the short-term outlook for the operation of the Federal Government, and the other is the long-term economic future of the Nation.

The Senate is now considering a continuing appropriations resolution [CR] that will reopen the Federal Government and put our Federal employees back to work with pay. This CR will operate the Federal Government for 3 weeks through January 26 and give the congressional leadership and the President the opportunity to again try to agree on a balanced budget plan.

This CR has a reasonable requirement that the President should now present a budget plan that reaches balance over 7 years using CBO estimates. The President committed to this goal when he signed the continuing resolution last November (H.J. Res. 122 Public Law 104–56), but he has yet to submit a balanced budget by CBO scoring.

CHRONOLOGY FOR BBA

Mr. President, the President submitted his fiscal year 1996 budget to Congress on February 6. At the same time, the new Republican Congress was undertaking the long overdue task of balancing the Federal budget.

Congress has worked for over a year now, Mr. President, to bring that goal to a reality. The Senate Budget Committee, which I chair, held 22 hearings on the budget through early August.

The Senate Budget Committee held 4 days of markup and considered 36 amendments in fashioning the balanced budget resolution. The Senate debated the budget resolution for the full 50 hours over 6 days during which time 76 amendments were offered.

To carry out the reconciliation instructions of the budget resolution to develop the Balanced Budget Act, 11 Senate committees drafted legislation. The reconciliation bill was considered by the Senate for 45 hours over 3 days, during which 66 amendments were offered.

After a conference on this significant legislation, the House and Senate approved the conference agreement on the Balanced Budget Act before Thanksgiving, and the President came back and vetoed the bill on December 6.

BBA NEGOTIATIONS

Mr. President, I am not one to give up on a difficult task, and the President's veto did not deter me. Since the veto, I have met with White House officials and congressional leaders to try to find common ground on a Balanced Budget Act.

I am not alone in this effort. Republicans have been willing to move toward the President's position on many major issues. In a proposal Republicans made to the President, we proposed providing another: $24 billion to medicare; $16 billion to medicaid; $12 billion to welfare-related programs, including the EITC; and $25 billion in funding for education, the environment, and other domestic priorities.

In total, Republicans offered to add back $95 billion to move toward meeting some of the President's concerns about the Balanced Budget Act.

Republicans have also made it clear that all issues are on the table for the negotiations. We have had discussions with the White House on the tax cuts included in the Republican BBA.

MEDICARE

Medicare spending in the Republican Balanced Budget Act grows at an average rate of 7.4 percent a year over the next 7 years, that's well more than twice the rate of inflation. Just 2 years ago, the President said that if you slow the growth of Medicare to twice the rate of inflation, you are not cutting Medicare.

Our Medicare savings are down from $226 billion over 7 years under CBO's reestimate of the BBA to $202 billion in our latest negotiations with the President. We would spend $1.7 trillion over the next 7 years on Medicare under this proposal.

In addition, the President expressed concern about the Medicare part B premium, and we have offered him a compromise on that issue.

Our goal is to make the entire Medicare Program sustainable in the long run, and Republicans believe our plan makes a significant start on this path. Under our plan, the Medicare part A trust fund would be solvent past the year 2017. Our plan would also slow the growth of part B spending to move it toward a sustainable path.

In all of these negotiations we have indicated our willingness to further discuss with the President the changes we propose to make to the Medicare Program to ensure its solvency.

MEDICAID

Medicaid under the Balanced Budget Act that the President vetoed, would grow at an average annual rate of 5.2 percent over the next 7 years. This translates into Federal spending of $700 billion over the next 7 years. When you add in State spending, that doubles to $1.4 trillion.

I think the issue in Medicaid is not the level of savings or the growth rate of Medicaid spending, but how much flexibility we are going to give the States to innovate within their own Medicaid programs.

The President says we are cutting Medicaid, but he ignores the fact that spending for Medicaid will go up each and every year under our budget plan.

The President has expressed concern about the need for Medicaid funding to adjust for changes in population and for economic fluctuations. I think the President has a good point, and I think it is worth looking at modifications to our Medicaid plan that can meet these needs.

WELFARE REFORM

On welfare-related programs, Republican's have added back $10 billion plus another $2 billion for the EITC.

For welfare programs, as for Medicaid, the President wants to keep more control here in Washington; we want to give that power back to the States and allow them to meet the real needs of their citizens by designing their own welfare and Medicaid plans.

OTHER BUDGET PLANS

In addition to the modified Republican BBA, the House Coalition, Blue Dogs Group, has offered its own balanced budget proposal, which meets the CBO test.

Senate Democrats have offered their own BBA—DASCHLE, SIMON, and CONRAD—as has the Bipartisan Senate Group—CHAFEE, BREAUX, and others—that all reach balance under CBO scoring—see attached table.

In addition 2 days ago, Senator MOYNIHAN offered his own balanced budget proposal, which would also get us to a balanced Federal budget.

Mr. President, the only party that has not met this challenge is the President of the United States.

It is now time for him to come forward, to present a balanced budget plan under CBO's scoring, to sign this continuing resolution to reopen the entire Federal Government, and join Congress in serious negotiations to balance the Federal budget for the Nation's future economic well-being.

FISCAL DIVIDEND

A balanced Federal budget is good for the country. In CBO's December update of the budget and economic outlook, CBO finds lower interest rates and more robust economic growth generated by a balanced budget yielding $282 billion in deficit reduction over and above specific policy savings.

Additional deficit reduction is generated because: real GDP will grow 0.1 percent per year faster than it would absent a balanced budget; corporate profits will reach 8.2 percent of GDP by 2002 compared to 7.1 percent without balancing the budget; short-term interest rates on Treasury bills will drop from a 1995 level of 5.5 percent to a 2002 level of 3.9 percent. Under the status quo, they would be 5.1 percent in 2002; and long-term interest rates on Treasury notes will fall from a 1995 level of 6.7 percent to a level of 5.5 percent. Without a balanced budget, the rate will remain at 6.7 percent.

Mr. President, this is only a broad brush of the CBO update, however, the new assessment represents a $112 billion increase over the $170 billion fiscal dividend included in the balanced budget resolution.

A balanced budget is good for all Americans. It will provide lower interest rates for home mortgages, college loans, car loans, and so forth, an increase in savings rates spurring real, job-producing investment, increased productivity, higher standards of living, a lower national debt and therefore lower Government interest costs, and less reliance on foreign borrowing.

It is time for Congress and the President to renew efforts to reach agreement on a balanced Federal budget by the year 2002 under CBO's scoring.

I ask unanimous consent that two tables and an explanation of how American families benefit from a balanced budget be printed in the RECORD.

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

CHANGES TO BALANCED BUDGET ACT OF 1995 [1]—GOP OFFER NO. 1

[In billions of dollars]

	1996	1997	1998	1999	2000	2001	2002	Total
December BBA reestimate	151	159	127	97	73	34	−3	
Changes to BBA:								
Nondefense discretionary	4	6	5	5	5			25
Medicare	3	6	5	4	3	3		24
Medicaid		2	5	4	4	1		16

CHANGES TO BALANCED BUDGET ACT OF 1995 [1]—GOP OFFER NO. 1—Continued

[In billions of dollars]

	1996	1997	1998	1999	2000	2001	2002	Total
Child care, social services, foster care, children's SSI, family support, and child nutrition	[3]	1	2	2	2	2	2	10
EITC	[3]	[3]	[3]	[3]	[3]	[3]	[3]	2
Technical changes [2]	−2	1	1	1	[3]	−1	−2	−2
Revenues	6	−6	[3]	−1	−1	−2	−2	−5
Subtotal policy changes	12	10	18	16	14	3	−1	71
Debt service	[3]	1	2	3	3	4	4	17
Resulting deficits	164	170	146	115	90	41	−0	.....

[1] As reestimated by CBO, December 12, 1995.
[2] Corrections of drafting errors, timing changes in FCC spectrum auction, foster care, and graduate medical education provisions.
[3] Less than $0.5 billion.

Note: Details may not add to totals due to rounding. Revenue increase shown as negative because it reduces the deficit.

Prepared by SBC/HBC Majority Staff, Dec. 15, 1995. Based on CBO estimates.

SEVEN-YEAR DEFICIT REDUCTION ALTERNATIVES—CBO ESTIMATES

[Deficit impact, 7-year totals, in billions of dollars]

	BBA I (HR 2491)	BBA 1 modified (12/15/95)	Clinton (12/15/95)	Coalition (12/19/95)	Senate Democrats (12/20/05)	Senate bipartisan (12/21/95)
Discretionary:						
Freeze	−258	−258	−258	−258	−258	−258
Additional	−151	−126	−1	−69	−39	−10
Subtotal discretionary	−409	−384	−259	−327	−297	−268
Mandatory:						
Medicare [1]	−226	−201	−97	−157	−90	−154
Medicaid	−133	−116	−38	−85	−51	−62
Welfare programs [2]	−87	−78	−38	−38	−44	−58
Other mandatory:						
Farm	−5	−5	−2	−4	.....	NA
Student loans	−5	−5	−4	.....	.....	NA
Civil Service [3]	−10	−10	−2	.....	−10	NA
Spectrum	−15	−15	−21	−21	−21	NA
Veterans	−7	−7	−4	−5	−7	NA
CPI change	.....	.....	.....	−29	−12	−63
GME/health care	14	14	26	.....	.....	.....
Other	−12	−12	−1	−18	−3	−52
Subtotal other	−39	−39	−8	−77	−52	−115
Subtotal mandatory	−484	−434	−176	−357	−237	−389
Revenues [4, 5]	222	217	70	−60	−56	58
Debt service	−80	−63	−47	−99	−69	−62
Total	−750	−663	−412	−843	−659	−661

[1] Coalition budget medicare savings include $127.3 billion in outlay reductions and $25.4 billion in revenue increases.
[2] Excludes EITC revenues. BBA I Modified shows preliminary CBO cost estimate of the conference agreement on H.R. 4. Clin * * * include medicaid impact (no estimate available).
[3] BBA I Modified and Senate Democrat include $3.5 billion in revenue increases.
[4] Includes EITC revenues for all plans. Excludes BBA I Modified and Senate Democrat civil service revenues. Excludes Coali * * * Includes Coaltion welfare reform revenues ($5.7 billion). Includes increased revenues from CPI change for Coalition ($21 bil * * * ($7 billion) and Senate Bipartisan ($47 billion).
[5] Clinton includes proposal to ''trigger-off'' tax cuts if balanced budget targets are not being met. JCT estimates savings of $29 b * * * $45 billion.
Note: Pereliminary CBO estimates—subject to change. Revenue reduction shown as positive because it increases the deficit. Details may not add to totals due to rounding. NA indicates not available or no agreement.

Prepared by SBC Majority Staff, Jan. 5, 1996.

HOW AMERICAN FAMILIES BENEFIT FROM A BALANCED BUDGET

Balancing the budget will provide direct and tangible benefits for American families—benefits they will be able to feel in their pocketbooks.

Economists agree that balancing the federal budget will lead to: Higher standards of living; Faster real economic growth; Drop in interest rates, including those that families pay on home for home mortgages, car loans, and student loans; An increase in savings rates, spurring real, job-producing investment; An increase in productivity; Lower national debt, therefore lower government interest costs; and Less reliance on foreign borrowing (more American ownership of assets).

Home mortgages

Mortgage rates will drop from 8.2 percent, to 5.5 percent (according to the National Association of Realtors using projections by DRI/McGraw-Hill).

A family buying a home in 1995 with a $100,000 loan and refinancing in 2002, when the budget is balanced, will save $2,576 a year.

A family who buys a home in 2002 will save $2,162 a year because of the lower interest rates. Over the 30-year life of the mortgage, the savings will total $64,860.

The value of existing home will grow by about 8 percent.

Household net worth will expand by $1.1 Trillion. The increased home values will not make homes less affordable because financing costs for a home will decline by 15 percent.

Demand for homes will increase. Families will ''trade up'' so existing home sales will rise by 11 percent by 2002. Construction will increase as new housing starts grow by 65,000 units.

Auto loans

Car loan payments decline by $180 annually, for a total savings of $900 for a typical loan (assuming a 2-percentage point drop in interest rates on a five year, $15,000 auto loan at 9.75 percent).

College loans

College loan payments will drop by $216 annually, for a total of $2,617 for a typical loan (assuming an $11,000 loan paid over 10 years starting at 8 percent).

Savings for these three loans total $2,558 annually (Car—$180, Student—$216, Mortgage—$2,162).

Interest rates

Federal funds rate lowered from baseline estimate of 5.2 percent in 2002 to 3.5 percent in that year. Thirty year treasury bond rates reduced from 7.2 percent to 4.5 percent in 2002.

National debt

In the current services baseline, outstanding national debt rises to $7.5 trillion by 2002, with an annual debt servicing cost of $290 billion. Budget Resolution would reduce total debt to $6.5 trillion in 2002, with a debt service cost of $182 billion. The savings in interest does half the work of balancing the budget, which means the Congress only has to do the other half.

The economy

Inflation is essentially unchanged. Real gross Domestic Product will increase relative to baseline by almost $100 billion per year by 2005. Balancing the budget by 2002 has a positive impact on the overall economy and the housing market. Eliminating deficits allows interest rates to decline and redirects the economy from government spending and consumption toward savings and private investment.

Mr. DOMENICI. Mr. President, the hour is late. Much has been accomplished today.

I want to extend my congratulations to the distinguished majority leader, Senator DOLE. The day before yesterday, all was not so pleasant for there were many who were second-guessing our majority leader who used the phrase ''enough is enough,'' and proceeded to send to the House a targeted appropriations bill which broke the ice and which brings us here tonight.

As I see it, we are now given 21 days without the problem of the Federal Government workers being out of work and unpaid—21 days, if the President of the United States will submit his first balanced budget using the Congressional Budget Office estimates. If he does that, all of Government will be

open for 21 days, which means for the next 3 weeks congressional leaders from both sides—the executive branch, the President, and others—can meet day and night if they like, as long and as hard as they want to work, and Government will be open. The people of the United States can focus on what we are doing in our efforts to get a balanced budget instead of on the current problems which, day by day, grow worse for many innocent people, including many Federal workers who are hostage to this crisis.

I personally believe, as one who is in the middle of all of these negotiations, that we can accomplish much more with the pressure of day-to-day problems of our Government being part closed, part furloughed and part working behind us. I believe we have an opportunity to use our good judgment to see if we can really come to an agreement with the Executive Branch and the Democrats on a balanced budget.

Mr. President, I have outlined the history of how we got to where we are tonight. I want to summarize a little bit of it.

First of all, after months of work, scores of hearings, scores upon scores of amendments on the floor of the Senate, both on a resolution and on a bill, we sent the President a balanced budget. He vetoed it. The full impact of what happened on that ominous day of veto was lost because we were already in the crisis of Government being half shutdown, half furloughed, and the attention of the American people taken away from that by the more daily crisis of our Government in crisis, our day-to-day Government operations in crisis. But when that budget was vetoed, we worked very hard to get the people back to work, and we passed a continuing resolution.

That continuing resolution we thought said that the President would produce a balanced budget using the Congressional Budget Office conservative numbers. But the President and his people construed it differently, and construed it to mean that finally and ultimately when we were all finished we would use the Congressional Budget Office. In that resolution, the Democratic leaders and the President said there is another part to it—that continuing resolution, that short appropriations for the continuation of Government—there is another portion of it that says you have to look at, or take another look at, education, the environment, Medicaid, Medicare, and myriad things amounting to about 10 specific items.

Mr. President, again, Republicans—and I was one that took the lead—did not want to give up on the balanced budget that was vetoed. So what we did was to ask the Congressional Budget Office at the particular time of year that they are supposed to look again at budgets to take another look.

Mr. President, they said the balanced budget has done such a good job that there is actually a surplus of $135 billion that you did not expect you were going to have because of changing economics and estimates. In response to that continuing resolution, we made another offer to the President of the United States. It got lost in the myriad of noises because the Government was in chaos.

What did we do with that? We took that $135 billion surplus and said, ''Mr. President, we take you at your word. You want us to change some of our balanced budget, and we changed it, Mr. President.'' In fact, we put in sufficient money to take care of the education concerns of the President, and that should no longer be an issue. It is still being touted, but we have already submitted an offer that puts back the money for education, for the environment, and for other appropriated accounts. We already did that. We put back $5 billion in outlays in the year 1996, which is more than has been sought for those particular programs and others. And then, Mr. President, we said, let us look back through our proposals and use some of that $135 billion to change the situation where it would move more in the direction of the President.

We put $25 billion into Medicare, $16 billion into Medicaid, $12 billion into related welfare programs, including EITC, $25 billion was the funding for education and environment, and other domestic programs. What was left of that $135 billion we put on the deficit, and we said, here is a new proposal.

Again, there are not 10 people that know that occurred, but it did occur. So we did relate totally and respond totally to our commitment under the continuing resolution that we would do better in these areas and at the same time have a balanced budget.

Mr. FORD. Mr. President, will the Senator yield for a question, a serious question?

Mr. DOMENICI. Sure. I am only going to be 5 more minutes. Is that your question?

Mr. FORD. No. It is my understanding that when you related to figures that you reduced the amount of reduction using $135 billion, that the White House on December 15th moved toward your figures—moved toward your figures on discretionary, moved toward your figures on Medicare, moved towards your figures on Medicaid, did not move toward your figures on earned income tax credit—you did come down $12 billion on that over the 7 years. I kind of thought that both sides were beginning to work together.

Mr. DOMENICI. I am not arguing about whether we did or did not.

Mr. FORD. I am not arguing with you either. But I want to be clear. I worked Saturday. I worked Sunday. I put in what I thought were long, hard days, and we moved toward you. And I congratulate you, you were moving toward us. I just thought we were on the right track rather than getting into the mess that Senator HATFIELD and others think we are in as it relates to appropriations bills.

Am I correct in my statement?

Mr. DOMENICI. No, the Senator is not correct.

Mr. FORD. What is wrong with it then, if I might ask?

Mr. DOMENICI. Whatever you submitted—and I do not have the numbers here, but the one missing part of it was you never got to a balanced budget. Whatever you submitted, you did not get to a balanced budget.

Mr. FORD. The Senator does not have one now either unless you use Social Security.

Mr. DOMENICI. Wait a minute now. I am not going to yield any longer. I yielded for a question.

Mr. FORD. That will be fine. But you are out here saying a lot of things.

Mr. DOMENICI. No, I am not.

Mr. FORD. I apologize; the Senator is saying a lot of things that I disagree with.

Mr. DOMENICI. Fine.

Mr. FORD. I do not want to leave it without having some opportunity to defend our side of the aisle.

Mr. DOMENICI. To my knowledge, the Senate will be open here for a few more minutes.

Mr. FORD. I am going to take time.

Mr. DOMENICI. I welcome the Senator's remarks. I really do. I just want to finish my thoughts because I wanted to get to a very simple point, that we have modified our proposal and we are still in balance under that proposal. And as my friend, Senator GORTON, who occupies the Chair now, clearly said, not only did we resubmit another balanced budget using the Congressional Budget Office, but the blue dogs in the House—that is a group of Democrats—have submitted one that gets to balance. A group of Senators, 20 in number, 10 from each side, has submitted the framework for one that is in balance using the Congressional Budget Office. Senator MOYNIHAN within the last 3 days has submitted one. And frankly, I think the House did us all a service when they sent us a continuing resolution that will open all of Government if just one simple thing is done, and that is if the President will join this litany of different institutions within our framework that have produced a balanced budget using CBO. If he will join us, then all of Government is opened and funded at reasonably good levels for 21 days from today.

Now, having said that, I wish to make sure that everybody understands I am not trying to say everything my way. I will state it as I view it and the Democrats can state it as they want to. But when they submitted a counterproposal, they did not move an inch on Medicare, an inch on Medicaid, in December from their June proposal.

That is the statement that I will stand by, and if the Senator can dig up a budget and say that that is not the case, then I will be glad to revoke this.

Now, I am here because I still believe the American people should know that this is not a mere philosophical difference between Democrats and Republicans. This is an issue of whether we

want to make America a better place in the future by balancing our budget sooner rather than later. It is a question of whether we want interest rates to come down and stay down, save millions and millions of dollars for average Americans in houses they buy and mortgage, in cars they buy and mortgage, in school tuition where they borrow money, in every aspect of America's life, to make it easier and better and make America grow stronger through the private-sector growth that a balanced budget will permit us to accomplish.

That is what this whole debate is about. And frankly, tonight I am grateful to our leader, Senator DOLE, to Speaker NEWT GINGRICH, who apparently had to argue loud and strong in the House to get these resolutions passed and get them to us here tonight, to rid us of the confusion of a half-open, half-closed American Government. I believe we have a real chance.

I do not know how close we are, Mr. President, and to those who are listening, I do not know how close we are to getting a balanced budget, but I tell you, everybody has to give. Everybody has to give. And I believe we are prepared to give. I will state once again that we already put $95 billion more on the spending side into the budget that the President vetoed—that is over 7 years—in areas that the President was concerned about. That has already been done as another marker of our good faith, of our movement in the direction that we have been asked to move in. Now, in the next week, 10 days, we will see if there is additional movement both ways. I hope there is.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from New Mexico leaves the floor, I would like to express my views, and I think I express them for Senators on both sides of the aisle, not only to the Senator but the Senator from Nebraska, the ranking member on the committee, Senator EXON, for their leadership in this crisis. I have been privileged to be in a number of meetings with the Senator, the majority leader, the Speaker of the House, and others, Mr. KASICH, his counterpart in the House, and I wish to commend the Senator.

Mr. DOMENICI. I thank the Senator very much.

Mr. WARNER. When the history of this unusual chapter in the 206-year life of the Senate, indeed, the Congress is written, there will be a prominent place for the Senator despite his humility.

Mr. DOMENICI. I thank the Senator.

Mr. FORD. Mr. President, may I join in. I do not want to leave the impression that I do not feel the same way about the Senator from New Mexico that the Senator from Virginia feels toward him——

Mr. DOMENICI. I thank the Senator.

Mr. FORD. Personally, his effort, the long hours and how hard he works. It is just like the distinguished Senator in the chair has indicated: We have a difference, and we need to let everything else go on while we settle that difference. And I thought—and I still sincerely believe it—that there was an offer to move toward you. The Senator says no. I say yes. And that seems to be the budget problem here.

But I do want people to know I like him personally. He is my friend. He works hard, and we are very close to being together. So I did not want the Senator to leave and the people viewing to think we had anything personal.

Mr. DOMENICI. I thank the Senator.

Mr. FORD. It was just a disagreement on how we are going to get to the balanced budget. I thank the Chair and the Senator for giving me an opportunity.

Mr. DOMENICI. Mr. President, I say to the Senator, the feeling is mutual. I thank the Senator for his kind words, and I extend the same to him. Thank you very much.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I also wish to include Congressman ARMEY, who was in most of the meetings in which I joined.

ARMED SERVICES AUTHORIZATION

Mr. WARNER. Now, Mr. President, I wish to also pay special recognition to the distinguished senior Senator from South Carolina, the President pro tempore of the Senate, Senator THURMOND.

Just minutes ago, when I had the opportunity to be the Presiding Officer, the Chair announced the appointment of conferees upon the receipt of the message from the House, conferees to resume negotiations between the Senate and the House for hopefully the adoption of the authorization bill for the armed services of the United States. Senator THURMOND, together with Senator NUNN, has worked tirelessly to put together an excellent bill. It was vetoed, and I shall not review the reasons. The President had his reasons, many of which I continue, not all, to disagree.

Nevertheless, that is history. It is behind us. The veto message is back. The veto message was carefully considered by Senator THURMOND, Senator NUNN, myself, and other members of the committee here yesterday and again today. Staffs are now diligently working on an agenda to be considered by the conferees, and I am very optimistic that we can produce a conference report which will be accepted by the Senate as well as the House and eventually the President.

Again, I wish to commend the leadership of the distinguished senior Senator from South Carolina and, indeed, the ranking member, the Senator from Georgia [Mr. NUNN], in bringing this matter back up, such that the second conference can hopefully produce a bill that will be accepted by the Congress and the President. It is essential to the Armed Forces of the United States.

There are key provisions in this bill, not the least of which are pay raises, well deserved by the men and women of the Armed Forces, key provisions relating to new programs which are essential for the modernization. And I want to express special tribute to the Secretary of Defense and members of his staff for informally working with the staffs of members of the Armed Services Committee of the Senate, for the majority and minority, in giving us guidance on how this conference report can embrace the views of both the President and the Congress such that it will become law.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

USING SOCIAL SECURITY FUNDS TO BALANCE THE BUDGET

Mr. FORD. Every once in a while you worry about whether you remember things right or not, and so you have to go back and check on it to be sure.

The distinguished Senator from Idaho and I were debating. I was speaking, and I said something about this budget that the Republicans had offered was not balanced in the year 2002 by $108 billion unless you used Social Security. And he asked me, had not Democrats used that before, and I told him I had not known that, but for 12 years we had Republicans who were President and they signed or vetoed legislation.

So now I have a little information I wish to put into the RECORD, or at least read into the RECORD, Mr. President. In response to Senator CRAIG on the use of Social Security trust funds, and more importantly for future reference I think, the following points I think are relevant.

It is the law—and let me underscore that now—it is the law. Both the Social Security law—it is attached to title XLII, section 911—and the Budget Act, title II, section 3631, mandate—and I underscore mandate—that ''the social security surplus shall not be counted in budget deficit calculations by the Congress.''

That is why the budget resolution passed earlier this year showed a deficit. You talk about honest figures. I have heard honest figures held out in front of me until it dripped. That meant my figures were dishonest. I do not particularly like that. But it showed a deficit of more than $100 billion under the Republican plan.

The Senate Democrats did—and I want to underscore did—offer a budget plan to balance the budget without using the Social Security Trust Funds, and not one that the Republicans supported. It was a 9-year budget, Mr. President, but we did not use the Social Security funds.

Just take a look at the budgets submitted by Presidents Bush and Reagan,

all calculated with on-budget and off-budget deficits. We will not have an honest balanced budget until the on-budget deficit is zero. So the budget that we are being told about here tonight is not an on-budget deficit, so therefore it is not a balanced budget in the year 2002 without using $108 billion of Social Security surplus.

Let me read the Budgetary treatment of trust fund operations. That is under Section 911(a)(1).

The receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund and the taxes imposed under section 1401, 3101, and 3111 of Title 26 shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (Budget outlays) of the United States Government.

Under our budget act—I want to read that. I will just read one paragraph into the RECORD.

The concurrent resolution shall not include the outlays and revenue totals of the old age survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C.A. Sec. 401 et seq.] or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or any other surplus or deficit totals required by this subchapter.

Let me make one more point. The conference report on the budget that people have been beating their chest about around here tonight that is a balanced budget, the concurrent resolution on the budget for fiscal year 1996 and the conference report—all my colleagues have to do is just look on page 3.

Look on page 3 and see how you get a balanced budget. In the year 2002, the year it is supposed to be balanced, you are using $108,400,000,000 out of Social Security Trust Funds in order to balance that budget. I have heard enough about ''honest figures, honest figures.''

The CBO is just as honest as they can be, I am sure. But OMB is too. I think about the private people out there that give industry an analysis of the future. Are those dishonest figures? I do not think so. I think they are honest people giving their honest best projection.

So, Mr. President, I wanted in the RECORD tonight that we have been hearing a lot about the balanced budget, but on budget the Republican budget is not balanced. The on-budget deficit must be zero to have a balanced budget, and not use $108,400,000,000 out of the Social Security Trust Funds to balance the budget in the year 2002.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

ORDER OF PROCEDURE

Mr. WARNER. Seeing no other Senator seeking recognition, I will now proceed on behalf of the distinguished majority leader to make the following announcements.

MORNING BUSINESS

Mr. WARNER. 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.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on January 5, 1996, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 1643) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria, with amendments, in which it requests the concurrence of the Senate.

MESSAGES FROM THE HOUSE

At 7:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 131. Concurrent Resolution establishing procedures making the transmission of the continuing resolution (H.J. Res. 134) to the President contingent upon the submission by the President of a 7-year balanced budget using updated economic and technical assumptions of the Congressional Budget Office.

At 8:14 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1606) to designate the United States Post Office building located at 24 Corliss Street, Providence, RI, as the ''Harry Kizirian Post Office Building.''

The message also announced that the House insists upon its amendments to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. BATEMAN, Mr. WELDON of Pennsylvania, Mr. DELLUMS, Mr. MONTGOMERY, and Mr. SPRATT as the managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1771. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1772. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the 1995 annual report in compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–1773. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1774. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the 1995 annual report in compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–1775. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1776. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1777. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the 1995 annual report in compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC–1778. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1779. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1780. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act for 1995; to the Committee on Governmental Affairs.

EC–1781. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1782. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1783. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act for 1995; to the Committee on Governmental Affairs.

EC–1784. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1785. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the annual report on the administration of the government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–1786. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1787. A communication from the Office of the Public Printer, Government Printing Office, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1788. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1789. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1790. A communication from the Deputy and Acting CEO of the Resolution Trust Corporation and the Chairman of the Thrift Depositor Oversight Protection Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1791. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1792. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the semiannual report on activities and accomplishments for the period April 1 through September 30, 1995; to the Committee on Labor and Human Resources.

EC–1793. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1794. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled, ''Ability of Crewmembers to Take Emergency Actions''; to the Committee on Environment and Public Works.

EC–1795. A communication from the Librarian of Congress, the Archivist of the United States, and the Public Printer, transmitting jointly, pursuant to law, the final report to establish a National Policy on Permanent Papers; to the Committee on Governmental Affairs.

EC–1796. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for November 1995; to the Committee on Governmental Affairs.

EC–1797. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1798. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1799. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Inspector General Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1800. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation entitled, ''Restoration of False Statement Penalties Act of 1995''; to the Committee on the Judiciary.

EC–1801. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the United States Government for fiscal year 1995; to the Committee on Finance.

REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. MURKOWSKI from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 1296) to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer (Rept. No. 104–202).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado (Rept. No. 104–203).

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. ROBB:

S. 1516. A bill making appropriations to the Department of Health and Human Services for retirement pay and medical benefits for commissioned officers of the Public Health Service for the fiscal year ending September 30, 1996; to the Committee on Appropriations.

S. 1517. A bill to make appropriations for the Black Lung Disability Trust Fund for fiscal year 1996; to the Committee on Appropriations.

By Mr. BROWN (for himself and Mr. REID):

S. 1518. A bill to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1987; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Con. Res. 38. A concurrent resolution restating the commitment to a seven year balanced budget; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB:

S. 1516. A bill making appropriations to the Department of Health and Human Services for retirement pay and medical benefits for commissioned officers of the Public Health Service for the fiscal year ending September 30, 1996; to the Committee on Appropriations.

RETIRED COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE LEGISLATION

● Mr. ROBB. Mr. President, I introduce legislation which would fund retirement and medical benefits through September 30, 1996 for the retired commissioned officers of the Public Health Service.

I do not know whether many of my colleagues know this, Mr. President, but retired PHS commissioned officers have not received their retirement pay since our first continuing resolution expired on December 15, 1995. While retired members of the Federal Civil Service have thankfully been able to receive their retirement checks during this time period, the benefits of retired PHS commissioned officers come through a direct appropriation contained in the Labor/HHS appropriations bill, a bill which we all know has not yet been approved by this body.

The roughly 3,600 beneficiaries of this program should not be victims of our budget battles, Mr. President. They served their country for many years and their country has made a commitment to them. This bill will allow us to meet the commitment.●

By Mr. ROBB:

S. 1517. A bill to make appropriations for the Black Lung Disability Trust Fund for fiscal year 1996; to the Committee on Appropriations.

THE BLACK LUNG DISABILITY PROGRAM LEGISLATION

● Mr. ROBB. Mr. President, I introduce legislation which would fund the Black Lung Disability Program administered by the Department of Labor through September 30, 1996, and the Black Lung Program administered by the Social Security Administration through the first quarter of fiscal year 1997.

I was deeply disappointed that the limited continuing resolution approved by the House of Representatives earlier today did not include the Black Lung Programs. They should have been included, Mr. President, but they were not. When an effort was made to add funding authority for black lung beneficiaries during floor consideration of the House bill, that amendment was objected to by the other side of the aisle.

Mr. President, I've been told by the Department of Labor that unless a continuing resolution which contains black lung funding is approved by January 12, 1996, the January 15 monthly payments to beneficiaries would not be issued. It is my understanding that the Social Security Administration needs a continuing resolution which contains

black lung funding to issue its February monthly payments as well.

Mr. President, as I introduce this bill, I know that efforts are underway to bring a third continuing resolution to the House floor—and I sincerely hope that the Black Lung Programs are included in that measure. If that is the case, this legislation will be unnecessary.

These programs are vitally important to thousands of disabled miners and their families and survivors in my State of Virginia and many other coal producing States. I hope we receive a continuing resolution from the House later this evening which will allow us to uphold our historic commitment to victims of black lung and their families and survivors.●

ADDITIONAL COSPONSORS

S. 837

At the request of Mr. WARNER, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from New Hampshire [Mr. GREGG], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 1058

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1058, a bill to provide a comprehensive program of support for victims of torture.

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1484

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1484, a bill to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations.

SENATE CONCURRENT RESOLUTION 38—RESTATING THE COMMITMENT TO A 7-YEAR BALANCED BUDGET

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That The President and the Congress shall enact legislation in the 2nd session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office, and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and stimulate future economic growth.

The balanced budget agreement shall be estimated by the Congressional Budget Office based on its most recent current economic and technical assumptions, following a thorough consultation and review with the Office of Management and Budget, and other government and private experts.

AMENDMENT SUBMITTED

THE VA AUTHORITY EXTENSION ACT OF 1996

SIMPSON AMENDMENT NO. 3116

Mr. WARNER (for Mr. SIMPSON) proposed an amendment to the bill (S. 991) to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO TOXIC SUBSTANCES.—(1) Effective June 29, 1995, section 1710(e)(3) of title 38, United States Code, is amended by striking out ''after June 30, 1995,'' and all that follows through ''December 31, 1995'' and inserting in lieu thereof ''after December 31, 1996''.

(2) Section 1712(a)(1)(D) of such title is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 1996,''.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—Section 1720C(a) of such title is amended by striking out ''September 30, 1995,'' and inserting in lieu thereof ''December 31, 1997,''.

(d) NEGOTIATED INTEREST RATES.—Section 3703(c)(4)(D) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(e) MORTGAGES FOR ENERGY EFFICIENT IMPROVEMENTS.—Section 3710(d)(7) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(f) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1996''.

(g) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f)(3) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(h) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(i) USE OF DATA ON COMPENSATION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.—Effective March 31, 1995, section 7451(d)(3)(C)(iii) of such title is amended by striking out ''April 1, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(j) HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.—Section 7618 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(k) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(*l*) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(m) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Section 7(a) of Public Law 102–54 (38 U.S.C. 1718 note) is amended by striking out ''fiscal years 1991 through 1995'' and inserting in lieu thereof ''the period beginning on October 1, 1991, and ending on December 31, 1997,''.

(n) AUTHORITY TO MAKE GRANTS FOR ASSISTANCE IN FURNISHING SERVICES AND ASSISTANCE TO HOMELESS VETERANS.—(1) Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 106 Stat. 5136; 38 U.S.C. 7721 note) is amended by striking out ''fiscal years 1993, 1994, and 1995,'' and inserting in lieu thereof ''fiscal years 1993 through 1997,''.

(2) Section 12 of such Act (106 Stat. 5142) is amended by striking out ''each of the fiscal years 1993, 1994, and 1995'' and inserting in lieu thereof ''each of fiscal years 1993 through 1997''.

(o) HOMELESS VETERANS' REINTEGRATION PROJECTS.—(1) Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(D) $10,000,000 for fiscal year 1996.

''(E) $10,000,000 for fiscal year 1997.''.

(2) Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 1997''.

(p) EFFECTIVE DATE.—Except as provided in subsections (a)(1) and (i), the amendments made by this section shall take effect on October 1, 1995.

(q) RATIFICATION OF ACTIONS.—The following actions are hereby ratified:

(1) The furnishing by the Secretary of Veterans Affairs of care and services by virtue of section 1710(a)(1)(G) of title 38, United States Code, during the period beginning on July 1, 1995, and ending on the date of the enactment of this Act.

(2) The furnishing by the Secretary of services in noninstitutional settings by virtue of section 1720C of such title during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(3) The use by any director of a Department of Veterans Affairs health-care facility of data on rates of compensation paid to certified nurse anesthetists in a labor market area under section 7451(d)(3)(C) of such title during the period beginning on April 1, 1995, and ending on the date of the enactment of this Act.

(4) The furnishing by the Secretary of care for homeless chronically mentally ill and

other veterans by virtue of section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(5) The furnishing by the Secretary of work therapy and therapeutic transitional housing by virtue of section 7 of Public Law 102–54 (38 U.S.C. 1718 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(6) Grants made by the Secretary to furnish services to veterans under section 3 of the Homeless Veterans Comprehensive Services Programs Act of 1992 (38 U.S.C. 7721 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

Amend the title to read as follows: ''To amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, and for other purposes.''.

ADDITIONAL STATEMENTS

THE CENTENNIAL OF EVERETT MCKINLEY DIRKSEN'S BIRTH

● Mr. SIMON. Mr. President, this week marks the 100th anniversary of the birth of one of the greatest leaders ever to have served in this body, the late Senator from Illinois and former Republican leader of the Senate, Everett McKinley Dirksen.

Everett Dirksen was born on January 4, 1896. He brought the small town values and the sense of civility of his native Pekin to his work in the Senate, where he combined these qualities with some of the finest oratorical and parliamentary skills that have been displayed on this floor in his or any era.

The Senate has honored his memory by naming one of its office buildings for him, and the Dirksen Congressional Center in Pekin continues his tradition of public service with its many ongoing research and in-service activities.

I call the attention of my colleagues to an insightful article about the Dirksen legacy, written by retired editor Charles Dancey of the Peoria Journal Star, and I ask that the article be printed at this point in the RECORD.

The article follows:

[From the Peoria Journal Star, Jan. 4, 1996]

DIRKSEN BROUGHT SENSE OF REALITY WHEREVER HE WENT

(By Charles Dancey)

One hundred years ago, fathers might have dreamed that a son born in a log cabin could become president. But no way could Johann Dirksen have imagined Jan. 4, 1896, that his baby boy's birthday celebrations one day would launch the social season in the nation's capitol.

Yet, Sen. Everett McKinley Dirksen's birthday bash, usually at the Mayflower hotel ballroom, was the opening ''must go'' event of the social season each year in Washington, D.C., even before he became minority leader of the Senate and a national figure beyond the Beltway. Everybody who was anybody, as the saying goes, attended from both political parties and from the administration and the congress.

Those glittering parties were a long way from the neighborhood in Pekin known as ''Beantown.'' Yet, growing up in Beantown may have been an important part of ''Ev'' Dirksen being the toast of the town in the nation's capitol.

Actually, the residents, themselves named it that—or rather in their own language, ''Bohnchefiddle.'' They were German immigrants who didn't indulge in euphemisms. They had a strong sense of reality. And the reality was that rich folks had flower gardens in their yards; immigrants grew beans. They were who they were, and saw nothing wrong with it. Beantown was just their American starting place.

In fact, most residents in Pekin, and millions more across America, gardened their yards. Even a narrow small-town lot was 50 feet front, 150 deep, and provided space for people who didn't own a horse and didn't need a barn. There was space for berry bushes along the lot line, half a dozen fruit trees set wide apart, orderly squares of garden vegetables, and a grape arbor.

There was a lot more than beans, and it all required care. Many folks kept a small flock of chickens by the back porch as well. At one time, in fact, the Dirksens raised a pig.

The bigger boys spaded the gardens and raked them smooth. Before he was old enough for school, the youngest son, Ev, could help punch holes in the prepared ground with the wooden split pegs used as clothespins keeping a straight line along the board on which he knelt.

Keeping clothes as clean as possible was important when washing them was a major weekly chore. As the produce grew, ripening in sequence, much of it had to be ''put up'' for the winter in fruit jars and glasses, sealed with hot paraffin or special lids, after being well cooked. Cabbage was chopped and salted and then pounded and pounded until it was soaked in its own brine to be kept for winter—sauerkraut.

The Dirksen boys took part, and it was the boys who peddled surplus vegetables door to door. The basics of life to the German families were food, clothes, shelter from the cold and cleanliness. So, before he learned to read and write, Everett Dirksen became part of a family team, doing his share in providing those basics, and grew up knowing from whence came the necessities of life. Somebody had to do the work to produce it.

Their father had a stroke in 1901 when Ev, the youngest, was only 5. By the time Ev was 9, Dad was dead. The boys were raised by their mother, and the team game of survival that they played put a solid foundation under his whole life.

In those circumstances and in the absence of radio, television, telephones or computers, he found school and learning downright fun. Learning was an adventure and a kind of game. He loved reading. He loved to discover a new big word and roll it off his tongue. In books, he could explore the far reaches of this world and of the world of ideas.

Thus in his youth, and progressively thereafter, Everett Dirksen combined those wonderful opposites, the contradictions of idealist and a realist. It fit the Lincoln tradition of central Illinois.

With his older brothers grown and earning money, the family could let young Everett go off to college. He worked nights while schooling at the University of Minnesota, until World War I interrupted.

Three years of ROTC there gave him a leg up on a lieutenant's bars. In France, he was an artillery man. His job was to ride a wicker basket under a rough, hydrogen-filled balloon, held by a cable and linked by a primitive telephone to the gun batteries, overlooking the battlefield. There he observed the fall of the artillery shells his battery mates were firing and tell them how to adjust there fire to bring it on target.

Of course, such balloons like his were sitting ducks, even for the primitive planes of the time.

When the war ended, the army found his ability to speak German useful and kept him in Europe. He remained overseas for 18 months in all much of the time interpreting for others, or dealing directly with the local German population. He also knew Paris, Berlin, other German cities, and visited England and Ireland. In Rome, the ambassador asked him to join his staff, but Ev was homesick for Pekin.

Thus, young Lt. Dirksen returned to Pekin and Bohnchefiddle at age 24, with an extraordinary range of experiences. He was now a college man, a combat veteran and an ex-officer who had traveled, often in very sophisticated circles, in postwar Europe.

Back home, he married a Pekin girl and launched his remarkable political career as the youngest person ever elected to the Pekin City Council.

As city councilman, he was a young man dealing with a rapidly changing world. Streets needed to be paved for the growing numbers of those new motor cars. The fire department needed trucks to replace the horse-drawn rigs. The aging streetcars, one car running back and forth on a single track, needed replacement with bus service.

Power plants were under construction, bringing electricity. The Edison revolution was on, and radio was waiting in the wings. These were not hypothetical or abstract problems to be solved abstractly for the young councilman. He was intimately involved with the reality of finance for technology and the even tougher reality of the effects and demands new technology and dramatic change made on the city workers, and the public.

When he grappled with these problems as a councilman, he also worked delivering his brothers' bread to 50 small groceries scattered about town. Everybody knew his route, and at many a stop he confronted people with problems to take to their councilman. Before he went to the national macrocosm, this man had a thorough and heavy dose of the microcosm.

Thus, the nature of the man was well-founded long before he became one of that city's best-loved figures, before he crated the Civil Rights Bill of 1964 and brought over the votes to pass it with him, before he won a Grammy for recording ''Gallant Men,'' before he was the confident of presidents both Republican and Democrat, and before he became a darling of the once-skeptical Washington press corps.

He brought to Washington the prestige of being the Congress' best orator, a skill founded and practiced in Pekin and which largely won for him his original seat in the House of Representatives in the first place.

He also brought the attention to detail, the realism, of Bohnchefiddle, and was, undoubtedly, the most skilled parliamentarian in the Senate of his time. He knew how the system worked in every detail, and he knew who was the person that counted, the person to talk to, not only in the Senate but in every department of the national administration.

Finally, he made many friends and no enemies in the best tradition of the small town where he grew up, and where some of his local political foes were also lifelong personal friends.

When Everett Dirksen died, the president of the United States gave the eulogy—proclaiming that Sen. Everett McKinley Dirksen had more impact on history than many presidents.

That he was, and he didn't learn that in Washington. That was the boy from Bohnchefiddle.●

ADMIRAL ARLEIGH A. BURKE

● Mr. MOYNIHAN. Mr. President, our Nation has lost one of its most distinguished Naval heros, Adm. Arleigh A. Burke. Had World War II continued beyond September 2, 1945, I might have served in the Pacific under ''31 knot Burke,'' as he was nicknamed for his exploits against the Japanese. Admiral Burke was awarded 13 decorations, including the Distinguished Service Medal, the Navy Cross, the Legion of Merit, the Silver Star, and our Nation's highest civilian honor, the Medal of Freedom. In 1991, for the first time in Navy history, the man for whom a ship—U.S.S. *Arleigh Burke*—was named was on hand to see her commissioned.

Mr. President, I ask that the obituary of Arleigh A. Burke from the New York Times of January 2, 1996, be included in the RECORD.

The obituary follows:

[From the New York Times, Jan. 2, 1996]

ARLEIGH A. BURKE DIES AT 94; NAVAL HERO OF WORLD WAR II

(By Robert D. McFadden)

Adm. Arleigh A. Burke, a battle-decorated Chief of Naval Operations whose combat exploits against Japanese naval forces in the South Pacific made him the Navy's most celebrated destroyer squadron commander of World War II, died yesterday at Bethesda Naval Hospital in Bethesda, Md. He was 94 and lived in Fairfax, Va.

Admiral Burke, who retired in 1961 after 42 years in the Navy, including a record six-year tenure as the Chief of Naval Operations in the Administration of President Dwight D. Eisenhower, died of complications of pneumonia, said a Navy spokesman, Lieut. Comdr. Ed Austin.

In a career that took him from Annapolis to Washington via the high seas, Admiral Burke, a stocky pipe smoker with an easy smile, served in battleships and aircraft carriers, was a member of the United Nations truce negotiations team in the Korean War and in Washington became a strong advocate of a powerful nuclear fleet for the Navy, including its missile-launching Polaris submarines.

But he was best known as ''31 Knot Burke,'' a nickname supplied by Admiral William F. Halsey, for his exploits as the commander of Squadron 23, a pack of eight destroyers that staged high-speed torpedo attacks that devastated enemy warships in the Solomon Islands in late 1943 and early 1944.

''Stand aside! Stand aside! I'm coming through at 31 knots,'' Mr. Burke, then a Captain, radioed darkened American troop transports as his squadron, named Little Beavers for a comic-strip character, steamed up the slot at boiler-bursting speed to attack a Japanese task force off Bougainville on the night of Nov. 1, 1943.

In a widely heralded action, the squadron covered the landing of thousands of American troops while attacking enemy vessels and aircraft. When the battle of Empress Augusta Bay ended the next day, the Japanese toll was horrendous. A cruiser and four destroyers lay on the bottom, and two cruisers and a pair of destroyers had limped away heavily damaged.

Later that month, the squadron engaged another Japanese task force off Cape St. George, New Ireland, and sank three destroyers without taking a hit. In 22 engagements from November 1943 to February 1944, the Navy said, Capt. Burke's squadron was credited with sinking one cruiser, nine destroyers, one submarine and nine smaller ships, as well as downing approximately 30 aircraft.

Later, Mr. Burke became a chief of staff to Vice Adm. Marc A. Mitscher, whose carrier task forces attacked the Japanese at Iwo Jima, Okinawa and Tokyo. Mr. Burke was aboard the flagship Bunker Hill and later the Enterprise when they were hit by Japanese suicide planes off Okinawa.

In 1949, during interservice disputes that followed the unification of the armed forces, Mr. Burke fell into disfavor with some officials of the Truman Administration by heading a group of high Navy officers that campaigned for supercarriers and against a strategic reliance on the Air Force's B–36 bombers.

His role in what was called the Admiral's revolt seemed to scuttle his chances for promotion. But his name went back on the lists a year later, when he became a rear admiral, and in 1951, he became a member of the allied cease-fire commission in Korea for six months.

In 1955, he was selected by Eisenhower over 92 more senior officers to be Chief of Naval Operations. In that post, he advocated a balanced and versatile fleet, new antisubmarine technology, the development of Polaris submarines and other nuclear systems, and new aircraft designs. He served three two-year terms, but insisted on retiring in 1961, when President John F. Kennedy offered him a fourth term.

Arleigh Albert Burke was born on a farm near Boulder, Colo., on Oct. 19, 1901. his parents were of Swedish and Pennsylvania Dutch stock, his paternal grandfather having changed the name from Bjorkegren. He graduated from the United States Naval Academy in 1923, and after five years of sea duty, earned a degree in chemical engineering at the University of Michigan in 1931.

He was an inspector at a naval gun factory in Washington when World War II broke out. He immediately applied for sea duty, but his application was not granted until 1943, when he was sent to command destroyers in the Solomons. For his ensuing exploits, he was awarded 13 decorations, including the Distinguished Service Medal, the Navy Cross, the Legion of Merit and the Silver Star.

In January 1977, he was awarded the nation's highest civilian honor, the Medal of Freedom, by President Gerald R. Ford. In 1984, the Navy named a class of missile-launching destroyers for him. And in 1991, it launched the U.S.S. Arleigh Burke, an $864 million destroyer, and for the first time in Navy history, the man for whom a ship was named was on hand to see her commissioned.

Mr. Burke is survived by his wife, the former Roberta (Bobbi) Gorsuch, to whom he was married for 72 years.●

LANDMINES: A DEADLY PERIL TO ALL THE WORLD'S CREATURES

● Mr. LEAHY. Mr. President, I have often spoken of the danger landmines pose to civilians and combatants around the world. There are an estimated 100 million of these hidden killers in over 60 countries, each one waiting to explode from the pressure of a footstep.

The State Department estimates that 26,000 people are killed or maimed by landmines annually. That is 72 people each day, or one every 22 minutes. The overwhelming majority are innocent civilians, who if they are lucky enough to survive face a lifetime of physical and psychological trauma. American service men and women are also the victims of these indiscriminate killers. It is no surprise that the first American casualty in Bosnia was from a landmine. There are 3 to 5 million landmines there, hidden under snow and mud. After our troops leave, millions will remain for years, taking their toll among the civilian population. Few people know that landmines caused a third of the American deaths in Vietnam, a quarter of the American deaths in the Persian Gulf war, and over a quarter of American deaths in Somalia.

Landmines are a global humanitarian catastrophe, but humans are not the only victims. Any living creature, wild or domestic, that weighs as much as a small dog, is a potential landmine victim. There have been many instances when a family lost its only means of livelihood when a cow or water buffalo stepped on a landmine, but there are undoubtedly countless other instances of wild animals that have died from mines. Virtually any animal that triggers a mine suffers terrible injuries and dies from loss of blood.

Mr. President, this may seem unimportant, but it is not. Landmines are insidious because they indiscriminately kill and maim the innocent, and that includes animals as well as people. There have even been reports that the Pentagon is considering using sheep to clear mines, by sending them into minefields to trigger the mines. Not only would this fail to detonate all the mines, but anyone who has seen the horrifying injuries landmines cause would be repulsed by the sacrifice of defenseless animals that way.

Mr. President, landmines are causing a humanitarian catastrophe. Even if not a single new mine were laid the 100 million unexploded mines in the ground would go on killing for decades. We must do all we can to locate and remove them. I have sponsored legislation to appropriate funds to improve the technology for doing that, and to help support mine clearing efforts around the world. Those funds are being used. It is not enough, not nearly enough, but it is a start.

To those who care about innocent life, whether human or non-human, landmines are a scourge that must be rid from the world. Ultimately, the only way to do that is to ban them altogether.●

A SPECIAL HOLIDAY SEASON IN NEW YORK

● Mr. D'AMATO. Mr. President, I rise today to celebrate the true spirit of the holiday season and pay special tribute to Trans World Airlines (TWA) for its generosity in helping to make Christmas a truly special time for one of my constituents, Mr. Mouris Astafanous.

To have a chance of survival, doctors told Mr. Astafanous that he would need a bone marrow transplant. Tests had indicated that his sister, Ms. Wedad Astafanous of Cairo, Egypt, met the incredible 20,000 to 1 odds of finding a

perfect match. However, State Department red tape prevented Ms. Astafanous from flying to America to help her brother. Because of these bureacratic hurdles, Ms. Astafanous was being denied the opportunity to help save her brother's life. At the request of the Astafanous family, I contacted the American Amdassador in Cairo who guaranteed his personal assistance in helping Wedad, and less than 24 hours later, she was granted the necessary visa.

Once a visa was secured, it was necessary to obtain an airline ticket for the trip to New York. TWA responded to my request for help in this situation. TWA CEO and president, Jeff Erickson, ensured that Ms. Astafanous' travel plans were arranged in a proper and timely manner. TWA then flew Ms. Astafanous from Egypt to New York so that she would be able to give her critically ill brother one of the greatest gifts of all, the gift of hope. Mr. Erickson's actions, along with the cooperation of TWA employees, have helped to provide the support the Astafanous family needs in this critical time.

Ms. Astafanous arrived in New York on the morning of Christmas Eve and immediately went to her brother's hospital bedside for a joyous reunion. Mouris' spirits have been immeasurably lifted by the arrival of his sister as have the spirits of all who have been touched by this wonderful family. I have had the honor of meeting Mouris and the entire Astafanous family. They are a family of great strength and courage. My prayers, and I am sure the prayers of all my colleagues, are with Mouris Astafanous, his sister Wedad, and the entire Astafanous family.

Thank you, Mr. President.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO MR. DAVID COLE

● Mr. PRYOR. Mr. President, I rise today to commend Mr. David Cole for his outstanding 34-year career with the Immigration and Naturalization Service.

Mr. Cole is currently Officer in Charge at the I&NS office in Memphis. I was recently informed that he will be retiring very soon. In fact, I believe his retirement party is set for January 13. I wanted to take this opportunity to thank David Cole for the outstanding work he has done in this difficult and often frustrating profession.

Unfortunately, Mr. President, the public discourse on immigration and immigrants is largely negative. We do not hear enough about the success stories that occur everyday as a result of the hard work of people like David Cole.

David Aaron Cole began duty as an Immigration Patrol Inspector on August 15, 1961, at Laredo, TX. Following several years of front-line work, Mr. Cole was promoted and transferred to Boston, MA, as a records and information specialist. In 1970, he assumed the post of officer in charge at Memphis, where he has worked to the present day.

Although the Memphis office does not directly serve Arkansas, I know that David Cole's work has impacted my State. Mr. Cole has helped hundreds of impoverished immigrants get their new lives off to a postive start. I would guess that a good number of those immigrants eventually made their way to Arkansas, where they have been productive members of my State.

Mr. President, the mission of the I&NS is not just enforcement, it is not just about keeping people out of the country. It is also about helping the legal immigrants who come here to assimilate into American society. David Cole has always understood that mission, and we will certainly miss his work at the Immigration and Naturalization Service. I know all my colleagues join me in wishing Mr. Cole the best of luck in the future.●

HARRY KIZIRIAN POST OFFICE BUILDING DESIGNATION ACT OF 1996

Mr. WARNER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1606, a bill to designate the U.S. Post Office building located at 24 Corliss Street, Providence, RI, as the ''Harry Kizirian Post Office Building.''

The President Office laid before the Senate the following message from the House of Representatives:

Resolved: That the House disagree to the amendments of the Senate to the bill (H.R. 1606) entitled ''An Act to designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the 'Harry Kizirian Post Office Building' ''.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate recede from its amendments and the motion to reconsider be laid on table.

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

DAVID J. WHEELER FEDERAL BUILDING

Mr. WARNER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from the further consideration of H.R. 2061, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2061), to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the ''David J. Wheeler Federal Building.''

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 ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements on the bill be placed in the RECORD as if read.

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

The bill (H.R. 2061) was read the third time and passed.

VETERANS' MEDICAL BENEFITS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now turn to consideration of calendar 264, S. 991.

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 Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO TOXIC SUBSTANCES.—(1)(A) Effective June 29, 1995, section 1710(e)(3) of title 38, United States Code, is amended by striking out ''after June 30, 1995,'' and all that follows through ''December 31, 1995'' and inserting in lieu thereof ''after December 31, 1996''.

(B) Any hospital or nursing home care or medical services furnished by the Secretary of Veterans Affairs by virtue of section 1710(a)(1)(G) of title 38, United States Code, during the period beginning on June 30, 1995, and ending on the date of the enactment of this Act is hereby ratified.

(2) Section 1712(a)(1)(D) of such title is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 1996,''.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—Section 1720C(a) of such title is amended by striking out ''September 30, 1995,'' and inserting in lieu thereof ''December 31, 1996,''.

(d) DEMONSTRATION PROJECT TO GUARANTEE ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of such title is amended by striking out ''fiscal years 1993, 1994, and 1995'' and inserting in lieu thereof ''fiscal years 1993 through 1997''.

(e) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(f) USE OF DATA ON COMPENSATION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.—(1) Effective March 31, 1995, section 7451(d)(3)(C)(iii) of such title is amended by striking out ''April 1, 1995'' and inserting in lieu thereof ''December 31, 1999''.

(2) The use of any director of a Department of Veterans Affairs health-care facility of data on rates of compensation paid to certified nurse anesthetists in a labor market area under section 7451(d)(3)(C) of title 38, United States Code, during the period beginning on April 1, 1995, and ending on the date of the enactment of this Act is hereby ratified.

(g) HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.—Section 7618 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1996''.

(h) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 of such title is amended by

striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(i) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(j) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Section 7(a) of Public Law 102–54 (38 U.S.C. 1718 note) is amended by striking out ''fiscal years 1961 through 1995'' and inserting in lieu thereof ''the period beginning on October 1, 1991, and ending on December 31, 1997,''.

(k) AUTHORITY TO MAKE GRANTS FOR ASSISTANCE IN FURNISHING SERVICES AND ASSISTANCE TO HOMELESS VETERANS.—(1) Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 106 Stat. 5136; 38 U.S.C. 7721 note) is amended by striking out ''fiscal years 1993, 1994, and 1995,'' and inserting in lieu thereof ''fiscal years 1993 through 1997,''.

(2) Section 12 of such Act (106 Stat. 5142) is amended by striking out ''each of the fiscal years 1993, 1994, and 1995'' and inserting in lieu thereof ''each of fiscal years 1993 through 1997''.

(l) HOMELESS VETERANS' REINTEGRATION PROJECTS.—(1) Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(D) $10,000,000 for fiscal year 1996.''.

(2) Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 1996''.

(m) EFFECTIVE DATE.—Except as provided in subsections (a)(1) and (f)(1), the amendments made by this section shall take effect on October 1, 1995.

Mr. SIMPSON. Mr. President, I am pleased to rise to comment briefly today, as chairman of the Veterans' Affairs Committee, on an important and, I think, non-controversial piece of legislation to extend the effective dates of certain legal authorities under which the Department of Veterans Affairs [VA] operates. Several of these authorities have expired recently. Except as I will discuss in a moment, each of these ''extender'' provisions was approved by the Veterans' Affairs Committee, by a unanimous voice vote, when the Committee marked up S. 991 on September 20, 1995, and ordered that that bill be favorably reported without written report.

In explaining this bill, Mr. President, let me first itemize the provisions of the bill as reported by the Veterans' Affairs Committee on September 20, 1995. Then I will explain the amendments to those provisions contained within a substitute amendment which I have offered today with the concurrence of the committee's ranking minority member, Senator JAY ROCKEFELLER. To summarize, I introduced S. 991 as a ''by request'' bill on behalf of the administration on June 29, 1995. It was reported in amended form by the Veterans' Affairs Committee on September 20, 1995. The bill would be further amended today—to incorporate, for example, extender provisions contained in legislation introduced in the other body—in order to facilitate the other body's approval of this legislation before the current year ends.

As for the bill as approved by the Veterans' Committee on September 20, the first section of that bill would extend through next year extant legal authorities which grant to so-called ''environmental veterans''—specifically, those who were exposed to ionizing radiation during service; those who served in the Republic of Vietnam and who are, therefore, presumed to have been exposed to dioxin; and those who served in the Persian Gulf war and who are thought, therefore, to have been exposed to toxic substances and other environmental hazards—to priority access to VA hospital care services. That section would also extend through this year a similar ''priority access'' provision applicable to outpatient care services that applies to Persian Gulf veterans due to the apparently extraordinary—and, to date, still inadequately understood—maladies suffered by those veterans.

The Veterans' Affairs Committee intends to hold extensive hearings in 1996 on an issue that is commonly referred to as ''eligibility reform,'' that is, the proposed recodification—and, we hope, simplification if possible—of very complex rules which presently govern which veterans shall have priority access to which categories of health care services. A number of eligibility reform proposals have been advanced—by the other body; by the VA; and by Veterans Service Organizations—all of which would, in some way, effect the relative priority given now to ''environmental veterans'' who have priority access to VA health care services under the rules we would extend today.

My thinking on the question of moving now to change substantively the eligibility rules for ''environmental veterans''—an action which the other body would apparently like to take now in isolation from other eligibility reform issues—is this: the committee will be looking into this question, and related questions, in considerable depth in 1996 when it takes up the broader issue of eligibility reform. That being the case, it is appropriate for us now to extend for one year the current rules as they are currently in force until we have a chance to study the House proposal to scale back special eligibility rules for some, or all, ''environmental veterans.'' That study will be part of the analysis which we will undertake on the entire gamut of health care eligibility issues.

While I think it is appropriate to defer consideration of environmental veterans' eligibility rules for a period, I also think it would be wholly inappropriate for the Congress now to allow some or all of these priority access rules to ''die a quiet death'' by simply declining to consider extending them further. Allowing these special access rules to expire—or making significant amendments to them—may be appropriate actions for the Congress to take. But they will not be appropriate until the Senate Veterans Affairs Committee has given such proposals the serious and thoughtful consideration they merit.

The Senate Committee will arrive at its own judgments on eligibility reform matters after it holds hearings, builds a record, and debates the issues. It will not take up such issues prematurely. And it will not take up such issues prematurely. And it will not take them up on a piecemeal basis. There will be time in 1996 to study the current rules governing access to VA health care by Persian Gulf, Vietnam and radiation-exposed veterans. In the interim, we should extend the current standards until such time as that study can take place.

The other provisions of law which we would extend today are far less controversial than those pertaining to the relative access of some classes of veterans to health care services. This bill would also, for example, extend VA's legal authority to contract for drug and alcohol abuse treatment services. It would, in addition, extend a number of legal authorities under which VA either itself provides, or contracts for others to provide, health care and other services to homeless veterans. It would extend VA's current pilot program on noninstitutional alternatives to nursing home care. Finally, it would extend: VA's Health Professional Scholarship Program; VA's authority to use local pay surveys to determine the appropriate level of locality pay for VA nurse anesthetists; and VA's authority to enter into certain property leasing transactions.

As I have noted, Mr. President, these provisions are relatively non-controversial. All on the Committee were willing, at minimum, to allow the programs authorized by these provisions of law to continue—at least for a period while they are subjected to further analysis. The Senate Committee is unwilling at this time to ''kill'' any such provision of law, through inaction, as opposed to making an affirmative determination that the program ought to be terminated.

There has been, however, one unanticipated exception to the ''rule'' that the Veterans Committee would not terminate programs or benefits by declining to extend legal authorities previously enacted. That exception is the extension of VA authority to guarantee adjustable rate home mortgage loans (so-called ''ARMs'') which was approved by the Committee at markup but which would be excised from the bill under the amendment that I offer today.

The Congress approved a 3-year ''demonstration project'' in 1992 which authorized VA, for the first time, to include adjustable rate mortgages in its home loan guaranty program. It appears that the program has been a success, and I had hoped, therefore, to extend it. As distinguished from the other body, however—which proposed to make VA's authority to guarantee ARMs permanent—I had proposed when I introduced S. 991 to extend the ARM

''demonstration project'' for 2 more years before considering giving it permanent status so that the committee might have an opportunity to view the performance of such loans over a wider range of interest rates. The Veterans' Committee concurred with that judgment when it approved such a 2-year extension on September 20.

When the committee acted, however, it was relying on a preliminary, informal cost estimate provided by the Congressional Budget Office [CBO]. That informal cost estimate indicated, in effect, that adjustable rate mortgages—at least the relatively conservative adjustable rate mortgages guaranteed by VA—are not significantly more likely than fixed rate mortgages to go into default and that, therefore, an extension in VA's authority to guarantee such loans would not subject the Government to significantly higher exposure to loss—and, in turn, costs—than fixed rate home loans.

CBO, however, reconsidered its preliminary, informal view on the potential cost of VA guarantees of adjustable rate mortgage loans. By letter issued on October 25, 1995—which I request, Mr. President, be made part of this RECORD in its entirety—CBO concluded as follows:

> Adjustable-rate mortgages involve a greater subsidy cost to the federal government than fixed rate mortgages (FPMs) because they have a higher likelihood of default. ARMs are more risky than FPMs, not only because interest rates can rise, but because home buyers with a given amount of income usually can qualify to borrow more money with an ARM than with a FPM, thereby becoming more financially leveraged. Thus, borrowers with the greatest risk can opt for an ARM over a FPM. This greater risk results in higher delinquency and foreclosure rates.

Based on this analysis, Mr. President, CBO estimated that an extension of VA's authority to guarantee ARMs would cost VA $36 million in fiscal year 1996 and $33 million in fiscal year 1997.

I was surprised, Mr. President, to learn of this cost estimate from CBO, especially since CBO did not so ''cost'' the legislation that enacted the ARM guarantee ''demonstration project'' just 3 years ago. As I understand it, VA guaranteed ARMs have more conservative underwriting standards than other ARMs. In addition, the monthly payments to be made by borrowers using VA guaranteed adjustable rate financing fluctuate less than payments under other ARMs since annual interest rate increases on VA-guaranteed ARMs are ''capped'' at 1 percent, rather than at 2 percent as is common practice. In light of these distinctions, the Veterans Affairs Committee has operated under the belief that VA guarantee ARMs would ''perform'' better than other ARM's—and that the Government, therefore, would not be exposed to inordinate loss. We had hoped to extend this ''demonstration project'' to see, through a review of VA's actual loss data, if that belief was well grounded.

Be that as it may, Mr. President, CBO's cost estimate makes such an extension impossible for all practical purposes. If this legislation were to propose an extension in this ''demonstration project,'' it would also have to propose money-saving legislation to ''offset'' the costs which CBO estimates would be incurred if the ARM extension were to be enacted. The committee has no such legislation to propose at this time; all cost-saving measures the committee was able to approve are already contained in the Veterans' Committee's portion of the budget reconciliation Balanced Budget Act now before the Congress. Accordingly, the chairman's amendment which I have proposed today would remove the ARM extender from S. 991.

There is another aspect of my substitute amendment that merits explanation. As I have discussed, the substitute would remove one home loan provision—the one which would have extended VA's ARM authority—but one which would have extended VA's ARM authority—but it would also add to the bill four other home loan-related authorities. These provisions are drawn from legislation introduced in the other body. They are not controversial.

First, my amendment would extend for a 2 year period VA's authority to guarantee home loans having interest rates negotiated by the borrower with the lender. Until 1992, VA established, by administrative action, maximum permissible mortgage interest rates to be allowed on VA guaranteed mortgages are a given point in time. VA attempted to ''track'' market-set interest rates, but despite its best efforts, there often were differentials between market rates and VA-set rates, if only due to delays in administrative action.

Such differentials did not necessarily result in veteran-borrowers getting a ''good deal.'' More typically, when VA ceilings were set below prevailing rates, the ''spread'' was offset by the charging of so-called ''points.'' Those points were assessed to the seller—not the veteran-borrower—but again, that did not mean that the veteran got a ''good deal.'' Sellers' points were typically recovered by sellers through increases in the selling prices of homes. In short, they were ''passed through'' to the veteran-buyer; veteran-buyers gained no advantage, typically, even though the interest rates they were being charged appeared to be ''below market.'' Rather, they paid for the interest rate differential ''up front'' through higher purchase prices. My amendment's extension of the allowance of market-set interest rates—as is the result when rates are negotiated by the borrower in today's competitive marketplace—eliminates such distortions.

My amendment, in addition, would extend VA authority to guarantee ''energy efficient'' mortgages. Most would agree that improvements to homes to achieve energy efficiency are desirable. Since 1992, VA has permitted the costs incurred in adding such improvements to a home—which improvements can, and often do, enhance the value of a property in the marketplace—to be ''rolled in'' to the mortgage loan-financed costs of the home. This program appears to have had some social utility, and insofar as the committee has been able to determine, it has not resulted in losses to the Government. Therefore, I propose today that this program be extended for 2 more years.

My amendment would, in addition, extend for 2 years VA's authority to allow lenders access to appraisals on the properties they finance. This provision, of course, is only reasonable; there is no reason for lenders not to have access to such information.

All three of these extenders—an extension in VA's authority to guarantee marketplace-set interest rate loans; an extension in VA's authority to guarantee ''energy efficient'' mortgages; and an extension in VA's allowance of access to property appraisals by lenders—seem, perhaps, to be ''no brainers'' to use a current vernacular. They are extensions of law, however, that rely on analysis that the Senate Committee has not had opportunity to evaluate. In addition, they are ''extenders'' which VA-proposed legislations—S. 991 as introduced by me on June 29, 1995, on the administration's behalf–did not request. I expect that the committee will study these provisions over the next 2 years. At that time, I expect that the committee will be in better position to consider permanent authorizations. In the meantime, I would suggest that these measures, which CBO has concluded would have no significant budgetary impact when it ''costed'' them for the other body, ought to be extended for 2 years.

My proposed amendment would also extend, for a 1-year period, VA's ''enhanced loan asset sale authority.'' This authority—which, in summary, facilitates the marketing of instruments by which sales of foreclosed VA-owned properties are financed—has already been approved by the committee, and the Congress, as part of the Balanced Budget Act. This provision, which will save the Government $35 million over a 7-year period, will expire at the end of the year. We surely hope that the Balanced Budget Act will be approved before then, and that that legislation will affect an extension in this authority. Because, however, a lapse in such authority would be disruptive to VA's efforts to ''bundle'' and sell its mortgage-backed securities, my amendment would extend that authority through this legislation while the Congress considers further changes in the Balanced Budget Act.

Finally, Mr. President, my amendment would modify four of the expiration time frames approved by the Senate Committee when it considered this legislation in September. It would propose to extend through 1997—rather than through 1996, as approved by the committee—VA's pilot program for

noninstitutional alternatives to nursing home care. It would extend VA's authority to survey local communities for appropriate comparability pay data for nurse anesthetists through 1997 rather than through 1999. It would extend VA's Health professional Scholarship Program through 1997 rather than through 1996. And it would extend the McKinney Act's Homeless Veterans' Reintegration Project through 1997 rather than through 1996.

The purpose of these modifications, Mr. President, is to conform our bill more closely to the time frames approved by the other body and, thereby, to promote the prospects for agreement. I might also note that the fourth of these time frame modifications—the expansion of the McKinney Act's Homeless Veterans' Reintegration Project extension from 1 year to 2 years—is a matter that I know is one of deep personal concern to my good friend, the Senator from Minnesota.

In closing, Mr. President, let me say that I hope the Senate will approve S. 991 as favorably reported by the Veterans' Affairs Committee on September 20, 1995, and as further amended today. Let me say, as well, that I hope the other body will approve it expeditiously. It is good, sound legislation; there should be no controversy on it. Other matters can be resolved in this new year—and they will be resolved—so long as all who are concerned about the needs of the Nation's veterans continue to approach this serious business in the cooperative spirit that has been so productive in the past.

Mr. President, I appreciate the time that has been afforded me.

I ask unanimous consent a CBO cost estimate and an October 25, 1995, cover letter from June O'Neill be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 25, 1995.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has reviewed S. 991, a bill to amend title 38, United States Code, and other statutes to extend VA's authority to operate certain programs, collect copayments associated with provision of medical benefits, and obtain reimbursements from insurance companies for care furnished, as ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

The bill would affect direct spending and thus would be subject to pay-as-you go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. The bill would not affect the budgets of state of local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 991.

2. Bill title: A bill to amend title 38, United States Code, and other statutes to extend VA's authority to operate certain programs, collect copayments associated with provisions of medical benefits, and obtain reimbursements from insurance companies for care furnished.

3. Bill status: As ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

4. Bill purpose: The bill would extend certain expiring authorities of the Department of Veterans Affairs. Contrary to the title of the bill, it would not affect copayments or reimbursements from insurance companies.

5. Estimated cost to the Federal Government: The following table summarizes the estimated budgetary impact of S. 991.

[By fiscal years in millions of dollars]

	1995	1996	1997	1998	1999	2000
DIRECT SPENDING						
Spending Under Current Law:						
Estimated budget authority	37	0	0	0	0	0
Estimated outlays	37	0	0	0	0	0
Proposed Changes:						
Estimated budget authority	0	36	33	0	0	0
Estimated outlays	0	36	33	0	0	0
Spending Under S. 991:						
Estimated budget authority	37	36	33	0	0	0
Estimated outlays	37	36	33	0	0	0
SPENDING SUBJECT TO APPROPRIATIONS ACTION						
Spending Under Current Law:						
Budget authority [1,2]	177	25	0	0	0	0
Estimated outlays	190	46	2	0	0	0
Proposed Changes:						
Estimated authorization level	0	144	79	13	0	0
Estimated outlays	0	117	93	26	0	0
Spending Under S. 991:						
Estimated authorization level [1,2]	177	168	79	13	0	0
Estimated outlays	190	163	95	26	0	0

[1] The 1995 figure is the amount already appropriated.
[2] Amounts for fiscal years 1996 through 2000 are authorizations subject to appropriations action.

6. Basis of estimate: The estimate assumes enactment of the bill and appropriation of the authorized amounts for each fiscal year. CBO used historic spending rates for estimating outlays. The following section-by-section cost analysis addresses only those sections of the bill that would have a significant budgetary impact.

DIRECT SPENDING

Section 1(d) would give VA authority to guarantee adjustable-rate mortgages (ARMs) through 1997; previous authority expired on September 30, 1995. CBO estimates that this extension would cost $36 million in 1996 and $33 million in 1997.

Adjustable-rate mortgages involve a greater subsidy cost to the federal government than fixed-rate mortgages (FRMs) because they have a higher likelihood of default. ARMs are more risky than FRMs, not only because interest rates can rise, but because home buyers with a given amount of income can usually qualify to borrow more money with an ARM than with a FRM, thereby becoming more financially leveraged. Thus, the borrowers with the greatest risk can opt for an ARM over a FRM. This greater risk results in higher delinquency and foreclosure rates.

CBO bases its esimate on recent loan delinquencies reported by the Federal National Mortgage Association (Fannie Mae), the federal agency that has the most experience tracking the performance of adjustable-rate mortgages. Although data regarding the rate at which Fannie Mae forecloses on mortgages are not available, the delinquency rate for the ARMs Fannie Mae had purchased has been almost 2.5 times that of fixed-rate mortgages over the past 12 months. Because of VA's supplemental servicing program, the easy conversion option to a fixed-rate program, and the lower cap on annual interest rate increases (1 percent compared to 2 percent for Fannie Mae), the difference in foreclosure rates between VA ARMs and FRMs is likely to be less than the difference in delinquency rates between Fannie Mae ARMs and FRMs. CBO estimates that VA ARMs have a foreclosure rate 1.75 times the rate for VA FRMs. We also assume that the percentage of ARMS guaranteed by VA would be the same as it was in 1994, about 12 percent of all VA originations. Based on a baseline foreclosure rate of 10.3 percent for FRMs for 1996, the estimated foreclosure rate for VA ARMs would be 18 percent. Thus, the subsidy cost for VA ARM loans would be about $36 million in 1996 and $33 million in 1997 based on annual loan volumes of 27,000 and 23,000 in 1996 and 1997, respectively.

VA has had the authority to guarantee ARMs only since 1993, and as a result, the available data are not very useful for projecting defaults. Recent data from the Federal Housing Administration (FHA), the model for the VA ARM program, shows that the ARMs it guarantees have foreclosure rates similar to those of FRMs it guarantees. Nevertheless, there is strong reason to believe that this is a short-term phenomenon and that FHA ARMs, like Fannie Mae ARMs, will prove to have higher foreclosure rates than FRMs. First, the data from FHA are too sparse to use for estimating relative foreclosure rates. FHA has been guaranteeing ARMs for ten years but only in the last few years have these loans made up a significant portion of FHA's originations. Second, during this period, mortgage rates have been quite low by historical standards.

SPENDING SUBJECT TO APPROPRIATIONS ACTION

This bill contains several provisions that would be subject to appropriations action.

Medical Treatment for Persian Gulf Veterans. Section 1(a) would extend from December 31, 1995, to December 31, 1996, VA's authority to provide medical treatment to veterans who may have been exposed to toxic substances while serving in the Persian Gulf War. Since 1992, about 180,000 veterans have sought outpatient care for ailments believed to have resulted from exposure to toxic substances while serving in the Gulf War.

Based on estimates from VA, the cost of treating and testing these veterans would be $60 million for the final nine months of fiscal year 1996 and $20 million for the first three months of 1997.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	60	20	0	0	0
Estimated outlays	52	28	0	0	0

Drug and Alcohol Abuse and Dependence. For about 15 years VA has been authorized to contract with third parties to treat veterans suffering from alcohol and drug abuse. Section 9(b) would extend authority to provide contract care from December 31, 1995 to December 331, 1997. At the discretion of the Secretary of Veterans Affairs, VA would be able to contract with halfway houses and other community-based organizations to provide short-term care and therapeutic services to veterans with alcohol and drug dependencies. In 1994, VA spent almost $9 million on contracts with organizations that helped veterans suffering from substance abuse. Under this section, VA would spend over $6 million in the last three quarters of 1996 and help more than 6,000 veterans during the entire fiscal year.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	7	9	2	0	0
Estimated outlays	6	9	4	0	0

Noninstitutional Alternatives to Nursing Home Care. Section 1(c) would extend until December 31, 1996, a pilot program on nursing homes that allows the Secretary of Veterans Affairs to pay for alternatives to nursing home care. At present, VA can contract with private and community providers of non-institutional nursing home care to provide homemaker and home health services to eligible veterans. Certain criteria must be met by veterans in order to qualify for the program. In general, veterans with a service-connected rating of more than 50 percent and veterans needing nursing home care for service-connected disabilities have priority in receiving this care. Participants must be at least 75 years old and meet other specific requirements pertaining to health and ability to live independently. The cost of non-institutional care cannot exceed 65 percent of what it costs VA to provide each individual nursing care at its facilities ($32,371 in 1994).

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	18	5	0	0	0
Estimated outlays	16	7	0	0	0

In 1994, VA spent almost $10 million and provided noninstitutional care to 1,500 veterans. The number of veterans participating in the program is expected to grow to 2,700 in 1996 and would cost $18 million for that year.

Health Professional Scholarship Program. In 1994, VA awarded scholarships to 374 VA nurses and other health professionals. These competitive scholarships allowed VA health care professionals to enroll in a full-time course of study leading to either an associate, baccalaureate, or master's degree. Award winners receive payments for tuition, educational expenses, and a monthly stipend—all tax free. The program helps VA recruit and retain nurses and other health care professionals, particularly for health care disciplines in which VA is experiencing recruitment difficulties. In return for the award, recipients incur a service obligation of two years to the VA.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	8	3	0	0	0
Estimated outlays	8	3	0	0	0

Section 1(g) would extend the authorization of the program from December 31, 1995, to December 31, 1996. For 1996, the cost of the program would be almost $8 million for the last nine months of the year. VA anticipates that this amount of funding would pay for 427 awards.

Enhanced-Use Leases of Real Property. Section 1(h) would extend for two years the authorization for VA to use enhanced-use leases of real property and would result in no significant costs. Enhanced-use leases of real property allow VA to enter into contracts with private companies to develop or employ underutilized land or other assets under the control of VA. In most instances, VA would allow a private developer to build on property owned by VA, and in return the developer would allow VA partial use of the newly developed facility at below market price. In the past, VA has contracted for child care centers and cafeterias where VA received below market prices for its employees who use the facility.

With the exception of leases made to provide child-care services, no more than 20 enhanced-use leases may be entered into at any one time. Current law permits VA to make payments only for those enhanced-use leases that provide space or services for which funds have been appropriated in advance.

Community-Based Residential Care for Chronically Mentally Ill Veterans. In 1994, VA spent just over $24.5 million to provide 9,000 Homeless Chronically Mentally Ill (HCMI) veterans community-based residential care. The HCMI program began in 1987 and has been reauthorized periodically. The program operates out of 71 VA facilities and targets homeless veterans with psychiatric or drug abuse problems. VA estimates that the number of homeless veterans on any given night varies from 150,000 to 250,000. Case workers seek out these veterans at homeless shelters or on the street and help them find appropriate health care and social services. These veterans are usually placed in community programs under contract with VA. The average cost of providing this service was $39 per day per veteran in 1994. The average stay was 71 days.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	28	29	8	0	0
Estimated outlays	25	28	11	0	0

VA anticipates that in 1996 it would be able to help almost 9,700 of the several hundred thousand homeless veterans at a cost of over $28 million. Section 1(i) would extend this program through December 1997.

Compensated Work Therapy and Therapeutic Transitional Housing (CWT). Section 1(j) would continue a demonstration program aimed at helping eligible veterans with severe mental illness and drug and alcohol problems return to mainstream society. The program offers veterans treatment while employed in the CWT program. This program differs from therapy programs because veterans pay rent to offset the cost of acquiring and maintaining the property in which they reside. VA has purchased 46 residences which will have 404 beds when fully operational. An additional four residences with a total of 60 beds are planned. Expansion beyond 50 residences would require a change in current law. To serve 316 veterans in 1994, VA spent about $3 million.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	4	4	1	0	0
Estimated outlays	3	4	1	0	0

Grants for Assistance in Furnishing Services and Assistance to Homeless Veterans. Section 1(k) expands VA's authority to work with community and public groups to provide services to homeless veterans. This program provides seven comprehensive homeless shelters, authorizes placement of counselors in 12 homeless shelters, allows for grants to public and community organizations to provide transitional assistance to veterans, and authorizes VA to make per diem payments to organizations eligible to receive grants. This program would be authorized until December 31, 1997. Reauthorization of the program is needed only to continue the homeless grant and per diem programs.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Estimated authorization level	9	9	2	0	0
Estimated outlays	7	9	4	0	0

In 1994, $8 million was appropriated for this program, $5.6 million of which was used for the grant program. The number of veterans affected by the program is uncertain, and VA is developing a plan to evaluate its effectiveness. CBO estimates the cost of the program in 1996 would be about $9 million.

Homeless Veterans Reintegration Projects. Section 1(l) would authorize appropriations for Homeless Veterans Reintegration Projects. The provision specifies an authorization level of $10 million in 1996.

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000
Authorization level	10	0	0	0	0
Estimated outlays	1	4	5	0	0

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1996	1997	1998
Change in outlays	36	33	0
Change in receipts	[1]	[1]	[1]

[1] Not applicable.

8. Estimated cost to State and local governments: None

9. Estimate Comparison: None

10. Previous CBO estimate: On October 5, 1995, CBO prepared a cost estimate for H.R. 2289 as ordered reported by the House Committee on Veterans' Affairs (HVAC) on September 20, 1995. The estimate included the cost of extending permanently the VA ARM program and extending for three years the homeless veterans job training program. CBO's cost estimate for H.R. 2353 as ordered reported by HVAC on September 20, 1995, included estimates for several other provisions that are also part of S. 991.

11. Estimate prepared by: Michael Groarke.

12. Estimate approved by: Paul N. Van de Water, Assistant Director, for Budget Analysis.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to give its unanimous support to the pending measure, S. 991, legislation that would extend a variety of veterans programs and authorities that have expired. The proposed extensions are relatively short-term ones—1 or 2 years—to ensure that the program or authority remains in place while the committee takes the opportunity to review the various issues in more detail.

Consideration of this measure was sought late last month so that it might have been enacted before a number of the programs and authorities actually expired, but we were blocked from acting at that time by an objection unrelated to any provision in the bill. I truly regret that the Senate was delayed in considering this measure, but am pleased that we are now about to act on it. My sincere hope is that our colleagues in the House will take it up as soon as possible so as to remove any question about the programs and authorities covered by this legislation.

Mr. President, this measure was ordered reported, without written report, by the Veterans' Affairs Committee on September 20, 1995, and comes before the Senate today with an amendment offered by the committee chairman, Senator SIMPSON. The chairman's amendment, which I support, deletes one provision from the bill as ordered reported—relating to VA's authority to guarantee home loans involving adjustable rate mortgages—because of unanticipated costs being attributed to the enactment of that provision by the

Congressional Budget Office. In addition, his amendment adds four additional extension provisions—all relating to VA's home loan guaranty program—that came to the committee's attention after the committee meeting in September.

There is no objection as far as I know to any of the provisions in the bill as it will be amended, and I urge its swift enactment so that it can reach the House as soon as possible for action in that Chamber.

SUMMARY OF PROVISIONS

Mr. President, the bill, as amended, contains 16 provisions which would provide for the following extensions of programs and authorities:

First, extend until December 31, 1996, the special eligibility for VA inpatient care which is accorded to certain veterans—those exposed to ionizing radiation from nuclear weapons tests or the occupation of Japan following World War II; Vietnam veterans exposed to herbicides during their service; and Persian Gulf war veterans exposed to environmental hazards during their service. Any care furnished to veterans exposed to radiation or herbicides pursuant to this authority between its expiration on June 30 of this year and the date of enactment of this measure would be ratified.

Second, extend until December 31, 1996, the special eligibility for VA outpatient care accorded to Persian Gulf war veterans.

Third, extend until December 31, 1997, VA's authority to contract for community-based drug and alcohol care.

Fourth, extend until December 31, 1997, VA's pilot program of non-institutional alternatives to nursing home care.

Fifth, extend until December 31, 1997, VA's authority to guarantee loans which bear an interest rate negotiated between the veteran and the lender.

Sixth, extend until December 31, 1997, VA's authority to guarantee loans that include costs related to making energy efficiency improvements to the dwelling that is the object of the loan.

Seventh, extend until December 31, 1996, VA's enhanced loan asset sale authority pursuant to which VA guarantees the timely payment of principal and interest to purchasers of real estate mortgage investment conduits.

Eighth, extend until December 31, 1997, VA's authority to permit a lender who is authorized to make loans which are automatically guaranteed to review appraisals.

Ninth, extend until December 31, 1997, VA's authority to enter into agreements with nonprofit organizations and State and local governments whereby such entities acquire real property, or the use of such property, from VA in order to furnish services to homeless veterans.

Tenth, extend until December 31, 1997, VA's authority to use data on compensation paid to nurse anesthetists who work on a contract basis for non-VA entities in determining appropriate locality pay for nurse anesthetists who work for VA.

Eleventh, extend until December 31, 1997, VA's Health Professional Scholarship Program.

Twelfth, extend until December 31, 1997, VA's authority to enter into enhanced-use leases with non-VA entities.

Thirteenth, extend until December 31, 1997, VA's program of community-based residential care for homeless chronically mentally ill veterans.

Fourteenth, extend until December 31, 1997, VA's authority to carry out a demonstration program of compensated work therapy and therapeutic transitional housing.

Fifteenth, extend until September 30, 1997, VA's authority to make grants to entities for the purpose of furnishing services and assistance to homeless veterans.

Sixteenth, extend until September 30, 1997, the Department of Labor's homeless veterans' reintegration projects and authorize appropriations of $10 million for this program.

CONCLUSION

Mr. President, this legislation would extend a number of important authorities and programs, and I urge all of my Senate colleagues to support it. As I noted at the outset, our consideration of this bill was delayed because of unrelated concerns and it is vital that we act as quickly as possible to reauthorize the various programs and authorities.

Mr. President, I express my appreciation to the chairman of our committee, Mr. SIMPSON, and all other members of the committee, for their work on this measure. I look forward to working with my colleagues in the Senate, as well as members of the House Committee on Veterans' Affairs, on its enactment.

Mr. President, I urge the Senate to give its unanimous approval to this measure.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment I now send to the desk be agreed to, the committee substitute, as amended be agreed to, the motion to reconsider be laid on the table, and the bill then be read a third time.

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

The amendment (No. 3116) was agreed to as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO TOXIC SUBSTANCES.—(1) Effective June 29, 1995, section 1710(e)(3) of title 38, United States Code, is amended by striking out ''after June 30, 1995,'' and all that follows through ''December 31, 1995'' and inserting in lieu thereof ''after December 31, 1996''.

(2) Section 1712(a)(1)(D) of such title is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 1996,''.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—Section 1720C(a) of such title is amended by striking out ''September 30, 1995,'' and inserting in lieu thereof ''December 31, 1997,''.

(d) NEGOTIATED INTEREST RATES.—Section 3703(c)(4)(D) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(e) MORTGAGES FOR ENERGY EFFICIENT IMPROVEMENTS.—Section 3710(d)(7) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(f) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1996''.

(g) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f)(3) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(h) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(i) USE OF DATA ON COMPENSATION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.—Effective March 31, 1995, section 7451(d)(3)(C)(iii) of such title is amended by striking out ''April 1, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(j) HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.—Section 7618 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(k) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(*l*) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(m) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Section 7(a) of Public Law 102–54 (38 U.S.C. 1718 note) is amended by striking out ''fiscal years 1991 through 1995'' and inserting in lieu thereof ''the period beginning on October 1, 1991, and ending on December 31, 1997,''.

(n) AUTHORITY TO MAKE GRANTS FOR ASSISTANCE IN FURNISHING SERVICES AND ASSISTANCE TO HOMELESS VETERANS.—(1) Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 106 Stat. 5136; 38 U.S.C. 7721 note) is amended by striking out ''fiscal years 1993, 1994, and 1995,'' and inserting in lieu thereof ''fiscal years 1993 through 1997,''.

(2) Section 12 of such Act (106 Stat. 5142) is amended by striking out ''each of the fiscal years 1993, 1994, and 1995'' and inserting in lieu thereof ''each of fiscal years 1993 through 1997''.

(o) HOMELESS VETERANS' REINTEGRATION PROJECTS.—(1) Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(D) $10,000,000 for fiscal year 1996.

''(E) $10,000,000 for fiscal year 1997.''.

(2) Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 1997''.

(p) EFFECTIVE DATE.—Except as provided in subsections (a)(1) and (i), the amendments made by this section shall take effect on October 1, 1995.

(q) RATIFICATION OF ACTIONS.—The following actions are hereby ratified:

(1) The furnishing by the Secretary of Veterans Affairs of care and services by virtue of section 1710(a)(1)(G) of title 38, United States Code, during the period beginning on July 1, 1995, and ending on the date of the enactment of this Act.

(2) The furnishing by the Secretary of services in noninstitutional settings by virtue of section 1720C of such title during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(3) The use by any director of a Department of Veterans Affairs health-care facility of data on rates of compensation paid to certified nurse anesthetists in a labor market area under section 7451(d)(3)(C) of such title during the period beginning on April 1, 1995, and ending on the date of the enactment of this Act.

(4) The furnishing by the Secretary of care for homeless chronically mentally ill and other veterans by virtue of section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(5) The furnishing by the Secretary of work therapy and therapeutic transitional housing by virtue of section 7 of Public Law 102–54 (38 U.S.C. 1718 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(6) Grants made by the Secretary to furnish services to veterans under section 3 of the Homeless Veterans Comprehensive Services Programs Act of 1992 (38 U.S.C. 7721 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WARNER. Mr. President, I now ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 2353, that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken, and the text of S. 991, as amended, be inserted in lieu thereof, that the bill as thus amended be passed, and the motion to reconsider be laid upon the table, and S. 991 be then returned to the calendar.

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

So the bill (H.R. 2353), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2353) entitled ''An Act to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO TOXIC SUBSTANCES.—(1) Effective June 29, 1995, section 1710(e)(3) of title 38, United States Code, is amended by striking out ''after June 30, 1995,'' and all that follows through ''December 31, 1995'' and inserting in lieu thereof ''after December 31, 1996''.

(2) Section 1712(a)(1)(D) of such title is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 1996,''.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—Section 1720C(a) of such title is amended by striking out ''September 30, 1995,'' and inserting in lieu thereof ''December 31, 1997,''.

(d) NEGOTIATED INTEREST RATES.—Section 3703(c)(4)(D) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(e) MORTGAGES FOR ENERGY EFFICIENT IMPROVEMENTS.—Section 3710(d)(7) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(f) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1996''.

(g) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f)(3) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(h) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(i) USE OF DATA ON COMPENSATION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.—Effective March 31, 1995, section 7451(d)(3)(C)(iii) of such title is amended by striking out ''April 1, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(j) HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.—Section 7618 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(k) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 of such title is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(l) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''December 31, 1997''.

(m) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Section 7(a) of Public Law 102–54 (38 U.S.C. 1718 note) is amended by striking out ''fiscal years 1991 through 1995'' and inserting in lieu thereof ''the period beginning on October 1, 1991, and ending on December 31, 1997,''.

(n) AUTHORITY TO MAKE GRANTS FOR ASSISTANCE IN FURNISHING SERVICES AND ASSISTANCE TO HOMELESS VETERANS.—(1) Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 106 Stat. 5136; 38 U.S.C. 7721 note) is amended by striking out ''fiscal years 1993, 1994, and 1995,'' and inserting in lieu thereof ''fiscal years 1993 through 1997,''.

(2) Section 12 of such Act (106 Stat. 5142) is amended by striking out ''each of the fiscal years 1993, 1994, and 1995'' and inserting in lieu thereof ''each of fiscal years 1993 through 1997''.

(o) HOMELESS VETERANS' REINTEGRATION PROJECTS.—(1) Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(D) $10,000,000 for fiscal year 1996.

''(E) $10,000,000 for fiscal year 1997.''.

(2) Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 1997''.

(p) EFFECTIVE DATE.—Except as provided in subsections (a)(1) and (i), the amendments made by this section shall take effect on October 1, 1995.

(q) RATIFICATION OF ACTIONS.—The following actions are hereby ratified:

(1) The furnishing by the Secretary of Veterans Affairs of care and services by virtue of section 1710(a)(1)(G) of title 38, United States Code, during the period beginning on July 1, 1995, and ending on the date of the enactment of this Act.

(2) The furnishing by the Secretary of services in noninstitutional settings by virtue of section 1720C of such title during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(3) The use by any director of a Department of Veterans Affairs health-care facility of data on rates of compensation paid to certified nurse anesthetists in a labor market area under section 7451(d)(3)(C) of such title during the period beginning on April 1, 1995, and ending on the date of the enactment of this Act.

(4) The furnishing by the Secretary of care for homeless chronically mentally ill and other veterans by virtue of section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(5) The furnishing by the Secretary of work therapy and therapeutic transitional housing by virtue of section 7 of Public Law 102–54 (38 U.S.C. 1718 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

(6) Grants made by the Secretary to furnish services to veterans under section 3 of the Homeless Veterans Comprehensive Services Programs Act of 1992 (38 U.S.C. 7721 note) during the period beginning on October 1, 1995, and ending on the date of the enactment of this Act.

The title was amended so as to read: ''To amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, and for other purposes.''.

MEASURE READ FOR THE FIRST TIME—S. 1518

Mr. WARNER. Mr. President, I understand that S. 1518 introduced today by Senator BROWN is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897.

Mr. WARNER. I now ask for its second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. WARNER. I thank the Chair.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. WARNER. I ask unanimous consent that the Senator from Virginia Mr. [WARNER], be allowed to sign duly enrolled bills and joint resolutions.

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

ORDERS FOR MONDAY, JANUARY 8, 1996

Mr. WARNER. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 3 p.m. on Monday, January 8; that immediately following the prayer, the Journal of proceedings be deemed approved to date; no resolutions come over under the rule; the call of the calendar be dispensed with; the morning hour be deemed to have expired; the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 3:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. WARNER. For the information of all Senators, rollcall votes are not expected to occur during Monday's session of the Senate. The Senate could, however, turn to any executive or calendar items cleared for action.

ADJOURNMENT UNTIL MONDAY, JANUARY 8, 1996, AT 3 P.M.

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 9:45 p.m., adjourned until Monday, January 8, 1996, at 3 p.m.

EXTENSIONS OF REMARKS

INTERIOR APPROPRIATIONS ACT—VETO OVERRIDE ATTEMPT

SPEECH OF

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 1996

Mr. TAYLOR of North Carolina. Mr. Speaker, we have all heard from our constituents about the Government shutdown. Closure of our National Parks and Forests has attracted a great deal of attention. In my district—where we have National Park Service units and national forest land—over 500 Federal workers have been furloughed. Those that are at their jobs are working without pay.

However, the situation is even worse for those who rely on visitors to western North Carolina for their business. Concessioners, for instance, are private enterprises and are losing money because of the reduction in tourists to our area. These people will not receive the back pay that the Federal workers will be getting.

I was extremely disappointed that President Clinton vetoed our bill on December 18. As you know, we worked very hard to craft a bill that the administration could support—one that addressed the concerns expressed by various administration Representatives. I don't know if the President was even aware of what was in this bill—I think he simply vetoed it to pander to the more radical environmental groups who claimed it would severely damage the environment.

But of course these claims are completely false. This bill does not harm to our natural resources; in fact, it addresses many concerns expressed by this administration.

This bill increases funding for the National Park Service's operations and maintenance. We are well aware of the backlog of needed projects in our National Parks—basic projects like updating the sewage system at Certain Park sites or upgrading Visitor Centers. This bill will allow those projects to be completed.

This bill also provides additional funds for our country's Native Americans. The administration requested $110 million more be added to the Senate's $3.5 billion for Indian affairs. We added $137 million more.

We restored the mining patent moratorium that the administration requested.

We lowered the ceiling on logging in the Tongass National Forest from 450 million board feet to 418 million board feet.

In fact, we responded as best we could—give the severe budget confines of this bill—to all the administration's concerns. And yet, President Clinton vetoed the bill and jeopardized the livelihood of thousands of Americans.

We keep hearing that a clean CR will fix the current situation. This is not true. A CR is simply a temporary solution. This bill is the true cure. Rather than keeping Federal workers at these Federal agencies guessing about whether they will be shutdown in 2 weeks and then another 2 weeks for the rest of the fiscal year, this bill will fund the Department of the Interior and the Forest Service for the remainder of the fiscal year—9 months rather than 2 weeks.

Again, I cannot be sure that the President knew of the wonderful things we had in this bill. He listened to the radical leftwing environmental community and vetoed this bill to pander to them. Let us not continue this terrible travesty. Support this bill, vote to override the President's veto and let us put these fine men and women back to work.

A TRIBUTE TO THE 1995 MIAMI NORTHWESTERN H.S. STATE CHAMPIONSHIP FOOTBALL TEAM

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mrs. MEEK of Florida. Mr. Speaker, Northwestern University isn't the only educational institution by that name making waves in the world of sports. On December 16, 1995 the Miami Northwestern High School Bulls football team captured Florida's class 6–A state football championship, igniting a burst of pride and jubilation throughout all of Liberty City—one of Miami's oldest and most storied black communities.

Northwestern is the first of Dade's seven predominately black high schools to win a state football championship and the 11th Dade County high school to win a state football championship since 1963—the first year of state playoffs. Northwestern's victory is its first state football championship since 1964 when it won the last of Florida's black high school championships in what was then segregated leagues.

In the east, high school football is a cultural exercise. On the west coast it is a tourist attraction. In the Midwest, it is cannibalism. But in the South, it is religion, and game day is the holy day.

Sports has a way of bringing people and communities together like few events. Some 25,000 fans turned out for the regional football championship game between Northwestern and Carol City High School, and about 6,000 Bulls fans travelled the 250 miles from Miami to Daytona to cheer the Bulls on to victory. This victory, like no other, has pulled this community together bringing generations of Northwestern, Carol City and Central High School graduates from the 1960s to the 1990s together in support of a single cause—community.

In addition to the proven excellence of its athletic program, Miami Northwestern High School consistently leads the state of Florida in sending its players to college. I am proud to join with our entire community in congratulating Miami Northwestern High School for a job well done.

TRIBUTE IN HONOR OF JERRY GHERMAN OF SAN ANTONIO, TX

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. TEJEDA. Mr. Speaker, I am proud to recognize a distinguished resident of the city of San Antonio, TX. Mr. Jerry Gherman of San Antonio was recognized last night with a dinner for a lifetime of outstanding achievements on behalf of the people of San Antonio, of the State of Texas, and of the United States.

Jerry Gherman has served this city as a fireman for 30 years. It takes discipline, compassion, and courage to fight fires, and Jerry Gherman has those qualities in abundance. But fighting fires was only the start for Jerry, because he was involved in every great matter of public life. And Jerry performs every task with the energy, skill, and dedication that characterizes him.

Jerry started out by serving this Nation in the U.S. Navy. He remains active in veterans affairs as a member of the Non-Commissioned Officers Association and the American Legion. He worked for his fellow firefighters and workers everywhere as legislative director of the San Antonio Professional Firefighters Association. Over his long career in labor, he served as chairman of the committee on political education and both first and second vice president of the San Antonio Central Labor Council of the AFL-CIO.

Throughout his career, Jerry has been outspoken about his beliefs and worked hard to make them into reality. He has worked in many political campaigns in San Antonio, the State of Texas, and the Nation. But he does not just walk away after the campaign: Jerry remains involved, working hard with the city council and the State legislature to improve conditions and benefits for his fellow firefighters. Jerry was also instrumental in helping fire departments across the State, serving on the Texas Commission of fire commission's allocation advisory committee.

But on top of his hard work at the San Antonio Fire Department, and his dedication to his fellow workers, Jerry has always been deeply concerned and active in education and in helping young people. He has served as coordinator of Cub Scout Troop 360, and has compiled over 10 years of service as a coach for the Catholic Youth Organization. He was a member of the Holy Name Elementary School Board and as a member of the San Antonio Archdiocesan School Board, in each case donating 6 years of service. He is also a member of the board of St. Gerard's Catholic High School, where, in addition, he coached the girls' softball team. In addition, he is a member of the Holy Name Catholic Church Men's Club.

Over the past 30 years Jerry Gherman has truly compiled a record of achievement and involvement in the life of his community, his State, and his Nation, which is worthy of recognition by this Congress. In addition to his

public life, Jerry has shown this community a beautiful example of someone who does not let involvement in work, politics, and community affairs interfere with his dedication to his family. No matter how busy, Jerry has always been a caring husband to his wife Linda Gherman, and a devoted father to his children, Ron Robin, and Ryan Gherman.

In all, Jerry Gherman is a remarkable American. He is truly an example to all of us, accomplishing the things that we of this Nation hold in greatest esteem: He served in our country in uniform, he works to save lives, he has a vision of what his fellow workers need and has fought with skill and passion to make their lives better, he gives generously of his experience and time to the young people of his community and to the church of his beliefs, and he has supported and loved his family throughout a very active and committed life. I am proud to call Jerry Gherman a friend and it is an honor to ask that this Congress recognize him as the great and generous man that he is.

JIM LACY'S RETIREMENT: A LOSS FOR OUR STUDENTS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. ROGERS. Mr. Speaker, I rise today to honor a great friend, teacher, and leader for our children and community in Wolfe County, KY.

For almost 30 years, Jim Lacy has served the students and families of Wolfe County as a teacher, administrator, and county superintendent.

As a teacher for more than 24 years, he taught almost every class and knew every student. He also served as the high school's basketball and baseball coach, teaching our children not only the value of education, but of physical fitness, competition, and sportsmanship.

After 2 years as the principal of the Wolfe County Middle School, Jim was hired by the board of education to become superintendent of schools.

During his 4 years of service, he has been a strong supporter of our schools and the need for constantly improving our education system.

In addition to educating our children, Jim also worked closely with the Kentucky State Conservation Service to help our communities. He has served as an excellent representative in visits to Washington, DC, Frankfort, and other States as an advocate for eastern Kentucky.

Jim Lacy is a leader. He has molded our children as a role model and example of leadership for a long time. And now, as he teaches and leads a second generation of students—the children of his former students—Jim Lacy will always stand out because of his commitment to excellence.

Many of his students have enjoyed their time with Jim Lacy. For his loyal service, we are all grateful.

Good luck, Jim, and may your retirement be long and enjoyable.

TRIBUTE TO GEORGE W. LITTLE, BUSINESS, COMMUNITY, AND CIVIC LEADER

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. FUNDERBURK. Mr. Speaker, it is a pleasure to recognize the major accomplishment of Moore County civic and political leader, George W. Little. Few people have as long a list of business, civic, and political activities or of recognitions and awards.

Mr. Little grew up in Southern Pines, NC where he attended public school Following that he attended the University of North Carolina at Chapel Hill. He is married to Teena S. Little who is a State Senator. His three children are Cynthia Little Frazier, Lindsay Evans Little, and George Wesley Little, Jr. George Little is a member of Brownson Memorial Presbyterian Church in Southern Pines.

Mr. Little is a leading insurance consultant and broker who also served as Secretary of the North Carolina Department of Natural and Economic Resources. In business activities he is a member of Carolina Telephone and Telegraph Board of Directors; the Sanford Association of Life Underwriters; the Pinehurst Area Convention and Visitors Bureau; and the North Carolina Board of Economic Development [vice chairman].

George Little is truly a community leader in civic activities. He serves as a member of the Sandhills area Chamber of Commerce, the Sandhills Kiwanis Club, and the Southern Pines Elks Lodge. Most notably for over two decades, he has served as the Chairman of the Board of Trustees of Sandhills Community College, one of North Carolina's finest. And reflecting his statewide leadership role in community college education, he is chairman of the North Carolina Association of Community College Trustees Executive Committee.

His past civic, business, and political activities are far too numerous to mention. In Republican politics he has been a kingmaker for some 25 years. For example, he has served as Moore County GOP Chairman for several terms, as the North Carolina GOP Finance Chairman, as a member of the North Carolina GOP Executive and Central Committees; and as a Delegate to the Republican National Convention. And he has served as finance and /or political member of many GOP Lieutenant Governor, Governor, and Presidential campaigns.

Some of George Little's most notable awards and recognition were: Honorary Associate in Humanities Degree from Sandhills Community College; National Sales Achievement Awards; North Carolina Jaycees Outstanding State Chairman Award; North Carolina Outstanding Sound Citizens Award; and Outstanding Young Man of the Year of Southern Pines. Additionally his benevolent and humanitarian activities are especially laudable and noteworthy.

In summary, George W. Little merits our thanks and tribute for the outstanding contribution he has made to his community, county, and State. I am pleased to extend personal thanks to a longtime friend and fellow Sandhills native.

COMMEMORATING THE 150TH ANNIVERSARY OF THE CITY OF MILWAUKEE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to recognize the 150th anniversary of the founding of the city of Milwaukee.

I am proud to be among those who call this beautiful city home. Milwaukee has long been graced with a natural environment that is second to none. Our city is blessed with beautiful parks, a preserved and protected lakefront, and architecture that preserves the richness of our past while looking toward the future.

Long recognized as the workshop of the world, Milwaukee is home to shops and factories that are known worldwide for their craftsmanship and quality. The pride and skill of Milwaukee's working men and women proudly shines through in products which are shipped and sold throughout the world.

Known as much for clean government as for its clean streets, Milwaukee has maintained a tradition of progressive civic leadership throughout its history. With a commitment to a superb quality of life for all citizens, Milwaukee's city government has consistently worked to create and maintain a thriving local economy, safe streets and neighborhoods, and decent and affordable housing for all.

Milwaukee is also rightfully proud of its outstanding institutions of higher learning and of its vibrant and diverse cultural activities. Our city is clearly a great place to live. I ask my colleagues to join me in wishing the citizens of Milwaukee a happy 150th anniversary.

RESOLUTION COMMENDING GREEN BAY PACKERS AND QUARTERBACK BRETT FAVRE FOR THEIR WINNING WAYS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. ROTH. Mr. Speaker, it is with great pride that I introduce a resolution congratulating the Green Bay Packers football team and its remarkable quarterback, Brett Favre, for their outstanding performances this year.

The Packers, the only League team owned by a municipality, the City of Green Bay, WI, has won its first National Football Conference Central Division title in 23 years.

The team has battled its way into the divisional playoffs, and now face the Super Bowl Champion San Francisco 49-ers.

The Packers' quarterback, Brett Favre, has just been recognized as the most valuable player in the entire National Football League [NFL].

Indeed, Mr. Chairman, Brett Favre received 78 percent of the votes cast in bestowing this honor, a margin of enviable magnitude.

My resolution commends the Packers as a team, its coaches, its athletes, its staff, and its loyal fans for the season's hard-fought victories.

It commends Brett Favre for his incredible individual accomplishments.

These include a Conference record 38 touchdown passes during the regular season.

Brett Favre threw three more touchdown passes in Sunday's 37–20 first-round playoff victory over the Atlanta Falcons.

He has started in 61 consecutive football games, the longest streak among active NFL quarterbacks.

Finally, the resolution recognizes the team's commitment to achieving and demonstrating athletic excellence in the best traditions of the State of Wisconsin and of the Nation.

I urge the House to join me in giving special recognition to this exceptionally talented team and its admirable quarterback. They have proven themselves leaders and top performers in every capacity through one of the most competitive professional football seasons in history.

I ask that the article about the team and Mr. Favre and his award that appeared in the Green Bay Press-Gazette on January 2, 1996, be printed in the RECORD.

FAVRE ON HONOR: IT'S SALUTE TO TEAM

(By Chris Havel)

Brett Favre bounded into his Ashwaubenon home dying to share the news.

The Green Bay Packers' quarterback had just learned he was voted the National Football League's Most Valuable Player for the 1995 season.

''He was just like a kid winning his first trophy ever,'' said Deanna Tynes, Favre's longtime girlfriend. ''He said, 'Do you know how big this is?' I said, 'yes, I do.' He said, 'No, you don't. You can't, because I don't know.'''

Winning the MVP award is one thing. Comprehending it is another.

That was on Saturday.

The Associated Press, which conducted the balloting in which Favre earned 69 of 88 votes from a national media panel, told him during an advance interview two days before the award was released.

On Monday, Favre seemed just as excited as if he'd heard it the first time.

''This is great,'' he said.

The 26-year-old admitted his NFC record 38 touchdown passes and NFL-leading 4,413 yards passing obviously played a bit role in his winning the award. But no greater a role than the Packers' 11–5 record and Central Division title.

''The numbers are hard to ignore, but if we had gone 2–14 everyone would have said, 'So what?'' he said. ''I can't say enough about what this award means for me and my team. You can't win something like this unless you win and be successful. That's a salute to all my teammates.''

The award was especially impressive in that it came in the same season San Francisco's Jerry Rice and Dallas' Emmitt Smith set NFL records for receiving yards (1,848) and touchdowns (25), respectively.

This is heady stuff.

The people closest to Favre know it. They also know it won't go to his head.

''The only way he has changed is that he has grown up a lot,'' said Tynes, who laughs at the notion that Favre is a ''big ego'' guy. ''He's still a kid at heart. He'll always be that way. More than anything, he loves to play football and he loves to win. That's just the way he is.''

MATURITY CITED

Bryant Medders who played with Favre at Southern Mississippi and is a close friend, said Favre's maturity—both physically and mentally—is striking.

''He never knew where the weight room was at Southern Miss,'' Medders said. ''Now on Tuesdays (the Packers' day off) he goes in and rides the bike and does the treadmill. I thought, 'That doesn't sound like Brett,' But it is now.''

Steve Mariucci, the Packers' quarterbacks coach, also has seen the changes.

''Brett's image used to be the. . . . Well, you know. Now his image and persona is that he's an intelligent quarterback. Heads-up. Gutsy. He's playing the position very well and very smart,'' said Mariucci. ''He's playing a little bit beyond the scheme of our system at times with his improvising and making good things happen. He's keeping the negatives to a minimum.''

Clearly, Favre is a serious NFL quarterback. Yet he remains his fun-loving self.

Medders got a dose of it a few years back when he came to Green Bay for the Packers' December game against the Rams. Favre told Medders to be sure to bundle up because of the sub-zero temperatures.

''So we step out of the apartment on our way to the game and what does he do? He comes up behind me and stuffs two handfuls of snow right down the back of my shirt,'' said Medders, laughing. ''That started my day out right.''

''He's the biggest prankster there is,'' said Clark Henegan, a college buddy of Favre's who moved to Green Bay and is his personal assistant. ''If you're not careful, he'll pull your pants down on the tee box. Trust me.''

Favre actually pulled just such a prank on Mariucci at practice.

''The worst part was they had it on film,'' said Mariucci. ''That's just how he is. He's the funniest human being I have ever been around. To be witty, you have to be intelligent, and he's very witty. Not that I ever want him to do that again.''

The fact that Favre would even consider such a practical joke on his position coach is testament to the closeness they share.

'MUTUAL RESPECT'

We have a great mutual respect and when I say 'we' I mean all the quarterbacks,'' said Mariucci. ''It's a constant Barnum & Bailey, but when it's time to go, we go. We get after it and there's no fooling around.''

Medders thinks Favre is just beginning to blossom.

''Now that he has received some respect from peers and around the nation, it'll actually make him more confident,'' said Medders, who lives in Birmingham, Ala. ''I think it will make him better. It'll bring him out more.''

Favre's rock-solid performance in the Packers' 37–20 victory over Atlanta in Sunday's NFC wild-card game makes a convincing argument. Knowing he has been selected as the NFL's MVP didn't affect his approach or his performance.

He completed 24 of 35 passes for 199 yards and three touchdowns.

''There was no pressure on me,'' Favre said. ''I didn't feel like I had to do anything spectacular and I didn't. I don't have to put up big numbers for us to win. Edgar Bennett had 108 yards. We won. That's what we would like to do.''

On some teams, the presence of an MVP quarterback might breed jealousy.

In Green Bay, Favre believes it'll breed confidence going into Saturday's NFC Divisional Playoff against defending Super Bowl champion San Francisco.

''Our players can say, 'Hey, if a Packer can win this award, then we're getting a little notoriety and people are starting to recognize us,'' he said.

''We're 11–5. We won our division. We're pretty good. I hope every player feels like we can go out to San Francisco and win.''

DEPORTATION OF FOREIGNERS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. DIXON. Mr. Speaker, I want to take the opportunity to call the attention of my colleagues to the following editorial which appeared in the Los Angeles Times of Tuesday, January 2, 1996. The Times cites encouraging progress by the U.S. Immigration and Naturalization Service [INS] in the deportation of foreigners who are in this country illegally. Obviously, illegal immigration is an issue of great importance to the Los Angeles area as well as the entire State of California, and I commend the INS for its recent successes in efforts to confront this pressing problem.

ENCOURAGING PROGRESS ON DEPORTATIONS

STATISTICS SUPPORT THE STEADY, MEASURED APPROACH OF THE INS

The U.S. Immigration and Naturalization Service says a record number of foreigners, 51,600, were deported in 1995 for being in the United States illegally. While those deportations represent only a tiny dent in America's illegal immigration problems, the number does illustrate that the Clinton administration is moving in the right direction on control of the nation's borders.

Experts who track immigration trends can only guess at how many illegal immigrants are living in the country. A rough consensus currently is between 2 million and 3 million. But the INS knows exactly how many it formally deports each year, and the 1995 figure is 15% more than in 1994 and up nearly 75% from 1990. So the INS has shown progress, indicating that its measured approach, pressed methodically despite a prevailing anti-immigrant hysteria, is effective.

Clearly Congress' decision to increase the amount of money spent on border enforcement has paid off. That should provide more political support for the INS spending bill now pending in Congress, which calls for a $128.7-million increase in enforcement funds. In terms of manpower, that means an additional 1,400 INS officers, mostly detention and deportation officers.

Another wise decision that INS Commissioner Doris Meissner made was to invest in a computerized identification system for INS border inspectors at busy ports of entry like San Ysidro, south of San Diego, and El Paso.

But the most important change in INS procedures was Meissner's decision to expand and accelerate the procedure for holding formal deportation hearings for foreigners who had served time on criminal convictions. Most of the 1995 deportees, 62% of the total, were criminals expelled after completing their sentences.

In the past, these foreigners were sent to federal detention centers to await deportation hearings. Or, if there was no room in the centers, they would simply be set free and ordered to return voluntarily for the hearings. Obviously many did not show up. Under the new INS policy an INS judge goes to the prison, hears the prisoner's case for remaining in the United States and makes a decision on the spot. Those rejected are taken directly to an airport and put on the next plane to their country of origin.

With Congress immersed in a new debate about immigration reform, members should acknowledge the INS successes before they try to reinvent the wheel. Washington needs a steady, credible immigration policy, not a hysterical response to demagogues demanding rash, unproven policies.

PERSONAL EXPLANATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. LIGHTFOOT. Mr. Speaker, due to my son's hospitalization I was unable to be present and voting on January 5, 1996.

Had I been present I would have voted in favor of H.R. 1643.

A TRIBUTE TO ALEC COURTELIS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. DIAZ-BALART. Mr. Speaker, it is with heavy heart that I rise to mark the passing of a truly honorable American, Alec P. Courtelis, a dear friend who recently lost his battle with cancer after a brave 2 year struggle. My thoughts and prayers are with his family during this difficult time.

The productive life of Alec Courtelis is the personification of the American dream. Alec was born in Egypt, and realizing that educational opportunities in his native land were limited, he came to the United States as a foreign student to attend the University of Miami in Coral Gables, FL. War in the Middle East broke out soon after Alec's arrival in the United States, preventing his father from being able to fully support Alec's higher education. Rather than return to Egypt, after getting approval from the immigration authorities, Alec held several jobs to pay for his education, including construction worker, parking lot attendant, testing laboratory inspector, dishwasher, and short order cook.

While at the University of Miami, Alec met his wife, Louise Hufstader. After earning a degree in civil engineering, Alec joined Juriet & Associates, Inc., a soils engineering and community development consulting firm, gaining valuable experience. Six years later, Alec formed his own real estate development company, the Courtelis Co.

Alec followed the Courtelis philosophy ''. . . to dedicate yourself to the principles of creativity, hard work, persistence and honesty . . . success will surely follow,'' and his company has grown to become a leader in major real estate developments over the past 30 years.

To show his appreciation to the country that had given him so much, Alec became a civic leader, dedicating his time and resources to the field of education, serving on the Board of Regents for Florida's State university system, the Armand Hammer United World College of the America West and the International Board of the United World Colleges.

Alec was a recipient of both the Horatio Alger Award and the Ellis Island Medal of Honor, and was cochairman of We Will Rebuild, a prominent civic organization which assisted in the rebuilding effort in Dade County after the devastation caused by Hurricane Andrew.

In addition to his many accomplishments, Alec Courtelis will perhaps be best remembered for his valiant fight against pancreatic cancer, which he refused to let weaken his will. Instead of the 3 months which doctors had diagnosed that he had to live, Alec combined chemotherapy with mind over matter to fight the disease for 2 full years, inspiring other cancer patients in the process. Alec will be greatly missed, but never forgotten.

TRIBUTE TO DOROTHY E. JOHNSON

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a woman from the 8th Congressional District of New Jersey who has devoted her life and career to the Township of Bloomfield. Her name is Dorothy E. Johnson.

This month, Dorothy will be honored by her friends and coworkers on the occasion of her retirement from the Bloomfield Public Library after 25 years of service. Dorothy's presence at the library will be sorely missed. While others may be able to perform her job, it is unlikely that her spirit and dedication could be surpassed.

In addition to her duties as the library director, she is an active member of the Bloomfield community where she has lived most of her life. She has served as president of the Bloomfield Safety Council, Matron of Eastern Star Chapter #76, and represented her profession as a delegate to many conferences and conventions.

Mr. Speaker, I know that you will join me in wishing Dorothy Johnson a happy and healthy retirement and the best of luck in all her future endeavors.

AMERICA WORKS—NOTWITHSTANDING THE SHUTDOWN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mrs. CLAYTON. Mr. Speaker, I want to share with my colleagues a happy ending to what was an unfortunate situation for a 10-year-old girl. The Government shutdown threatened to cause this little girl to be stranded in Germany, missing school, until the resolution of the budget dispute.

At the start of her Christmas break, December 20, she traveled as an unaccompanied minor, from Wilmington, NC, to Germany, to visit her father and ailing stepmother, who is hospitalized with cancer.

Her passport expired on January 2, 1996, and the Consulate in Hamburg, Germany, informed her father that the passport could not be renewed because of the shutdown. The airlines, in turn, informed him that Government directives prevented them from allowing the child to board the plane with an expired passport.

Imagine, Mr. Speaker, the mother's distress and more importantly, the girl's distress—being away from home, missing school, and having to pass her time in a foreign land. If ever a face should be placed on the tragedy of this Government shutdown, hers is the face. What a sad lesson in civics for this 10-year-old schoolgirl, faced with the harsh reality that she could not return home because of the shutdown of the U.S. Government.

But, with the help of Mr. Woody Olmsted, an outstanding Federal Government employee at the Immigration and Naturalization Service; Mr. Bill McKillop, who works at the American Consulate in Frankfurt, Germany; Bob Fritz, Office of American Citizen Services, State Department; Ms. Lisa Piccione, manager of Government Affairs at Delta Airlines; and Mr. Dick Doubrava, who works for Delta Airlines in Atlanta, GA, we were able to ensure that this young girl is able to return to school and home. This is an outstanding example of a public-private partnership, working through a problem. And, even more notably, it is an outstanding example of dedicated public servants, serving and helping citizens of the United States.

America works, notwithstanding the shutdown, and Federal employees are dedicated, even when they are not being paid.

FULLY REOPEN THE GOVERNMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Ms. WOOLSEY. Mr. Speaker, it's to the Democratic credit that the Gingrich Republicans finally realized that their shutdown is hurting Americans. But, by no means, is the Gingrich shutdown over.

Although I would like to be voting on legislation that puts the entire Government back to work, I will support this plan because it puts Federal workers back to work and provides for some crucial services like our national parks, passport, veterans benefits, and AFDC.

The American people must know, however, that while this legislation puts Federal employees back on the payroll, it does not provide the operating funds for many of them to do their job. For instance, there are still no operating funds for many services including Medicare claims processing, toxic waste cleanup, home purchase loans and refinancing, and small business loans.

Mr. Speaker, House Democrats want to fully reopen the Government. The other body wants to fully reopen the Government. Let's not be fooled by the Gingrich Republicans. This legislation is nothing more than a band-aid. The job of getting this entire Government up and running again still lies ahead of us.

ELEVEN THOUSAND INDIAN WOMEN MURDERED FOR THEIR DOWRIES EVERY YEAR

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mrs. SCHROEDER. Mr. Speaker, in many parts of India, a bride's family pays a substantial sum in dowry to the groom's family to take on the burden of a bride. However, when the dowry isn't enough, the groom's family demands additional gifts. If these demands are not met, the bride is often beaten or even killed. This practice is called bride burning.

Initially, dowry was a voluntary gift from the bride's family limited to household items, like kitchen implements and linens. Now the groom's family demands a large dowry upon marriage and later demands additional gifts of money, electronics, or cars.

While the National Crimes Bureau of India reported 5,199 dowry deaths in 1994, unreported estimates run as high as 11,000 to 15,000 Indian women murdered annually. In many cases, the family will pour kerosene over the bride and then kick her over a stove in the floor, setting her sari on fire. These deaths are then reported as kitchen accidents, not murders.

In 1961, the Indian Government enacted the Dowry Prohibition Act, and in 1986 made dowry death a crime. However, this law is riddled with loopholes which allow the majority of the perpetrators to be acquitted, leaving them free to remarry and start the vicious cycle again.

I would like to insert into the RECORD an article from the Harvard Magazine that highlights this horrible practice. I urge the Indian Government to enforce its laws on dowry death and stop this abominable human rights violation.

INDIA'S BURNING BRIDES

(By Kathleen Koman)

In November 1993, Sangeeta Agarwal, a young scientist with a doctorate in solid-state physics, was married in an elaborate Hindu ceremony. Five months later she was found strangled in her in-laws' house in Kanpur, India. Her husband, an accountant, is awaiting trial for her death. What went wrong? ''I've been struggling with that question,'' said the victim's uncle, Sataya Agarwal, ''and the one word that comes to mind is greed.'' He said that although his niece's in-laws received a substantial dowry at the wedding, they wanted more. The husband and his family expected a share of Sangeeta's pre-marriage earnings, and also demanded a car. Then they figured that if she were to die, they could also collect money from her life insurance, said Agarwal, ''and I think that's what put them over the edge.''

In many parts of India, grooms' families demand dowry and, if it is absent or insufficient, they may beat the bride and even strangle, poison, or burn her to death. Typically, they douse the woman with kerosene and push her over a small stove on the floor, igniting her sari. Later, in their statement to the police, the in-laws claim that the bride's death was a kitchen accident. The National Crimes Bureau of India reported 5,817 dowry deaths in 1993 and 5,199 in 1994. In reality, 11,000 to 15,000 women die each year because of dowry disputes, according to Rani Jethmalani, an attorney at the Supreme Court of India.

Jethmalani and Agarwal spoke at the First International Conference on Dowry and Bride-Burning in India, held this fall at Harvard Law School and sponsored in part by Harvard's Committee on South Asian Studies. In his opening remarks, Michael Witzel, Wales professor of Sanskrit, emphasized the need to draw world attention to dowry-related violence, and to explore the legal, social, religious, and historical aspects of the problem.

Dowry existed in the Vedic period (beginning about 1500 B.C.), said Witzel, but then it was a voluntary gift limited to household goods such as linens, pots, and pans. Women had to obey their husbands and their fathers-in-law, but they were inviolable; bride-burning was unheard of.

Today, the groom's family demands dowry at the time of marriage and coerces the bride's family into giving additional money and items like jewelry and electronic goods long after the wedding. Recent studies suggest that this custom is spreading throughout Indian society. But it remains most prevalent in the well-educated, middle-class Hindu population. ''The self-respect of the groom's family depends on attracting as large a dowry as possible,'' explained Julia Leslie, senior lecturer in Hindu studies at the University of London. ''Even more disturbing is the balance of power implied by dowry. Both families seem to agree that it is necessary to pay the groom's family to take on the burden of the bride.''

Bride-burning is not a crime committed solely by men against women. In many cases, the mother-in-law, who may herself have suffered dowry abuse when she was young, is the perpetrator.

Himendra B. Thakur, who founded the International Society Against Dowry and Bride-Burning in India, argued that bride-burning will cease if the young women of India refuse to marry as soon as the groom's family ask for dowry, or if the women leave the marital home at the first sign of abuse. But members of the audience noted that the women's parents often refuse to take them back, and they lack alternatives such as jobs and shelter.

Conference participants listed practical steps aimed at eradicating dowry and bride-burning. They include constructing residential training centers and apartment complexes for young women, forming support groups for students and parents opposed to the dowry system, and creating loan funds for students to eliminate some of the financial pressures that underlie the practice. Thakur, who wrote the 1991 book *Don't Burn My Mother*!, a fictional account of dowry death, said that novels, newspaper advertisements, and movies must be used ''to convince the bride that instead of the option to marry with dowry and die, it is far better to remain unmarried and alive.''

THE (INEFFECTUAL) LAW

The Indian government enacted the Dowry Prohibition Act in 1961, and in 1986 amended the penal code to introduce a new offense, now known as dowry death. But this legislation contains glaring loopholes and, because of lax enforcement, the majority of those accused of bride-burning are acquitted. Many remarry and obtain a second dowry with no apparent difficulty. And their mothers are free to torment the new bride. ''What does it say about Indian society when families line up to offer their daughters to a man who has murdered his bride over a small refrigerator or television or scooter?'' asked attorney Rani Jethmalani at the conference on dowry and bride-burning.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Ms. McCARTHY. Mr. Speaker, I was unable to participate in rollcall vote No. 885 on December 22, 1995. Had I been present, I would have voted "yea".

UTAH'S CENTENNIAL

HON. ENID G. WALDHOLTZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mrs. WALDHOLTZ. Mr. Speaker, yesterday marked the 100-year anniversary of the day that Utah became the 45th State to join the Union. On January 4, 1896, President Grover Cleveland signed the document that granted Utah statehood, ending a nearly 50-year struggle and six failed attempts by Utahans to become one of the United States of America.

When the State of Deseret, as it was formerly know, achieved statehood, the Union gained some of the most beautiful, varied landscape and spectacular scenery in the United States. From the rugged mountains of the High Uintas, to the fantastic display of rock architecture in the high deserts, Utah has always attracted those who appreciate its unique beauty and splendor. But, its not only Utah's great beauty that distinguishes our State, it's the people—they are friendly and warm, and, as the State nickname as the Beehive State accurately describes, they are industrious, hard working, and enterprising.

In our 100 years, Utahans have made the State prosper and grow, creating a successful metropolitan area while, at the same time, retaining its warmhearted, hometown feel, making it one of the most liveable States in the Union. As a Utahan, I am proud to join with the people of Utah in celebrating our 100-year anniversary of statehood. We have truly made the desert bloom, and Utahans and the entire country can take pride in the beauty and accomplishments of our 45th State.

CLINTON'S BUDGET

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. BEREUTER. Mr. Speaker, this member commends to his colleagues an editorial which appeared in the Omaha World-Herald on January 5, 1996.

BUDGET BALL IS IN CLINTON'S COURT, AND PUBLIC KNOWS IT'S HIS PLAY

Finally the public seems to be beginning to see through President Clinton's rhetoric on the federal budget impasse.

For too long, public opinion polls indicated that Clinton was being rewarded for refusing to negotiate with congressional Republicans over a seven-year balanced budget agreement. In a Nov. 19 ABC News poll, for example, 49 percent of the respondents approved of the way Clinton was handling the budget dispute, while 42 percent disapproved.

In the most recent poll, however, the president's approval rating on the handling of the budget had dropped to 39 percent. His disapproval rating had risen to 56 percent. Fewer respondents blamed Congress—51 percent in November, 44 percent this week.

In November, 45 percent supported the statement that Clinton was ''honestly trying to resolve the budget issue,'' while 52 percent said he was ''just playing politics.'' This week, 33 percent still viewed him as a sincere budget negotiator, while 66 percent said he was playing politics.

Congressional Republicans have given significant ground in an effort to reach a budget compromise. Clinton has given them no

credit for this movement, instead battering them with emotional claims that their budget would cause serious harm to the poor, the weak and the underprivileged.

House Majority Leader Dick Armey of Texas has called attention to congressional Republicans' significant concessions. At one time, he said, they had pushed for $101 billion in savings on welfare programs over the seven years. Now they are willing to settle for $65 billion. Originally, they targeted 300 government agencies for elimination. Now the goal is about 30.

A major element of the GOP budget plan was a $354 billion tax cut. Armey noted that Republicans have allowed the tax cut to be scaled back to $245 billion.

Pete du Pont, a former Republican presidential candidate, has pointed out that the House Republicans—the same people painted by Clinton as zealous, unbending revolutionaries—have already given up more than half of their pro-growth tax cuts. He said that in all likelihood they will give up half again to get a budget deal.

That's something you don't hear when Clinton tromps into the White House press briefing room to trash the Gingrich Republicans. And it's not something the television networks point out when they fill their newscasts with sobbing federal workers who can't pay their rent.

Armey demonstrated that congressional Republicans have made ''a good-sized mountain'' of concessions. Still, the president lays the full blame for the government's being without a budget and partially shut down at the feet of House Republicans. He whines that he is being blackmailed by intransigent Republicans in the House who place politics ahead of the national interest.

The government is shut down because the president vetoed a budget bill that included the funds to pay the federal workers now on furlough. Clinton is pressing Republicans to approve another continuing resolution to fund the government through Jan. 12. They've already been there, done that. The national interest, not to mention our children's security, would be best served by enactment of a balanced budget—not another stopgap spending measure. To resolve the impasse, it will take a president who quits posturing and makes concessions of a magnitude similar to those made by congressional Republicans.

REMEMBERING GEN. DAN GRAHAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. WOLF. Mr. Speaker, this past New Year's Eve, America lost a true patriot. Gen. Dan Graham, the father of SDI, the Strategic Defense Initiative, passed away that day. I want to share with our colleagues a column in today's Washington Times by Paul Weyrich which tells about the life of Dan Graham and his mission for a strong defense to protect the national security of the United States.

THE MISSION OF A TRUE PATRIOT

(By Paul M. Weyrich)

About six weeks ago, I received a newly published book with a personal note from the author hoping that I would find it useful. I read through the book and dropped the author a note suggesting that he appear on my program, ''Direct Line,'' to discuss the book. I received no reply and yesterday I found out why. Gen. Dan Graham passed away on New Year's eve.

None of his friends, even those who had worked closely with him over the years, knew just how critically ill Gen. Graham was in recent weeks. We had known for some time that he was suffering from cancer and for the past few months that he was unlikely to recover. But Dan Graham was never one to whine or complain. In fact, the only time I ever saw Dan Graham truly upset was at the funeral of his first wife, to whom he had been married most of his adult lifetime, and who was the mother of their two sons and five daughters. This nation owes Gen. Graham a great debt of gratitude.

I had gotten to know Gen. Graham more than 20 years ago. He was chief of Defense Intelligence during the Ford administration. The Democratic Senate, then controlled by nearly a two-thirds margin, forced him into premature retirement because he wasn't politically correct on Vietnam. He was never bitter, even though he had every reason to be. He continued his work for a strong defense on the outside, just as he had done so ably from the inside for more than 30 years in the Army.

It was in the early 1980s that Gen. Graham began to talk about new breakthroughs in technology. The breakthroughs would permit an effective missile defense system to be constructed to defend this country from a massive attack from the Soviet Union or from a surprise attack from some rogue leader. We were going to build a primitive version of such a system in the early 1970s, but President Nixon bargained that right away.

I know almost nothing about technology and certainly had no knowledge about this sort of development, but Gen. Graham gave me the full briefing anyway and then asked for my help to find a home for his project, called ''High Frontier.'' I called Ed Feulner, the president of the Heritage Foundation, and explained that Gen. Graham was assembling a group of scientific experts who intended to advocate a new type of missile defense system. Ed quickly agreed that Heritage would welcome the project as part of its public policy activities, and thus was born what we now call SDI, the Strategic Defense Initiative.

Gen. Graham soon found a willing listener in one President Ronald Reagan, who in 1983 delivered a nationwide televised address that shook the leaders of the Kremlin. Mr. Reagan committed the United States to research and deploy a defensive missile system. Critics, in an effort to kill the project, quickly labeled it ''Star Wars.'' But given the popularity of George Lucas' trilogy, that label only enhanced it.

Despite near crippling opposition from the Democratic Congress, SDI made significant advantages under the Reagan administration, to the point where Soviet leaders were convinced that the United States was serious about deploying it. Some Soviet military leaders with whom I spoke early in this decade said that this shift in U.S. strategy was a contributing factor to the demise of the Soviet Union. SDI received only lip service from President Bush, despite the fact that Russian President Boris Yeltsin, in his first appearance as the leader of that nation, urged the United States and Russia to work together to develop SDI for the good of all mankind. Bush advisors were not enthusiastic about SDI because deployment would have required a change in the so-called MAD strategy, Mutual Assured Destruction, to which the United States has clung for decades. Still, SDI limped along and made modest progress.

When Bill Clinton took office, he all but killed SDI. The Republican controlled Congress, just a few weeks ago, passed a defense authorization bill that would have required deployment of a modified missile defense system by the year 2000. That was Gen. Graham's finest hour and thank God he lived to see it.

Unfortunately, President Clinton vetoed the bill precisely because he said it would have required the construction of that missile defense system, which he did not want. So despite a decade and a half of work by Gen. Graham, this country remains unprotected from a missile attack. Still, the issue won't go away.

There would have been no issue at all, and the technology developments which have resulted in drastically reducing the cost of an SDI system would not have occurred at all, but for the dogged determination of Daniel Graham. In literally thousands of meetings, public and private, Gen. Graham pushed this idea. It was Gen. Graham who convened a special meeting at my office to encourage opposition to John Tower as Secretary of Defense under then President-elect Bush on the grounds that Sen. Tower was an opponent of SDI. In Secretary Dick Cheney, Graham found someone much more to his liking.

All of this aside, Dan Graham was a decent, religious, family man who had an endearing sense of humor and was terrific at getting people, even opponents, to work together. He could be tough as nails if he opposed you on policy grounds, but Dan Graham was never mean spirited. He always handled opposition with great dignity, which was part of his military training.

This nation owes Dan Graham a great deal. And one day soon, we will have a system to protect us against some fanatic or deranged leader who wants to blow up part of America to make a point. When that day comes, and it almost came a few weeks ago, it will be because of the good work of this one time deputy director of the CIA. All of us who love America will miss this true patriot.

SUPPORT OF OVERRIDING VETO FOR THE DEPARTMENT OF INTERIOR

SPEECH OF

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 1996

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of overriding the President's veto of this conference report.

Putting this bill together has been a difficult process, and it's safe to say that no one gets everything they would like to see in the bill. But on balance, the conference report represents the best effort and fairest bill possible.

At the last meeting of the conferees, we made considerable movement to address the concerns about the measure expressed by the administration.

Among other things, we put back into the bill a clean mining patent moratorium; we increased funds for Indian tribes; we gave the Park Service funds for the Mojave Desert. All in all, we made considerable movement to alleviate the administration's problems with the bill. Nevertheless, the President vetoed it.

This bill includes real compromises. But apparently the President wants things his way or not at all. For instance, those of us who support responsible mining in our country have tried to move forward on mining law reform. We are willing to negotiate royalties and payment for patented land. So we have included a clean patent moratorium.

But we did not go far enough for the President.

Had he signed this conference report, the current shutdown of Interior Department offices would have been avoided. Unfortunately, despite our concessions, the President chose to reject the bill and close national pParks and recreation areas.

We have done our job. It's time to put people back to work. It's up to the President.

I support the conference report and urge my colleagues to vote ''aye''.

A TRIBUTE TO AN AMERICAN PATRIOT: BENJAMIN DONALD ROBINSON, JR.

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. FUNDERBURK. Mr. Speaker, I want to pay special tribute to Mr. Benjamin D. Robinson, Jr., who was one of the greatest Americans I have known. He was a constitutionalist and an Americanist and he believed that we only have a short time to save this country—this Republic—and turn things around before it is too late.

I would not be in Congress today if it were not for Ben Robinson. He helped me get elected in many ways—financial contributions, FFC caps and signs, information, and most importantly, his visits, encouragement, advice, and counsel.

Ben Robinson loved children and young people and understood that the future of this country rested with them. He set up educational scholarships and provided literature for them.

Ben hoped that my election and that of others like me could help turn the tide toward constitutional government. He hoped and dreamed and acted tirelessly to do his part with no compromise on his principles. No one did more than Ben.

Betty and I and our daughter Deana loved Ben Robinson. His kindness, his consideration, his optimism, his love for his wife and his family was truly special.

We are grateful that we got to know Ben Robinson for as long as we did and consider ourselves blessed because we did. I thank God for Ben Robinson and only hope that I can live up to his expectations while I am in Congress. I don't represent St. Augustine's district in Florida, but I will always be Ben Robinson's Congressman.

Ben Robinson, a potato farmer in Florida, was a great American success story. He lived out the American dream, showing that one can accomplish with hard work, discipline, sacrifice, and faith in God. He was conservative and a patriot who knew the importance of history.

Ben Robinson was a gentle man with an unmatched vitality for life and for the truth. The world is a much better place because of this great American. Ben Robinson was my good friend and his spirit will walk with in the halls of Congress. I was honored that he participated in the swearing-in events for me in Washington last January. Today, on this first anniversary of Ben Robinson's death, we thank God for his fine example. I send my love, respect, and gratitude to his wife and lifetime partner, Mrs. Dorothy Robinson, and to his wonderful family. Thank you, Ben. We miss you. Thank you, Mr. Speaker.

TRIBUTE TO FRANK PRINDLE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. KING. Mr. Speaker, today I pay tribute to a great American, a great Army officer, a great Hoosier, and a great soldier. Last month Frank Prindle completed over 21 years of dedicated service to our country. As a soldier, leader, and finally as a trusted member of the Army's Officer of Congressional Liaison, House Division, he has provided dedicated and distinguished service.

Today as we honor his retirement, we reflect on the outstanding career which Frank started in 1970 when he entered the U.S. Military Academy at West Point and where he was commissioned as a second lieutenant in Signal Branch in 1974. Over the course of the past two decades he served in a variety of exceptionally challenging troop and staff assignments in the United States, Canada, Germany, and Korea. His positions of leadership include signal platoon leader, aviation service platoon leader, aviation company commander, and battalion operations officer during an exchange tour with the Canadian Armed Forces.

As a staff officer he saw duty in many tough and challenging positions, validating the confidence the Army placed in his demonstrated abilities. After serving in the field with many aviation units, Frank Prindle demonstrated his superb organizational skills while serving as the senior service college education officer, the aviation branch assignments officer for majors and as the executive officer to the Director of Officer Personnel Management Division, U.S. Army Military Personnel Command. His selection as a Congressional Fellow in 1991 further demonstrated the high regard which Prindle is held by the leadership of the Army. This 1-year tour led to his final assignment as a Congressional Liaison Officer for the Secretary of the Army, House Liaison Division.

During Frank Prindle's tour in Army Legislative Liaison, he guided the Army's relationship with a wide variety of committees and individual Members of Congress. His ability to remain calm and focused during a period of tremendous change was demonstrated continually in his dealings with both Members of Congress, professional staff, and personal staff. Through Frank Prindle's involvement with the Veteran Affairs Committees, he ensured that the programs put in place during the downsizing of the Armed Forces continued to benefit the soldiers.

Frank Prindle's career reflects a commitment to our Nation, characterized by dedicated selfless service, love for the Army and a commitment to excellence. Lt. Col. Frank L. Prindle's performance, over two decades of service, personifies the traits of courage, competency, and integrity that our Nation has come to expect from its Army officers. On behalf of the Congress of the United States and the people of this great Nation, I offer our heartfelt appreciation and best wishes for a soldier who served his country so admirably.

SUPPORT PRESIDENTIAL VETO OF INTERIOR BILL

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 4, 1996

Mr. POSHARD. Mr. Speaker, I rise in opposition to the motion to override the President's veto of the Interior Appropriations bill, H.R. 1977.

I appreciate the efforts of the Chairman, Congressman REGULA, to find common ground on some very difficult issues and pass this bill. As much as I appreciate his work and that of the Ranking Member, my colleague from Illinois Congressman YATES, I must still oppose this motion and support the veto of the President.

The cuts in this bill in energy conservation programs and in clean coal research are too much for people in my district to accept. Our coal mines have been all but shut down by the Clean Air Act of 1990, and without continued support for clean coal research, it will be very difficult to find new markets for that coal.

I support the President's veto and urge opposition to the override.

LAND EXCHANGE

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. TATE. Mr. Speaker, today I am introducing a piece of legislation that would facilitate a land exchange between Fort Lewis Military Reservation and the Weyerhaeuser Real Estate Company [WRECO], located in Pierce County, WA, and in my congressional district. The land exchange allows the Army and WRECO to exchange parcels of land to the benefit of each party. The Army wishes to obtain ownership of a small parcel that provides access to a sewer treatment plant, and WRECO wishes to obtain ownership of an abandoned road right-of-way. Although total acreage of the lands under consideration is less than 2 acres, legislation to facilitate the exchange became necessary because the value of the property now exceeds the requirements of minor land acquisition rules that allow for administrative exchanges.

This provision I am introducing today has passed the Senate, and a similar provision passed the House as an amendment to H.R. 1530, the Defense authorization bill. However, as you know the authorization bill has been vetoed. The land exchange amendment is supported by the Army, and is noncontroversial. I am including a copy of a letter I received from Paul W. Johnson, Deputy Assistant Secretary of the Army in support of the exchange. Swift passage of this legislation would be a fine example of Congress' ability to move unnecessary regulatory barriers—allowing responsible, noncontroversial projects to proceed.

I hope my colleagues will agree, and support this legislation.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, June 6, 1995.

Hon. RANDY TATE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN TATE: This letter is to reaffirm the Army's support and approval for the proposed land exchange involving the Weyerhaeuser Real Estate Company (WRECO), Pierce County and the United States.

The Army has been working with and will continue to work with Weyerhaeuser and local Pierce County officials to further this mutually beneficial arrangement.

Sincerely,

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army.

CIRCLE OF ELDERLY CARE

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. HOKE of Ohio. Mr. Speaker, I would like to bring to the attention of my colleagues an exciting new program that has been established in northeast Ohio.

The Circle of Elderly care represents an innovative, model program of private and public community-based enterprises working together for our senior citizens. After two years of developing this program, Bertha (Betty) Villanueva, an owner of Indian Hills Senior Community, Inc., one of the largest privately owned, low income, senior community living complexes in the United States, has accomplished a creative and successful working network of programs and services for senior citizens to benefit from available local community resources.

Mrs.Villanueva identified the need for a comprehensive program of services to suit the unique needs of our senior citizens, such as medical, social and transportation services. She then initiated efforts to bring together public and private entities to develop a network of quality services for senior citizens. The result is the Circle of Elderly Care.

At the center of the CIRCLE is Indian Hills Senior Community, located in Euclid, Ohio (a suburb of Cleveland) consisting of 37 acres of land, and an unsubsidized apartment complex which includes 10 residential buildings. Its 1,574 units are designed for senior citizens (55 and over) who can live independently. Not only does Indian Hills provide housing to its residents, but also a broad spectrum of services including health, security, transportation, social and entertainment services. The Indian Hills complex also includes Silverpointe, located in one of the Indian Hills buildings, which is an assisted-living facility, with three levels of assisted care available, thus providing residential alternatives for those senior citizens who cannot live totally independent. Across the street from the Indian Hills residential complex is Indian Hills Plaza which consists of several retail stores, including one of the largest drug store chains, a restaurant, medical center, ambulance service and senior day care, all of which are completely accessible to Indian Hills residents.

Now, due to Mrs. Villanueva efforts, over a dozen different entities participate in the Circle of Elderly Care including:

CITY OF EUCLID

The City of Euclid has sponsored a seniors' program for its residents including a program at the Emeritus House, a multi-purpose senior center located in the center of the Indian Hills apartment complex. The program includes daily lunches and meals for the homebound (sponsored through the Western Reserve Area on Aging pursuant to the Older Americans Act), recreational programs, free transportation to stores, doctors, etc., social activities, income tax preparation assistance and a senior employment program (sponsored through AARP), among others. These services are offered at no charge to Indian Hills residents.

INDIAN HILLS NURSING CENTER

The Indian Hills Nursing Center is a nursing home managed by Integrated Health Services, Inc. and is located across the street from the Indian Hills complex. It provides short and long-term care for senior citizens, and works with Indian Hills to assist Indian Hills' residents requiring a stay at the Center to return to independent living at Indian Hills, or assisted-living at Silverpointe. For example, Indian Hills will hold an apartment open if a resident needs a short stay in the Center.

AETNA SENIOR CHOICE, AN AETNA HEALTH PLAN

Aetna Senior Choice, a heath maintenance organization, offers an alternative to Medicare and has a specific representative designated to Medicare and has a specific representative designated to work with Indian Hills residents. This plan offers seniors no monthly premiums, 100 percent hospitalization coverage, no deductibles or co-insurance, 100 percent payment for well services, and a $5.00 physician in-office co-payment.

HEALTHWAYS, FAMILY MEDICAL CENTERS

HealthWays is a for-profit medical center affiliated with Aetna, located in the Indian Hills Plaza which provides 24-hour emergency care, outpatient surgery, and comprehensive medical care services offering a team approach to health care. Not only does it accept the Aetna Senior Choice Plan, but all other insurance as well including Medicare, and is conveniently accessed by the Indian Hills residents.

UNIVERSITY HOSPITALS OF CLEVELAND

This world-renowned medical facility has designated geriatric social workers to assist Indian Hills residents requiring medical treatment at University Hospitals. If an Indian Hills resident is treated at the University Hospitals emergency room, a University Hospitals social worker will contact the Indian Hills nurse to coordinate the resident's return from the hospital to his or her residence at Indian Hills along with follow-up services. Additionally, University Hospitals provides on-site seminars to Indian Hills residents on seniors issues and provides various testing such as blood pressure screenings, etc.

BENJAMIN ROSE INSTITUTE

The Benjamin Rose Institute is a nationally recognized non-profit, Medicare/Medicaid certified agency providing services to senior citizens on a sliding fee scale. BRI works with Indian Hills to provide home health care for its residents and also provides social services, counselling and mental health services to enable senior citizens to maintain their self-sufficiency and independence. BRI has an office located at Indian Hills staffed by social workers.

MT. SINAI HEALTH CARE SYSTEM

This nationally recognized medical facility (named the number one hospital by Cleveland Health Quality Choice) works with Indian Hills to provide on-site lectures by physicians on geriatric related issues, and various medical screenings. A specific emergency room physician has been designated at Mt. Sinai to treat all Indian Hills residents to foster close contact between Mt. Sinai as the medical provider, and Indian Hills as the residence of the patient.

VISITING NURSE ASSOCIATION OF CLEVELAND

The Visiting Nurse Association of Cleveland is a non-profit agency providing home health care to residents of Indian Hills. The VNA has a social worker at Indian Hills two days a week to assist in coordinating home health care, mental health, social services and rehabilitation therapies. This social worker serves as the primary coordinator for Indian Hills residents with all of the other programs described here.

TRI-CITY AMBULANCE, INC.

This for-profit entity is located at Indian Hills Plaza and rovides 24-hour emergency medical transportation staffed by licensed Emergency Medical Technicians and Paramedics. In addition, it has a wheelchair van service which offers transportation to Indian Hills residents for dialysis and other medical needs, and it offers Indian Hills residents a reduced price for its transportation services.

LAURELWOOD HOSPITAL

This non-profit psychiatric hospital provides in-patient care and outpatient counseling to senior citizens. Laurelwood Hospital has opened an office on Indian Hills' premises which is staffed by two geriatric psychiatrists. The psychiatrists provide psychiatric treatment for Indian Hills residents whether at the resident's apartment, or in the office, thereby providing complete accessibility to the senior citizens of Indian Hills.

CUYAHOGA COUNTY DEPARTMENT OF SENIOR AND ADULT SERVICES

This Medicare/Medicaid certified program sponsored by Cuyahoga County, Ohio, provides adult protective services, and skilled home health care services including nursing, physical and speech therapy and nutrition counselling. The County has designated a specific person to coordinate its available services with Indian Hills residents.

OTHER MEDICAL SERVICES

Indian Hills also has a dental office on the premises staffed by a dentist offering free dental exams, apartment calls and a discount to Indian Hills' residents. Additionally, it has a podiatrist with an office onsite offering discounted podiatry services to Indian Hills residents at their apartment or the office.

AMERICAN RED CROSS

The American Red Cross provides CPR and first aid training, disaster planning and blood pressure screenings on-site for Indian Hills' residents.

This comprehensive model of care reflects the innovative networking of community agencies/services working towards a common goal—to give our senior citizens a choice of affordable, quality services and the ability to retain their dignity and independence. The Circle of Elderly Care, with Indian Hills as its focal point is a novel and workable concept utilizing available community resources to serve our senior citizens.

I urge all my colleagues to give this information wide dissemination in their own districts.

Thank you, Mr. Speaker.

TONY LAKE ANOTHER UNSUNG HERO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. RICHARDSON. Mr. Speaker, the unsung hero in the Bosnia success of the Clinton

administration is National Security Adviser, Anthony Lake. While very-deserved credit should go to Secretary of State Christopher and Assistant Secretary Richard Holbrooke, it was Lake's initiative and policy direction in August that got the ball rolling. Specifically, Tony Lake organized and chaired a series of high-level meetings at which United States-Bosnia policy was formulated and refined.

In August, at the President's behest, he traveled to Europe to present the new U.S. diplomatic initiative to our allies and the Russians. He was successful in bringing the allies and contact group members on board with this initiative.

He was in daily contact with the U.S. negotiating team, led by Ambassador Holbrooke, whose subsequent shuttle diplomacy effort produced a ceasefire, agreement on basic principals of a settlement, and the beginning of proximity talks in Dayton.

He chaired regular high-level meetings to ensure high-level guidance to the process and keep it on track and moving forward.

In mid-November, Mr. Lake traveled to Dayton to interact directly with the parties. He met several times with Bosnian, Croatian, and Serbian leaders and was able to provide key impetus to the negotiations at a crucial time in the proceedings.

In short, his role was to develop a policy that could be sustained throughout the negotiating process. His concept for a diplomatic settlement bore fruit in Dayton.

Mr. Speaker, when the successful history of the Bosnian diplomatic triumph of the United States is chronicled, the most important and deserved credit should go to Tony Lake, who despite working quietly in the background, has had a singularly unparalleled contribution to the Bosnian diplomatic success of America.

U.S. GOVERNMENT VERSUS SENIOR CITIZENS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. ARCHER. Mr. Speaker, I commend to the Members attention the following:

[From the Houston Chronicle, Friday, Jan. 5, 1996]

PREVIEW.—GOVERNMENT SHUTDOWN WOES A TASTE OF THINGS TO COME

The federal government shutdown is forcing a scramble among state officials for money to keep meals going to seniors and unemployment checks to the out-of-work. For the time being, this government paralysis is of Washington's own making.

However, the current state of affairs could turn out to be a whiff of some rotten times ahead if federal overspending and raging deficits are not brought under control through a balanced budget.

Popular wisdom calls for U.S. budget practices to conform to those of families and businesses, which must live within their means. The analogy is simple, perhaps even an oversimplification. Yet it is fitting.

Even those who argue the contrary—that families and businesses take on debt to finance children's educations or for capital improvements—neglect to notice that unpaid debt can lead to bankruptcy and the dire consequences that follow from financial mismanagement and spiraling interest costs.

For the United States, we are getting a taste now of what hardships a national bankruptcy would provoke. Because of the ongoing government shutdown, some state officials are tapping retirement accounts to fund unemployment benefits. Others are scrambling to find ways to pay for meal programs for the elderly and for food stamps and the early education program Head Start.

President Clinton himself pointed out these and a host of other areas in which the shutdown could exact its toll. And yet, he encourages the myth that steps the Republican-controlled Congress proposes to reduce spending amount to cuts that are too severe.

As we have said many times, the ''cuts'' are only to the rate of growth. And, continuing on the present course of free spending and deficits spiraling could lead to a federal breakdown that cannot be fixed by another appropriations bill.

TAX FAIRNESS, ECONOMIC GROWTH AND FISCAL RESPONSIBILITY ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. DREIER. Mr. Speaker, President Clinton can be rightly criticized for failing to keep his promise to negotiate a 7-year balanced budget using honest numbers. However, I applaud his willingness to support a capital gains tax cut because it will be critical to the success of any future agreement.

The President's support for capital gains tax reduction is an acknowledgment of what every economist who studies the issue already knows: capital gains tax reduction is a win-win-win proposition. It will spur hundreds of billions of dollars of additional capital formation, create jobs, and promote economic expansion. It will bring immediate relief to small investors, small businesses, workers, retirees, and economically distressed communities. In addition, it will increase tax revenues to government treasuries. And the lower the rate, the greater the benefits.

In deciding how to reduce the capital gains tax rate at the Federal level, I share the view of Federal Reserve Board Chairman Alan Greenspan, who said: ''It is easier to make the case to eliminate it entirely than it is to merely reduce the rate.''

That is why Representative TAUZIN and I, on behalf of the Zero Capital Gains Tax Caucus, are today introducing H.R. 2861, the Tax Fairness, Economic Growth and Fiscal Responsibility Act. Effective January 1, 1996, it establishes a zero tax rate on any long-term capital gain recognized on the sale or exchange of any property.

There are three major reasons why zero is the appropriate capital gains tax rate. First, it will eliminate the bias in the capital gains tax against lower- and middle-income taxpayers. The American dream is to work hard, buy a home, maybe build a small business, save for retirement, and eventually pass along something to children or grandchildren. In short, Americans strive to build a better future. Despite the political charge that the capital gains tax is a tax on the rich, it is actually a tax on those who seek the American dream.

In looking at data on tax returns from 1991, William Beach, a tax analyst at the Heritage Foundation found that half of all capital gains were earned by households with incomes from other sources under $100,000. Of those, 27 percent of taxpayer households with capital gains contained taxpayers over the age of 65 or blind. These taxpayers, according to Beach, had an average income of $43,637. In explaining why lower and middle-income taxpayers will benefit most from capital gain tax reduction, Beach stated:

When critics claim that capital gains go mainly to the wealthy, they mislead the public by including the gain when citing a person's income. In this way, a retiree living on a $12,000 Social Security check who realizes a $30,000 capital gain one year on the sale of his house is classified as a ''person with a $42,000 income who receives a capital gain.'' By this logic, of course, the only people who win $1 million lotteries are millionaires.

The bottom line is that small business owners, middle-income families, and small investors are the least able to keep capital tied up and, therefore, pay the bulk of the capital gains tax revenue.

The second major benefit of a zero capital gains tax is increased economic growth leading to new job creation and increased living standards. Had such a tax rate been implemented in 1994, it would by the year 2000 result in an additional GDP growth of $1.5 trillion, 1.1 million new private sector jobs, and an $1,884 increase in average annual wages for all workers. As Alan Reynolds of the Hudson Institute noted in testimony before the Senate Finance Committee last February:

Once we abandon the quaint habit of defining capital gains as no different from a weekly paycheck, economics offers no other clear justification for taxing capital gains at all. No economist has ever dared to suggest that a capital gains tax does no damage to the economy.

Completely eliminating the tax on capital gains might sound far-fetched, but its not a new an idea. Back in 1978, when stagflation forced creative thinking, Digital Resources Inc. [DRI] did a static Keynesian econometric analysis of a zero capital gains tax. DRI predicted that eliminating capital gains taxes would boost GNP by $200 billion, increase capital formation by $81 billion, and create 3 million new jobs. Just as important from a 1990's perspective, DRI predicted that a zero capital gains tax would increase net Government tax revenue by $38 billion over 5 years.

Fortunately, we do not have to rely on economic forecasting models alone to observe the economic benefits of capital gains tax reduction. Our Federal system has permitted States to become ''laboratories of democracy'' in which creative and sometimes controversial public policy proposals can be implemented on a smaller and more manageable scale. Over the past few years, a number of these laboratories have tested the effects of capital gains tax rate reductions on statewide economic growth and revenue. The results of these experiments have been greater economic activity, stronger employment, and the generation of increased State tax revenues.

Three States in particular that have recently experimented with capital gains tax rate reduction—Mississippi, South Carolina, and Wisconsin—have, in each case, seen an increase in economic growth, job creation, and State tax

revenues. In May 1994, a fourth State, Colorado, reduced its capital gains tax rate to promote increased investment and economic activity. Befitting their role of ''laboratories of democracy,'' each State has reduced the cost of capital in different ways.

Mississippi and Colorado completely eliminated State taxes on capital gains. It is reported that every $1 million in new investment in Mississippi creates $2.2 million in economic growth and 120 new jobs. In 1989, South Carolina cut its capital gains tax rate from 7 percent to 4 percent. Since that time, the State has enjoyed stronger than average economic growth and job creation. Wisconsin has encouraged investment in that State by implementing a 60 percent exclusion of the value of any capital gain from taxation.

The third major benefit of a zero capital gains tax rate is the promotion of fiscal responsibility. While the static forecasting model predicted a cumulative $490 billion revenue loss between 1994 and 2000 as a result of a zero capital gains tax rate, that estimate does not take into consideration additional income, payroll, and excise tax revenues from $1.65 trillion in added economic growth over the period. As a result of greater economic activity, a zero capital gains tax rate, had it been enacted effective in 1994, would actually produce a net increase of $25 billion in revenue to the Federal and State governments through the year 2000.

Mr. Speaker, one would think that the combined benefits of tax fairness, economic growth, and increased Government revenues would be too much for Congress and the President to resist. Yet today, we continue to perpetuate an enormously damaging tax myth that virtually every other country with a significant economy has abandoned. Therefore, I urge my colleagues to join me in ending this antifairness, antigrowth, anti-American dream policy by cosponsoring H.R. 2861.

HONORING A LIFESAVING HERO

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. ROGERS. Mr. Speaker, I rise to honor a real hero. A man, who while driving his truck down a dark interstate far from home, had the courage to stop and lend a hand to save lives.

Mr. Speaker, I speak of Clay County, KY truck driver Ronnie Brown—a man who did just that at 4:40 a.m., December 16.

While traveling down Interstate I–40 in Winston-Salem, NC, the 43-year-old trucker and part-time minister saw a glowing blaze just off the interstate.

With quick and decisive action, Brown called 911 and contacted truck drivers in the area. The truckers collectively laid on their horns to make as much noise as they could.

With horns a-blazin', Brown then lept from his truck, scampered across a six-lane highway, jumped a fence and ran into the apartment building, pounding on doors.

In the end, the 24 residents of the building escaped unharmed and Brown's heroics garnered the praise and thanks of the residents and management of the apartment complex.

Lawrence Berry, manager of the complex, wrote, ''We have classified Brown as a hero for his gallant efforts and would like to thank him personally.''

Brown has a reputation as a Good Samaritan. He often can and will help stranded motorists or people in need—including running into burning buildings.

Ronnie Brown is a real American hero. It is everyday people like Brown who make this country great, and hearing others praise his heroics makes me and all of our great State very proud.

CHINA AND TAIWAN: THE OBVIOUS DIFFERENCES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. SOLOMON. Mr. Speaker, I would like to insert for the RECORD this excellent editorial on China and Taiwan from one of my hometown newspapers, the Post Star of Glens Falls, NY.

The editorial alludes to the obvious differences between Communist China and democratic Taiwan in terms of human rights, democratic development, and economic performance. The only area left out is foreign policy orientation. Taiwan is unabashedly pro-Western and pro-United States. Communist China is unabashedly the opposite. It is a rogue regime, an enemy of freedom and yes, an enemy of the United States.

This excellent article points out how pathetic it is that we are currently agonizing over whether or not to give a routine transit visa to the Vice President of our good friend, Taiwan.

[From the Post Star, Dec. 27, 1995]

DEMOCRACY: A TALE OF TWO CHINAS

Anyone pondering the future of China, and we sincerely hope this includes the Clinton administration, should consider the striking contrast between two recent events in Beijing and Taiwan.

One event stood as a proud affirmation of a democratic future. The other an ugly reminder of continued political oppression. It shouldn't be difficult to guess which happened where.

On Taiwan, 9 million voters cast ballots in parliamentary elections that qualified as the freest in China's history. The ruling Kuomintang saw its parliamentary margin pared to just over half of the 164-seat Yuan. The pro-independence Democratic Progressives won 54 seats. The New Party, a dissident Koumintang faction favoring reconciliation and reunification with mainland China, garnered enough votes to give it 21 legislative seats.

For now, expect Taiwan to maintain its policy opposing both reunification with the Communist-ruled mainland and independence. But the larger point here is that Taiwan's prosperous citizens elected a parliament of their own choosing, selected from multiple political parties free to compete for popular support. The final step in Taiwan's full democratization is the presidential election scheduled for March.

Now compare this heartening record of political progress with what happened a few days later in Beijing.

In a one-day show trial closed to the public and the foreign press, China's leading advocate of democracy was sentenced to 14 years in prison. Officially, Wei Jingsheng was charged with attempting to overthrow the government. In fact, of course, his real offense was believing, and saying publicly, that China's people should be as free as Taiwan's citizens to chart their own political future. Wei also believes, and has said publicly, that China's forcible annexation and military occupation of Tibet are wrong.

China's one-party dictatorship justifies its continued suppression of all political freedoms by contending that authoritarian rule is necessary for economic development. Really? Per capita income on democratic Taiwan is 10 times that of mainland China. Japan, the richest country in Asia and the second-ranking economy in the world, has been a fully functioning democracy for nearly half a century.

China won't ever catch up to Taiwan, much less Japan, economically until the mainland autocrats permit the rule of law. That, in turn, must entail political liberalization of the sort that is transforming the rest of Asia.

The Clinton administration shouldn't shrink from saying exactly this, and from reminding Beijing that China will be trusted in exact proportion to the way it treats its own people.

HONORING THE 1995 CIF FOOTBALL DIVISION I CHAMPION, BISHOP AMAT MEMORIAL HIGH SCHOOL LANCERS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. TORRES. Mr. Speaker, I rise to recognize the students, coaches, faculty, and parents who make up the 1995 California Interscholastic Federal Southern Section Division I Champion, Bishop Amat Memorial High School football team.

On December 9, 1995, the Bishop Amat Lancer football team defeated Loyola High School in a 14 to 10 win, earning the team its latest in a string of CIF Division I championships before 14,000 fans at the Los Angeles Coliseum.

This year's CIF Division I championship team: Andrew Woolsey, Joey Getherall, Kevin McLaurin, Daniel Bravo, Brendan McMillan, David Bautista, Brian Russell, Gabriel Marichi, Chris Ulibarri, Mike Vermeeren, David Fuentes, Steve Levario, Sean Koelle, Ricky Vargas, Andre Lake, Damon Catania, Chikoski Bell, Ralph Brown II, Chris Sabado, Breon Ansley, Carlos Osorio, Booker Bell, Damon Samuels, David Olivas, Mike Chavez Jeremy Juarez, Emerson Santos, Joaquin Tierney, Raymond Reyna, Anthony Chacon, Abel Montanez, Manuel Duran, Kyle Keene, Eric Calderon, Santiago Vazquez, Trey Sorensen, Frank Gonzalez, Kali Dawkins, Manuel Garcia, Sam Galvan, Nate Sabado, Ruben Torres, Yovany Lainez, Jesus Hernandez, Ron Villa, Preston Wills, Joe Villa, Tom Gomez, Ernie Fierro, Raul Ascencio, Brian Polak, Chris Morales, Alex Perez, Jason Marin, Paul Gonzales, Zino Hessing, David Fernandez, Ray Martinez, Justyn Hayward, Mark Verti, Doug Knight, Brian Adamek, Luigi, Rao, Manuel Porras, John Escalera, Xavier Gomez, Kristopher Guillory, Jerry Lopez, Anthony Salazar, Jeremy Drake, Huber Ayala, John Sheriff, Mike Diaz, and Jesus Lopez.

With the guidance and support of their family, Bishop Amat faculty, and Principal, Monsignor Aidan M. Carroll, and Head Coach Tom

Salter and Assistant Coaches Glenn Martinez, Mike DiFiori, Bill Mulvehill, Richard Ecalera, Stephan Pace, Dechon Burns, Pat Escalera, and Joe O'Connor, the Lancer football team proved that Bishop Amat is a formidable competitor.

This year's championship makes the fifth time Bishop Amat has successfully brought home the CIF Southern Section Division I Championship and their first since 1992. The dedication and commitment demonstrated by these students is commendable and noteworthy. Their practice required many long hours, whle maintaining the high academic standards demanded of Bishop Amat students, in preparation for their 14-game championship season.

Mr. Speaker, it is with pride that I rise to recognize these exceptional students, coaches, and parents. I ask my colleagues to join me in saluting these accomplished individuals and in extending our congratulations and best wishes for their continued success and commitment to excellence.

VA EDUCATION 2-YEAR RULE MODIFICATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. STUMP. Mr. Speaker, today I introduce H.R. 2851 to amend title 38, U.S. Code to modify the Department of Veterans Affair's GI bill's 2-year rule to allow easier access for veterans to institutions of higher learning.

The proposed bill waives the current 2-year operating rule for branch campuses of public or other tax-supported institutions. It also waives the rule for proprietary profit or nonprofit educational institutions where the branch and parent institution have been in operation for 2 years.

The 2-year rule is an important qualification for schools. In ensures that only quality educational institutions and courses are offered to our Nation's veterans. The rule was originated after World War II and resurfaced after the Vietnam war to negate the impact fly-by-night operations that preyed on veterans, bilking them of their educational benefits.

As a result, veterans did not receive the education and the training they needed and for which the citizens of this country paid with their taxes.

Today, the situation has changed substantially. While we recognize that some low-quality and fly-by-night organizations clearly still exist, the majority of for-profit education institutions offering meaningful, quality coursework. They have default rates well below the Department of Education's standards for continued operation and they are continually monitored for the VA by the State approving agencies.

This proposed legislation does not alter the stringent requirements already in place mandating that the institutions must be degree granting, and be recognized by a Department of Veterans Affairs-affiliated accrediting agency. The institution must be also be licensed by the State in which it operates.

Allowing participation by veterans on new branch campuses of already proven institutions gives necessary flexibility to veteran beneficiaries of the Montgomery GI bill and I urge its passage.

WEST VIRGINIANS SUPPORT HEALTH, SAFETY AND ENVIRONMENTAL PROTECTIONS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. RAHALL. Mr. Speaker, during the first session of this Congress, West Virginians were subjected to a legislative assault of unprecedented proportions as proposal after proposal was advanced by the Republican majority to gut virtually every major environmental, health, and safety law.

From the standpoint of coalfield citizens in particular, 1995 was a year to remember. The protections coal miners receive from the Mine Safety and Health Administration came under siege by one Republican legislative proposal. The health care miners obtain from black lung clinics may no longer exist as a result of the Labor, HHS, and Education appropriation bill. The pensions and health care unionized coal miners receive continue to jeopardized by another Republican legislative proposal. The ability of coal miners to obtain black lung benefits was threatened by reductions in appropriations that may give rise to the closure of black lung field offices. And, the general welfare of coalfield citizens continues to be threatened by a Republican bill which would eliminate the ability of the Federal Office of Surface Mining to safeguard the coalfield environment, and the safety of coalfield citizens, from illegal surface coal mining practices.

While these are issues particular to the coalfields, West Virginians also feel strongly about the integrity of environmental statutes which affect the Nation as a whole. Last year we saw come out of this body a rewrite of the Clean Water Act that would roll back decades of progress in bringing a better quality of life to our citizens through cleaner lakes and streams. We also saw reported to the full House an Endangered Species Act rewrite that purports to place in the hands of mankind the ability to determine which of the Lord's creatures may live, and which may perish into extinction.

I am pleased at this time to include in the RECORD a summary of a survey conducted last October on the attitude of West Virginians toward environmental issues before the Congress. This survey, conducted by the Mellman Group, Inc., for the Environmental Information Center was recently brought to my attention by the West Virginia Chapter of the Sierra Club. The summary follows:

THE MELLMAN GROUP,
October 26, 1995.

To interested parties.
From the Mellman group.
Re West Virginia voters' attitudes toward environmental protection and regulatory reform.

The Mellman Group, Inc. designed and administered this telephone survey conducted by professional interviewers. The survey interviewed 500 registered voters in West Virginia. The survey was conducted between October 21–23, 1995. The margin of error for this survey is +/−4.4 percentage points at the 95% confidence level. The margin of error for subgroups varies and is slightly larger.

West Virginia voters are solidly in favor of maintaining current levels of environmental protection. A majority oppose current Congressional efforts to roll back environmental laws and regulations, and they are specifically opposed to loosening clean water regulations and reducing protections for endangered species. These voters object to the notion that they are over-regulated when it comes to the environment. Rather, they believe environmental laws and regulations have successfully protected public health and safety and are worth their cost. Further, West Virginians do not believe that we can afford to loosen environmental standards because of prior success in cleaning up pollution. Instead, these voters believe that if we loosen environmental regulations it will turn back the clock on the advances we have made in pollution control. They oppose a regulatory reform package that would weaken any portions of the Clean Air Act, the Clean Water Act or the Safe Drinking Water Act. Similarly, these voters believe regulations to protect endangered species are necessary and worth their costs. West Virginians oppose legislation that would reduce protections for endangered plants and animals. As we have seen in other states, this support for environmental laws and standards cuts across partisan, ideological, and demographic lines. Finally, in substantial numbers, West Virginians will retaliate at the polls against candidates who support relaxing environmental regulations.

POWER OF THE PURSE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. KNOLLENBERG. Mr. Speaker, it has come to my attention that amounts appropriated in the fiscal year 1994 Defense budget are not being spent for the specific purposes for which they were intended.

Central to our debates over appropriations funding in the last several months has been a tacit understanding by both sides of the aisle that the Congress, and the Congress alone, has the constitutional ''Power of the Purse.'' From this power, the Congress—and the Congress alone—specifies the objects of the appropriations funding. This means that the Congress can direct that agencies expend funds at the level, and in the direction, which Congress indicates.

This principal has remained so settled that it has been virtually unchallenged—that is, until relatively recently. In recent litigation before the U.S. District Court for the District of Columbia, however, The Justice Department has taken the position that the language commonly employed in appropriations acts to direct funding is permissive only, and not mandatory. Specifically, according to the Justice Department, the language ''not less than $40 million shall be made available only for the National Center for Manufacturing Sciences'' as employed in the fiscal year 1994 Defense Appropriations Act and the language ''not less than $20 million shall be made available only for the National Center for Manufacturing Sciences'' as employed in the fiscal year 1995 Defense Appropriations Act, is not binding on the agency.

The Department has used this interpretation to withhold funding from the National Center for Manufacturing Sciences. As a result, the

Department is effectively supplanting its policy judgment for the will of Congress. And, at this very moment, important projects of the National Center for Manufacturing Sciences are being scaled back, and personnel are being laid off.

To clear up the interpretation of this important language, I have written to my colleagues, Mr. LIVINGSTON and Mr. OBEY, and have asked for their opinions on the meaning of these terms. I ask that the Justice Department take note of the opinions of the Chairman and the ranking minority member of the Committee on Appropriations when defining these terms. At this point I ask unanimous consent to enter into the RECORD this letter and a section from the GAO's review of appropriations law.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 19, 1995.

Hon. JOE KNOLLENBERG,
U.S. House of Representatives,
Washington, DC.

DEAR JOE: Your letter regarding a Justice Department interpretation of legislative earmark appropriations bill language is interesting. It points out the strains that occur when we legislate and the Executive branch searches out loopholes.

The Committee would expect, when using the language you cited ''not less than $X of the funds appropriated shall be made available only for * * *'', that the agency to which the appropriation was made would use at least that much money solely for the specified purposes in the language.

After reading your letter, a review was made of the GAO Principles of Federal Appropriations Law. I have attached chapter 6(B), Types of Appropriation Language and the Concept of Earmarking. In this chapter there is a paragraph on ''not less than'' earmarks. You may find some of these citations useful.

I hope this will be helpful.

Sincerely,

BOB LIVINGSTON,
Chairman.

DAVE OBEY,
Ranking Minority Member.

CHAPTER 6.—AVAILABILITY OF APPROPRIATIONS: AMOUNT

B. TYPES OF APPROPRIATION LANGUAGE AND THE CONCEPT OF EARMARKING

Congress has been making appropriations since the beginning of the Republic. Over the course of this time, certain forms of appropriation language have become standard. This section will point out the more commonly used language with respect to amount.

Congress may wish to specifically designate, or ''earmark,'' part of a more general lump-sum appropriation for a particular object, as either a maximum, a minimum, or both.[1] For simplicity of illustration, let us assume that we have a lump-sum appropriation of $1,000 for ''smoking materials'' and a particular object within that appropriation is ''Cuban cigars.''

If the appropriation specifies ''not to exceed'' $100 for Cuban cigars or ''not more than'' $100 for Cuban cigars, then $100 is the maximum available for Cuban cigars. 64 Comp. Gen. 263 (1985).[2] A specifically earmarked maximum may not be augmented with funds for the general appropriation.

Statutory transfer authority will permit the augmentation of a ''not to exceed'' earmark in many, but not all, cases. In 12 Comp. Gen. 168 (1932), it was held that general transfer authority could be used to increase maximum earmarks for personal services, subject to the percentage limitations specified in the transfer statute.

[1] We use the term ''earmarking'' here to mean a specific statutory designation of a portion of a lump-sum appropriation or authorization. The term is also used to refer to the statutory designation of revenues for particular uses. For a brief but nevertheless useful discussion of earmarking in this latter sense, see GAO report entitled *Budget Issues: Earmarking in the Federal Government,* GAO/AFMD–90–8FS (January 1990).

[2] A ''not to exceed'' earmark was held not to constitute a maximum in 19 Comp. Gen. 61 (1939), where the earmarking language was inconsistent with other language in the general appropriation.

AIRLINE AMBASSADOR PROGRAM: WORKING TO PROMOTE GOOD WILL THROUGH TRAVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in recognizing the Airline Ambassador Program. Initiated by an outstanding young woman, Nancy Larson, this program has already succeeded in extending help and compassion to the underprivileged children of the world, in teaching care and concern for the environment and in promoting a sense of community among the diverse ethnic groups of our planet.

The Airline Ambassador Program has created a network of airline personnel who volunteer their time to humanitarian service in their own communities and abroad. Since 1993, airline ambassadors have volunteered in a wide variety of highly effective activities throughout the world. They have participated in nine international conferences, hosted five interactive global tea parties which promote intercultural sharing, sponsored four humanitarian missions to former Yugoslavia, Ecuador, Mexico and Bolivia, and coordinated donations of hospital supplies, food, toys, and baby items for orphanages and needy children. Airline personnel have escorted hundreds of orphans and children in need of medical care.

The unique ability of airline personnel to span the globe at a moment's notice allows them to assist in ways others cannot. They are creating an example by these activities of sharing and caring for the travelling public at large. Inflight articles and videos will further reinforce this idea of travelling to make a positive impact on the world.

I am confident that as the Airline Ambassador Program gains the support and momentum it deserves, it will be able to accomplish even more through expansion of its many excellent programs. Please join me in expressing appreciation for the unique way in which airline ambassadors and Nancy Larson are making this world a better place for all of us to live.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S73–S109

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1516–1518, and S. Con. Res. 38. **Page S98**

Measures Reported: Reports were made as follows:

H.R. 629, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, with an amendment in the nature of a substitute. (S. Rept. No. 104–203) **Page S98**

Measures Passed:

Transmission of Continuing Resolution: Senate agreed to H. Con. Res. 131, establishing procedures making the transmission of the continuing resolution (H.J. Res. 134) to the President contingent upon the submission by the President of a 7-year balanced budget using updated economic and technical assumptions of the Congressional Budget Office. **Pages S86, S89**

David J. Wheeler Federal Building: Committee on Environment and Public Works was discharged from further consideration of H.R. 2061, to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon as the ''David J. Wheeler Federal Building'', and the bill was then passed, clearing the measure for the President. **Page S102**

VA Health Care: Committee on Veterans' Affairs was discharged from H.R. 2353, to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 991, Senate companion measure, and after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S102–08**

Warner (for Simpson) Amendment No. 3116, in the nature of a substitute. **Pages S107–08**

Subsequently, S. 991 was returned to the calendar. **Page S108**

Bulgaria MFN/Continuing Appropriations Extension: Senate concurred in the amendments of the House to the Senate amendment to H.R. 1643, to authorize the extension of non-discriminatory treatment (most-favored-nation treatment) to the products of Bulgaria, clearing the measure for the President. **Pages S84–86, S89**

Department of Defense Authorization: Pursuant to the order of September 6, 1995, Senate disagreed to the amendments of the House to S. 1124, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, agreed to the House request for a conference, and the Chair appointed the following conferees: Senators Thurmond, Warner, Cohen, Lott, Nunn, Exon, and Levin. **Page S92**

Harry Kizirian Post Office Building: Senate receded from its amendments to H.R. 1606, to designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the ''Harry Kizirian Post Office Building'', clearing the measure for the President. **Page S102**

Further Continuing Appropriations—Agreement: A unanimous-consent agreement was reached providing that once the Senate receives a message from the House on H.J. Res. 134, making further continuing appropriations for the fiscal year 1996, the Senate be deemed to have concurred in the amendment of the House to the resolution. **Pages S86, S89**

National Marine Fisheries—Agreement: A unanimous-consent agreement was reached providing that if the Senate receives a message from the House on H.R. 1358, to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts, the Senate be deemed to have concurred in the amendment of the House to the bill. **Pages S86–88**

Messages From the House: **Page S97**

Measures Read First Time: **Page S108**

Communications: Pages S97–98
Statements on Introduced Bills: Pages S98–99
Additional Cosponsors: Page S99
Amendments Submitted: Pages S99–S100
Additional Statements: Pages S100–102

Adjournment: Senate convened at 11 a.m., and adjourned at 9:45 p.m., until 3 p.m., on Monday, January 8, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S109.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2851–2861; and 5 resolutions, H. Con. Res. 131–132, and H. Res. 335, 337, and 339 were introduced. Page H330

Reports Filed: Reports were filed as follows:

H. Res. 336, providing for the disposition of the Senate amendment to H.J. Res. 134, making further continuing appropriations for fiscal year 1996 (H. Rept. 104–448); and

H. Res. 338, providing for the disposition of the Senate amendment to H.R. 1358, to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts (H. Rept. 104–449).

Pages H217, H311, H330

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Bunning of Kentucky to act as Speaker pro tempore for today. Page H189

Recess: House recessed at 10:02 a.m. and reconvened at 11 a.m. Page H189

Committee Hearings: H. Res. 310, expediting the commencement of committee hearings during the remainder of the first session of the One Hundred Fourth Congress, was laid on the table. Page H193

Specified Activities Appropriations: By a yea-and-nay vote of 401 yeas to 17 nays, Roll No. 7, the House agreed to the Livingston motion to agree, with amendments, to the Senate amendment to H.R. 1643, to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria—returning the measure to the Senate. Pages H203–16

H. Res. 334, the rule which provided for the consideration of the motion to dispose of the Senate amendment to the bill, was agreed to earlier by a voice vote. Agreed to order the previous question on the rule by a yea-and-nay vote of 228 yeas to 187 nays, Roll No. 6. Pages H193–H203

Recesses—Rule Waiver: By a yea-and-nay vote of 224 yeas to 190 nays, Roll No. 8, the House agreed to H. Res. 330, authorizing the Speaker to declare recesses subject to the call of the Chair from January 5, 1996, through January 23, 1996; waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules during that period.

Pages H217–26

Further Continuing Appropriations: House agreed to H. Res. 336, providing for the disposition of the Senate amendment to H.J. Res. 134, making further continuing appropriations for fiscal year 1996. Agreed to order the previous question by a yea-and-nay vote of 226 yeas to 183 nays, Roll No. 9.

Pages H226–40

Subsequently, pursuant to the provisions of H. Res. 336, House agreed, with an amendment, to the Senate amendment to H. J. Res. 134—returning the measure to the Senate; and agreed to H. Con. Res. 131, establishing procedures making the transmission of H.J. Res. 134 to the President contingent upon the submission by the President of a 7-year balanced budget using updated economic and technical assumptions of the Congressional Budget Office. Page H240

Committee Election: House agreed to H. Res. 337, electing Representative Jackson to the Committee on Banking and Financial Services. Page H240

Defense Authorizations: House passed S. 1124, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces. Pages H240–H306

Agreed to the Spence amendment in the nature of a substitute (text of H.R. 1530 as reported from the committee of conference on December 13, 1995). Agreed to amend the title. Pages H302–06

House then insisted on its amendments to S. 1124, and asked a conference. Appointed as conferees: Representatives Spence, Stump, Hunter, Bateman, Weldon of Pennsylvania, Dellums, Montgomery, and Spratt. **Page H306**

By a yea-and-nay vote of 398 yeas to 1 nay, Roll No. 10, House agreed to the Spence motion that the conference committee meetings on S. 1124 be closed to the public at such times as classified national security information is under consideration, except that any Member of Congress has the right to attend any closed or open meeting. **Pages H306–07**

Harry Kizirian Post Office Building: House disagreed to the Senate amendments to H.R. 1606, to designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the "Harry Kizirian Post Office Building"—returning the measure to the Senate. **Pages H307–08**

Targeted Appropriations—Fisheries Laboratory Conveyance: By a recorded vote of 344 ayes to 24 noes, Roll No. 12, the House agreed to H. Res. 338, providing for the disposition of the Senate amendment to H.R. 1358, to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts. Agreed to order the previous question on the rule by a yea-and-nay vote of 204 yeas to 167 nays, Roll No. 11. **Pages H311–22**

Pursuant to the rule, House agreed, with an amendment, to the Senate amendment to H.R. 1358—returning the measure to the Senate. **Pages H321–22**

Designation of Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Emerson to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 23, 1996. **Page H322**

Senate Messages: Messages received from the Senate today appear on pages H322–23.

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H202–03, H216, H226, H239–40, H306–07, H321–22, and H322. There were no quorum calls.

Recess: Met at 10 a.m. and, pursuant to the provisions of subsection (a) of the first section of H. Res. 330, recessed at 10:43 p.m. **Page H329**

Committee Meetings

PROCEDURES FOR TRANSMISSION OF CONTINUING RESOLUTION

Committee on Rules: Granted, by voice vote, a rule providing for the adoption of an amendment printed in the report of the Committee on Rules to the Senate amendment. The rule provides for the adoption of a concurrent resolution making submission of the joint resolution to the President contingent on submission by the President to the Congress of a Congressional Budget Office certified, seven-year balanced budget. Finally, the rule provides that the Clerk shall not transmit the joint resolution to the Senate until it has agreed to the concurrent resolution to the House as adopted.

TARGETED APPROPRIATIONS/FISHERIES LABORATORY TRANSFER

Committee on Rules: Granted a rule providing for the concurrence in the Senate amendment, with an amendment printed the report of the Committee on Rules, to H.R. 1358, to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts. Testimony was heard from Chairman Livingston and Representatives Obey and Browder.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D1531)*

H.R. 2808, to extend authorities under the Middle East Peace Facilitation Act of 1994 until March 31, 1996. Signed January 4, 1996. (P.L. 104–89)

H.J. Res. 153, making further continuing appropriations for the fiscal year 1996. Signed January 4, 1996. (P.L. 104–90)

CONGRESSIONAL PROGRAM AHEAD

Week of January 8 through 13, 1996

Senate Chamber

On *Monday* and during the balance of the week, Senate may consider conference reports, if available, and any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Special Committee To Investigate Whitewater Development Corporation and Related Matters: January 10 and 11, to resume hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH–216.

House Committees

Committee on Government Reform and Oversight, January 9, to consider subpoenas related to the Matter of the White House Travel Office, 10 a.m., 2154 Rayburn.

January 11, hearing on the White House Travel Office, 2 p.m., 2154 Rayburn.

January 11, Subcommittee on Human Resources and Intergovernmental Relations, hearing on Unfunded Mandates in Medicaid, 10 a.m., 2247 Rayburn.

Next Meeting of the SENATE

3 p.m., Monday, January 8

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3:30 p.m.), Senate may consider conference reports, if available, and any cleared legislative and executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

House in recess subject to the call of the Chair

House Chamber

Program for Tuesday: No legislative business is scheduled.

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